Legislative Assembly

Wednesday, 10 November 1982

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

HEALTH: TOBACCO

Smoking: Petition

DR DADOUR (Subiaco) [2.17 p.m.]: I have a petition addressed to the Speaker and members of the Legislative Assembly and the Legislative Council of the Parliament of Western Australia. It reads—

> We, the undersigned residence in the State of Western Australia do herewith pray that Her Majesty's Government of Western Australia will support the Tobacco Products Advertisements Bill now before Parliament.
>
> Your Petitioners as in duty bound will ever pray.

The petition bears 47 signatures and I have certified that it conforms with the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 32.)

PUBLIC ACCOUNTS COMMITTEE

Report

MR WATT (Albany) [2.18 p.m.]: I present the eighteenth report of the Public Accounts Committee, and move—

> That the report be received.

Question put and passed.

INDUSTRIAL ARBITRATION AMENDMENT BILL (No. 2)

In Committee

Resumed from 9 November. The Deputy Chairman of Committees (Mr Watt) in the Chair; Mr Young (Minister for Health) in charge of the Bill.

Progress was reported after clause 1 had been agreed to.

Clause 2: Section 7 amended—

Mr PARKER: On the notice paper I have an amendment to this clause. Its purpose is to achieve some remedy from the effect of the clause, which, once again, is an attempt on the part of the Government to take away from the Industrial Commission powers to determine disputes. This clause amends section 7 of the principal Act, and that section defines what may be described as an industrial matter. The definition of an industrial matter is of great importance because it determines whether or not the Industrial Commission has jurisdiction to deal with an issue.

When I say it is a jurisdiction to deal with an issue I do not mean it is a jurisdiction to deal with a matter in terms of making decisions, awards, or orders only, it is jurisdiction also to deal with the matter in terms of such things as conferences, compulsory or otherwise, conciliation proceedings, and so on.

This section will take away further the powers of the Industrial Commission to engage in any of these activities which might resolve an industrial dispute or head off a potential industrial dispute. Of course, we are not unfamiliar with the Government's attempts on numerous occasions to do just this.

During the debate last night I questioned whether or not this Bill ought to be referred to a Select Committee and the Minister for Health indicated that he was of the view that the Opposition had always opposed the Government's industrial legislation, no matter what it was.

I have not been through the statistics and all the debates that have taken place in this place over the last several years on this matter, but I would be surprised if that were entirely the case. Nevertheless, the Government has been pursuing a particular objective over that time with a certain end in mind. It is not surprising therefore that on a number of occasions the Opposition has taken the same position.

The Labor Party's position on the question of the Industrial Commission is precisely the reverse of that of the Government. The Labor Party's position on the operation of the Industrial Commission is that it should be strengthened and, if anything, its power should be broadened so that it is in the position to deal with all forms of disputes which give rise, or are in the course of giving rise, to an industrial disputation. That is the Opposition's position and it contrasts quite markedly with the position of the Government.

Let me deal with the different aspects of clause 2. I have no objection to paragraphs (a) and (b)(i) of clause 2 but I do have objection to subparagraphs (ii) and (iv) of paragraph (b). If the latter two subparagraphs were deleted, subparagraph 2(b)(iii) would not need to be retained.

Clause 2(b)(ii) arises from the fact that in 1975 the Court Government amended the Workers'

Compensation Act to prevent over-award payments being paid to a worker while he was on workers' compensation. This arose from the High Court decision which determined that all forms of allowances, including regular overtime worked, were to be paid to the worker when on workers' compensation.

In 1974 the Government announced it would legislate to remove the provisions that workers who were paid regular overtime—and this applied, for example, to workers in the Pilbara who regularly worked a 48-hour or a 60-hour week—could be paid the whole amount. Although there was some opposition to it, most people accepted that it was legitimate to remove that clause. Unfortunately, although the Government did not announce it at the time, it also determined to get away from the payment on workers' compensation for all these things such as regular shift bonuses, disability allowances, and other forms of payment which had grown up in awards over the years and which were part of a regular 40-hour pay packet. Therefore, it was the amount of money paid to the worker not only when he was at work, but also when on holidays. It was not as though the amounts were cut out because the workers were not exposed to the conditions involved. Had the Government enacted legislation to reduce workers' compensation payments to the amount the worker would receive had he been on sick leave or annual leave, there would have been no objection. As a result of the Government's decision, a lot of disputes took place in industry to ensure that those workers on workers' compensation payments would receive the full amount of their weekly pay. In most cases the accident pay clauses were to operate for a period of six months after the date of the accident.

The tragedy is that in 1978 and 1979, when the Government introduced the Industrial Arbitration Act and amendments to it, it became illegal for the commission to award make-up pay clauses which provided workers' compensation payments to be greater than the amount provided for under the Workers' Compensation Act. Two things occurred as the result of the Government's action. Firstly, a large number of unions were under or became operative under Federal awards, and, of course, the federal awards have make-up clauses. The Builders Labourers' Federation—the union the Government most often castigates—the Transport Workers' Union, and the AWU operate under Federal awards and have this particular clause in their awards. However, people working under State awards either have to put up with the situation and their pay is cut back dramatically when on workers' compensation or, alternatively, and this happens in many cases, including those involving Government instrumentalities, an agreement is reached between the employers and the unions concerned to the effect that the workers will receive the benefits of the make-up pay clause despite the fact that it is prohibited in their agreement.

The Government is amending the title of the Act, and subparagraph (ii) refers to a claim for a benefit "different from" the Workers' Compensation and Assistance Act benefit rather than the present wording which is "greater than". It could be said: What is the difference? Are the workers and the management likely to negotiate a benefit greater than that under the Workers' Compensation and Assistance Act? Various schemes have been negotiated; they could be described as sickness and accident schemes and they impinge upon the area of workers' compensation. A good example of this is the situation that occurs at Goldsworthy Mining Ltd. Most of the employees are covered by Medibank or the Hospital Benefit Fund, but they are also covered by an accident and sickness scheme which operates on the basis that it is underwritten by an insurance company. If an employee is off work he receives his normal weekly pay.

The danger of this particular part of the amendment is that we could have an iniquitous situation where the Industrial Commission could be prevented, by this wording, not only from including a make-up pay clause, but also the rewording of it could make it impossible for accident and sickness pay schemes to be negotiated between unions and management and, if necessary, being conciliated and arbitrated upon by the Industrial Commission. That is of considerable concern.

Mr Young: Your amendment would leave the status quo. Therefore the claims you are making in relation to sickness and accident schemes would fall outside that particular exemption.

Mr PARKER: Yes, they would.

Mr Young: Why would they?

Mr PARKER: Because the payments under the sickness and accident schemes are not greater than those under the Workers' Compensation and Assistance Act. In a way they are a completely different concept. In other words, they are something different from the workers' compensation scheme. The existing wording is designed to replace the existing make-up pay clause. I do not like the existing wording either, but I am in the position of dealing with the Bill before us and that is the way we have to move. Although I do not like the existing wording, it has the advantage

over the Government's proposed wording; namely, the words "different than" could be held to have a much broader meaning. They could be held to give a much broader exclusion from the operations of the Industrial Commission than the words "greater than".

It would be an appropriate time now to move my amendment. I therefore move an amendment—

Page 2, lines 13 to 28—Delete everything contained in those lines.

Subparagraph (iv) of paragraph (b) of this clause refers to the addition of a subparagraph to stand as subparagraph (iv) of paragraph (k) of section 7(1) of the Act. That provision will take away from the Industrial Commission some of the powers that it has and the powers are in some very important areas. Secondly, it is another example of the Government's legislating so that it will not be encumbered by the umpire's decision.

In the case of housing rentals, the Government has found itself in the position that the commission has made orders in relation to prison officers. Conferences have been held and the dispute has been conciliated upon by the Industrial Commission.

In the case of the collection or deduction of union dues, there is a long-standing case history, in the Federal and State industrial fields, concerning whether the deduction or collection of union dues is a matter for an arbitration commission; that is, whether it is or is not an industrial matter.

Recently a case resulted from an undertaking which the Minister for Labour and Industry gave to the Laundry Employees' Industrial Union. After the strike by this union in January or February of this year, the Minister indicated that there would be no recrimination when the union members went back to work. In fact, the first thing to happen was that the employer refused to collect the union dues. The Laundry Employees' Union took the case to the Industrial Commission, and then on appeal to the full bench of the commission. By a 2:1 majority the full bench held that the commission had no right to arbitrate on the collection of union dues, and, as a result of this, the definition is current in the Act. However, it is significant that the dissenting opinion from that 2:1 majority was that of Chief Commissioner Kelly who is largely responsible for the wording of many of the industrial arbitration sections and, therefore, could be expected to have some understanding of them. He is very experienced and erudite on these matters.

I understand that an appeal is to be lodged on the decision and it will be based on Senior Commissioner Kelly's minority judgment. Although we know we cannot rely on legal advice entirely, the legal advice on this matter is that there is a good chance such an appeal will be upheld. That will mean that the collection of union dues could be a matter on which the Industrial Commission can intervene.

Of course, the Government wants to correct that situation. If not, there would be no need to include this provision because there has been a determination by the commission, and also by the Federal Conciliation and Arbitration Commission.

Mr SIBSON: I want to make a few comments about this clause, and with particular reference to subparagraph (iv) which relates to managerial prerogative. This is a very important part of the Bill in that it will allow management and employers to negotiate with employees in such areas as housing rentals and the use of motorcars.

In my electorate, and in the south-west generally, there is an abundance of small employers. For these people in particular, this provision will allow a much better relationship to build up between employers and employees, and both will benefit. People can get together on a man-to-man basis to thrash out the various aspects of help and assistance, and additional rewards for work done can be decided upon at that level. It has been stated that unless such decisions are made by the court, there will be a lack of fairness. In my opinion, in most instances the contrary will be true.

In the case of small businesses—and I am thinking of companies with up to 100 employees—a working relationship will build up. Decisions made in this way will be much better than decisions made by the court with all the associated trauma of a court case. A great deal of preparation is necessary before an agreement can be put before the court.

It may happen that for a specific period, or in the case of a particular job, an employer may consider giving his employees a little extra payment. This need not necessarily be an overtime payment; it may be a reward for undertaking work that is more difficult than usual, or work performed in less than satisfactory conditions. This would lead to a direct relationship between employers and employees, and it has been proved in the past that such a relationship is very effective.

I do not accept that a provision such as this will do other than bring about better relationships and this will mean a better result for employers and employees and, in turn, a better result for the community at large. That is what this Bill is all about. Primarily, it is to bring about a better

working relationship within industry and to benefit the total community. That will be brought about by better and more understandable management techniques.

I suppose we could consider the working relationship in the job area as being similar to the working relationship in a family. If a clear understanding exists that problems can be discussed and thrashed out on an ongoing basis, the relationship is a good one. People know that when problems arise they will be dealt with immediately and in a responsible way. To me that is much more satisfactory than anyone storing up discontent and then presenting a case before a court where it is thrashed out on technical points and legal considerations. That is a most undesirable base for a sound working relationship. The employees work out problems within their own families every day, and they would appreciate the opportunity to work out problems in the work place in the same way.

We can look forward to this as an aspect that will have a great impact on our community.

The DEPUTY CHAIRMAN (Mr Watt): I inform the gentleman with the camera in the gallery that he is not permitted to take photographs in the Chamber. I ask him to put his camera away.

Mr SIBSON: I do not think I can add much other than to reiterate, and there is no point in my doing that. I will make the point that despite all the hoo-ha in relation to this clause, no specific argument can be put up to support the removal of this clause which, as I have said, allows for the prerogative of the employer. In itself, that puts on the connotation that the employer will become God Almighty. I do not believe that is so and we will find that in most small businesses—I am referring to small businesses because they employ the majority of our workers—that will not disadvantage the workers.

I have worked in industrial relationships for many years, being in the position of negotiating from time to time with my own employer, saying, "Look, this arrangement we have seen working needs to be changed. We need to have a look at it and give consideration to having a little bit more emphasis put on this particular aspect." I can speak with experience in regard to housing, the use of a motorcar, the use of a telephone, out-of-pocket expenses, and working on a salary and commission basis. I have found always that the best way to deal with a problem is to deal with it when it comes up. If one needed to negotiate for a higher retainer rather than a higher commission rate, one was able to do so.

In the nearly 20 years I have been involved in industry, that has been my experience, among others. I have found no difficulty in negotiating. If a worker and an employer are reasonable, and the worker is doing a worthwhile job—I put the stress on the word "worthwhile"—the worker can negotiate with the employer on an eyeball-to-eyeball basis, and in most cases a satisfactory arrangement can be worked out. In the majority of instances, I believe it would be far more beneficial to both parties and to the community in general to do it on that basis.

Mr YOUNG: In respect of the aspect of workers' compensation insurance, the most reasonably succinct explanation is to put the position that the Workers' Compensation and Assistance Act should be the vehicle for the determination of workers' compensation matters. The member for Fremantle moved to delete this provision, obviously to leave the situation as it exists; but it would not put beyond doubt the fact that the Workers' Compensation and Assistance Act ought to be the vehicle for workers' compensation matters. In effect, this amendment really says that any determination by the Industrial Commission should not be allowed to be inconsistent with the Workers' Compensation and Assistance Act.

Mr Parker: It does more than that.

Mr YOUNG: I do not think it does. It simply says that the Industrial Commission does not have the right to hear an industrial matter as being something whereby a claim on behalf of an employee entitled to a claim under the Workers' Compensation and Assistance Act is for a benefit different from that provided by that Act. Therefore, if the words are removed and we go back to the original wording—

Mr Parker: I can understand your changing the title of the Act; but if that is the case, why were the words changed from "greater than" to "different from"?

Mr YOUNG: Because the way the Act is worded now, with the words "greater than" included, the commission is allowed to make determinations in respect of matters that are not greater than, but are different from. I prefer the wording of the member for Fremantle—"different than" instead of "different from"—but we will use the words in the Bill. By changing the words from "greater than" to "different from" we simply say, that under this provision, the Industrial Commission will not be allowed to act inconsistently with the Workers' Compensation and Assistance Act, whether it is greater than or less than. In other words, if it is different in any way,

the Industrial Commission cannot consider that to be an industrial matter because—

Mr Parker: That is precisely the point I am making; so it is not just a question of inconsistency. It is a question that it could be said to have a relationship with a workers' compensation matter which is different from that provided for under the Workers' Compensation and Assistance Act, and cannot be determined by the Industrial Commission.

Mr YOUNG: That is right. It cannot be determined by the Industrial Commission as an industrial matter. The Government takes the attitude that the Workers' Compensation and Assistance Act is the appropriate vehicle for that to be determined.

Mr Parker: It talks about an employee entitled to workers' compensation. He could be entitled to workers' compensation; but additionally he could be entitled to some benefit under his superannuation fund, or a sickness and accident fund, or something of that nature, which is the case in very many sectors of industry, particularly in the Pilbara. If that is the case, and a dispute arises, there is no possibility of the Industrial Commission's being able to deal with it.

Mr YOUNG: That is the point of this legislation.

Mr Parker: That is what I am complaining about.

Mr YOUNG: Obviously we disagree; but at least we know what we are talking about. The Government is saying simply that the Industrial Commission should not be allowed to make a determination in respect of a matter touching on workers' compensation within the terms of that subparagraph, if the matter is inconsistent with the Workers' Compensation and Assistance Act. The Opposition may disagree with that; but at least we know what we are talking about. That is the intention of this amendment.

The member for Fremantle did not touch to a great extent on the philosophical question in respect of managerial prerogative—

Mr Parker: I did not have time to get onto it.

Mr YOUNG: Perhaps this is a matter we ought to clarify with the Deputy Chairman as to how these questions will be handled in respect of each clause.

Does the member for Fremantle understand, as I do, that he has two more opportunities to speak on the entire clause?

Mr Parker: Yes.

Mr YOUNG: And he will pursue that matter the next time he gets to his feet?

Mr Parker: Yes.

Mr YOUNG: In that case, I shall leave it at that.

Mr PARKER: Because I do not have a great deal of time available to me, firstly, let me respond briefly to the comments made by the member for Bunbury. He seems to take the view that, if we take something out of the definition of "industrial matter" and remove it from the jurisdiction of the Industrial Commission which is what is proposed in this piece of legislation, it simply goes away and it no longer gives rise to industrial disputation. It is extraordinary that this Parliament can, by the stroke of a pen—

Mr Sibson: I believe it could be better handled that way. It is up to the individual employees, but certainly, in most cases, and with particular reference to small business, there is a much better chance of its working that way.

Mr PARKER: I do not agree with the member for Bunbury. To put it mildly, he has a very naive point of view about the relationship between management and employees or business and employees. Although it is true to say a number of employers never find themselves going before the Industrial Commission, regardless of whether the matters in which they are in dispute with their workers fall within the definition of "industrial matter", the definition of "industrial matter" would not be important, because they try to negotiate with their employees on a decent basis.

However, the vast majority of employers at some time find themselves in dispute with their employees in the Industrial Commission. They do so because the eyeball-to-eyeball negotiations to which the member for Bunbury referred—I must say it would be a mind-boggling and rather frightening thought to be involved in such a situation with the member for Bunbury and I am glad he is here and not in industry any more—has failed and that is precisely the sort of negotiation which results in people going to the Industrial Commission.

It is the failure of precisely the sort of negotiation or discussion to which the member for Bunbury referred, which can lead to industrial disputation and, if that occurs, it is important that the Industrial Commission, which is supposed to be the body set up to arbitrate and conciliate on these matters, has the powers to deal with it. The member for Bunbury is saying that, when he puts his eyeball to his employee's eyeball and they end up punching each other instead of agreeing, they cannot go to the Industrial Commission to resolve the matter. That is going back into the dark ages industrially; it is not going forward.

I turn now to the question raised with me by the Minister for Health in relation to managerial prerogative. I notice that, in his reply, the Minister for Health did not refer to the matters I raised concerning housing rentals. Let me recap a little on this subject.

Housing rentals have been included in a large number of awards. They have been included in awards covering hospital workers, prison officers, Government workers of one sort and another, nurses, etc. All these matters give rise to concern. This occurs also in the iron ore industry, although it has been held that the rental rates charged to iron ore industry workers, and other mining workers, have not fallen within the award or agreement which comes out of the negotiation.

It has been held it is a matter which is properly to be discussed between unions and management and on quite a number of occasions it has been before the Industrial Commission, not as an award matter, but in some form of private consultation, compulsory conference, or something of that nature. Here the Government is taking away the ability of that arbitral body to determine on that issue. I do not think I need say any more than I have said already in relation to the collection of union dues.

A tremendous amount of litigation has taken place in the Federal arena, overseas, and right throughout industry in order to arrive at what is or is not meant by "managerial prerogative". No definition of these words is contained in the Federal Act or in the legislation before us today. This has been the subject of varying determinations by different judges, including even different judges of the High Court who have been required to determine on it.

Of course, at the moment, if the WA Industrial Commission determines itself, what it considers to be a matter of managerial prerogative, it will not intervene and order management to do things which can be said to be within the purview of its managerial prerogative. That is the position at the moment. As far as I am aware, major disputation has not occurred in this State about the issue.

The commission has made reasonably clear what it considers to be managerial prerogative and managerial prerogative can vary according to the occasion.

However, as I understand it, this amendment worries the Industrial Commission particularly because the question of what is or is not managerial prerogative previously has been left to the definition of "industrial matter" which has meant that the commission has been able to use its discretion in determining, in a given situation, what is or is not managerial prerogative.

That means that, if it is important the commission should resolve a dispute by determining something is not managerial prerogative, that is how it determines it. It has been able to do that in the knowledge that no-one has been able to appeal against its decision on the basis that his managerial prerogative has been interfered with.

The Industrial Commission has been extremely conservative in its interpretation of what is managerial prerogative and thereby a matter in which it cannot interfere. However, if a statutory prohibition is imposed on the Industrial Commission dealing with managerial prerogative, which is what is intended by this legislation, the situation will arise that the Industrial Commission will have before it a particular case and a manager will simply get up and say, "You can't determine this case. I take objection to it as a preliminary point. This is a matter of managerial prerogative."

All sorts of things have been held to be managerial prerogative, including discipline which, on some occasions, has been held to be managerial prerogative and on other occasions has not. Other matters which have been held to be managerial prerogative include management problems, shift work, redundancy, etc.—all questions which give rise to serious industrial concern and which could result in industrial disputation.

If an employer is to be able to get up before the Industrial Commission and simply say to the commissioner attempting to resolve the dispute, "You can't resolve the dispute. You can't even listen to a comment that the union or anyone else has to make, because this is a matter of managerial prerogative and, if you do proceed, I will take out a writ to prevent you from doing so or, if you proceed, and if I don't take out a writ, I will appeal you all the way to the appeal court or Industrial Appeals Court because I claim this is a matter of managerial prerogative", I would suggest to you, Sir, that although eventually a determination may come from the Industrial Appeals Court—which consists of three Supreme Court judges—which makes it clear as to what managerial prerogative is and which would make those sorts of objections unlikely; in the first few years this provision operated there is no question but that the vast majority of disputes between workers and management would have, on behalf of management, a claim that they are matters of managerial prerogative and not matters legitimately before the Industrial Commission.

As I have said previously in regard to the point of view of the member for Bunbury, that does not mean these disputes will simply go away and people will just sit back and say, "The Industrial Commission says it will not deal with it. We will go back to work." That is an absurd assessment of what will happen. Indeed, the true situation is that people will continue the disputation because their grievance or problem has not been dealt with and nobody can deal with it for them. That is what will happen and that is what the Government is proposing in this matter.

Every proposition which the Government has put before this Chamber since it has been in office has been designed to detract from the power of the Industrial Commission to capably deal with disputes. All the amendments which dealt with these definitions, whether they were amendments to the old arbitration Act or in the form of the 1979 Bill, have had the same end in mind; that is, to reduce the powers of the Industrial Commission. This amendment is no exception.

Mr YOUNG: The first matter raised by the member for Fremantle concerned union dues, and it is my opinion that it may not be recognised generally by those who have watched the progress of this Bill through its various stages through the Parliament that this is the nub of the whole question. It would be one of the most important aspects of the legislation because herein lies the decision whether a trade union should exist because the State says it should exist, whether it should exist because the Industrial Commission says it should exist, or whether it should exist because the members of the union want it to exist. The member for Fremantle looks puzzled, but let me pursue this point a little further.

I will use the example of the Teachers' Union. Some time ago when the Education Department deducted union dues of school teachers from their salaries and paid them direct to the union, the union had a membership in the vicinity of three times its present strength.

Mr Parker: That is untrue.

Mr YOUNG: There was a time when its membership dropped to a third of its previous strength.

Mr Parker: I think it dropped from 12 000 to around 8 000 financial members; it is now up to about the same figure.

Mr YOUNG: That may be the case, but certainly the union was in a very difficult situation at one time, which I found rather paradoxical in that the union secretary had to start making noises like a head of a Government department, telling his members of the various services that would have to be cut out so that economic stringency could be followed; but that is a separate question.

Mr Pearce: That was a question of cash flow.

Mr YOUNG: If the situation is as the members for Fremantle and Gosnells would have us believe, that indicates simply that that trade union membership wanted voluntarily to join and remain members of the union, which is fair enough; I have no quarrel with that. What I am saying is that payment of membership dues to a trade union is a worker's pledge to be a member of that union so that the union can organise on his behalf to protect him against what Opposition members refer to continually as the excesses of employers.

Mr Bryce: The bludgers; they are the ones they need protection from.

Mr YOUNG: I am sure Opposition members will not disagree with me when I say that the payment of a trade union due to a trade union is an employee's pledge to support the union in its fight on his behalf.

Mr Parker: Sure.

Mr YOUNG: Let me develop my argument.

Mr Parker: But let me say that, before any money can be deducted from a unionist's wage by an employer, such as the Education Department, that unionist has to sign an authorisation.

Mr YOUNG: The subscription he pays is his contribution to the union to have that union fight on his behalf. If he pays the contribution voluntarily and at least makes a personal effort to write a cheque or take cash and pay his subscription, it means there is a good chance that bloke wants to be a member of the union.

Mr Parker: What about the Bankcard system?

Mr YOUNG: I listened to the member's arguments so that I could answer him.

Mr Bryce: It is not a very convincing one.

Mr YOUNG: I indicated last night what would develop, and the Deputy Leader of the Opposition is encouraging the same attitude that occurred on the debate to put the Bill to a Select Committee.

Mr Bryce: You are opening up orifices.

Mr YOUNG: What I am opening up is a clear argument that, if the Industrial Commission can say to an employer, "You will"—not 'may'—"deduct the subscriptions of these people—

Mr Parker: If they ask for it.

Mr YOUNG: —from their wages." I am not denying what the member has said.

Mr Bryce: You were not emphasising it, though.

Mr YOUNG: That is accepted. We are not fools in this place. We know an employer cannot deduct something from an employee's wage without permission. I am sure members opposite know that.

If an Industrial Commission can demand that an employer will deduct that trade union subscription and pay it to the union direct, this means simply that the existence of the union continues at the behest of the Industrial Commission and not at the behest of the workers, because members opposite will realise that many people have many things deducted from their wages and salaries to which they do not give a second thought. If a commissioner determines that an employer will take something out of an employee's wage, whether the employer wants to or not—notwithstanding he has authorisation to do so—that commissioner, in fact, is saying—

Mr Parker interjected.

Mr YOUNG: Let me develop my argument just for a minute. This means the commissioner has determined that the union will receive all its subscriptions and so remain financially sound and be able to do on behalf of its membership that which probably it quite rightly does as a trade union. However, what that commissioner overlooks is the fact that members of that trade union, if they are dinkum, ought to be going along with their money to the trade union secretary and saying, "Here is our money; you look after us against them."

Mr Parker: Why?

Mr YOUNG: Why should an employer have someone determine in an Industrial Commission that he should deduct union dues from his employees' wages to be paid directly to the trade union without any expense to the union?

Mr Parker: But 2.5 per cent of the Teachers' Union dues—

Mr YOUNG: I thought we had agreed that in Committee each member had only three goes.

Mr Parker: Yes.

Mr YOUNG: Well, the member for Fremantle has had about 23.

Several members interjected.

The CHAIRMAN: Order!

Mr YOUNG: The problem is that each time I get five-eighths of the way through a statement, the drowning out occurs and therefore *Hansard* cannot get what I have been saying. Why should an employer have the Industrial Commission determine that he will deduct from the salaries and wages of his employees a sum to be paid, without expense, to the organiser or trade union secretary, so that that person can go about his business completely funded—admittedly by his members—in organising against the employer.

Quite frankly, that is an argument which will not be solved here. As I said in my second reading speech, this applies to quite a number of such problems. The reason they will not be solved is the political curtain beyond which Opposition members cannot see and beyond which Government members cannot see. We see that as a fundamental issue. The Opposition sees an argument completely opposite to ours. Nonetheless, it is a very important question and is a very proper one within the philosophy of what we as a Government have said we intend to do. It is one of the things the Opposition and the Government will not solve by argument across the floor of this Chamber. We can go only so far; neither side will move beyond a certain point.

The member for Fremantle referred to housing rentals, and there is nothing that the law regards—particularly laws such as those in the taxation legislation—as being more in the nature of a purely personal expenditure connected with a person's occupation than housing.

Mr Parker: In some cases you see people incurring rentals because of the places to which they are sent—people such as teachers and Main Roads Department employees.

Mr YOUNG: I act as a trigger for the member for Fremantle; usually I can get a couple of sentences out before he starts to develop his arguments again.

In respect of matters such as these that arise from time to time, nothing has been considered more a personal matter by various courts than the matter of housing. The cost of housing is one of the most personal expenses that an individual has, and, in the main, it is not connected with his employment. I evidence the Taxation Act.

Perhaps what the member for Fremantle and others members of the Opposition ought to recognise in arguments on this particular question is that under the Act a number of advantages can be obtained by an employee from the industrial arbitration system. He can obtain rights under the system, and he can obtain privileges under the system. He can also have obligations, and there are obligations under the system that require both sides of the fence to do certain things.

There are rights that come virtually by the registration of a union such as the right of coverage by way of sole constitutional coverage in respect of certain employees, the right of the employees to have wages under awards made under

the Industrial Arbitration Act, and under that Act the right to call conferences.

They are the rights, but there are certain privileges that can be accorded to certain organisations. One is the privilege of union dues being deducted by an employer from his employees' wages. Another is the privilege to hold stop-work meetings on site, and another is to have certain types of housing or a certain housing rental rate. The question gets down to whether or not that side of the political fence believes those privileges should be kept by being built in as rights under the Industrial Commission, or whether they should remain as matters which should not be determined by the commission, but as part of the negotiating process, or the process of employee relationship in respect of trying to keep the workplace going.

The answer on this side of the House, once again, is that we believe that particular question of housing rentals fits within that category of the things that should not fall within the jurisdiction of the Industrial Commission in respect of an industrial matter.

The member for Fremantle went on to talk a great deal about managerial prerogative, but what he did not make clear—I am sure he understands and knows this—was that the term "industrial matter" is referred to quite a number of times throughout the legislation, and it is defined in section 7, which lists quite a long string of things the Industrial Commission can consider to be industrial matters. Wherever the term "industrial matter" is used throughout the legislation, reference must be made back to the definition of that term, if the commission is sitting in respect of some claim as to whether or not it has the power to consider a matter that may or may not be an industrial matter.

The definition of the term includes the wages, salaries, allowances or other remuneration of employees; the hours of employment, sex, age, qualification, or status of employees; the employment of children or young persons; any established custom or usage of any industry; the privileges, rights, or duties of any union or association, etc. The definition goes on to list matters in respect of apprentices, and matters falling within other parts of the Act. It then says what the definition does not include, and what is proposed by this legislation to be added to that list is the definition relating to managerial prerogative.

The member for Fremantle says that definition will further restrict the rights of the Industrial Commission to make determinations under the Act, but he drew a very long bow when he said that an employer could go before the Industrial Commission and say, "You can't proceed along these particular lines because I claim this to be a matter of managerial prerogative." The member went on to say that the employer could therefore stymie the commission and that the matter was likely to be pursued by an appeal right to the Industrial Appeal Court.

What the member for Fremantle did not say was that anyone can say that in any court of the land; any person can go to any court and say, "You have not got the power to deal with this matter."

Mr Parker: You are giving people a greater right to do that. They can do that now, but you are giving them something whereby they can say simply, "You can't do anything about this—"

Mr YOUNG: Once again the member has jumped the gun before I have finished making my point. I was saying that anybody can say in any court of the land that the court does not have the power to deal with the matter before it. What happens is that the judge, commissioner, or whoever it is presiding over that court, will determine whether he has or does not have the power to deal with the matter. He may be right or wrong, and it is the right of the person making the claim to take the matter the next step up the ladder to another court to question whether the first judge or commissioner had jurisdiction—the claimant can take the matter to the highest court he can find. The determination of the matter does not lie with the employer; it lies with the court system. If an industrial commissioner says that a matter is one of managerial prerogative, he will continue to hear the case.

Mr Parker: That is not necessarily so.

Mr YOUNG: He would continue to hear it.

Mr Parker: He could be prevented.

Mr YOUNG: Why would he be prevented?

Mr Parker: Because they could take out a writ.

Mr YOUNG: The member for Fremantle draws some of the longest bows.

Mr Parker: Not at all.

Mr YOUNG: Let us say that a matter is before a single commissioner, and the management side stands up and says to the commissioner, "No, you cannot hear this particular matter because it is not an industrial matter; it is a matter of managerial prerogative." The member claims the commissioner would not make a determination on the matter.

Mr Parker: No, he might make a determination.

Mr YOUNG: He might make the determination that he will continue to hear it.

Mr Parker: He might say, "I am going to continue to hear it because I don't agree with you", or say, "I will consider the two matters at the same time, and give my decisions at the conclusion of the hearing." In every case the employer ends up in the position of being able to go to the Supreme Court to take out a writ to prevent the commissioner from further hearing the matter. Have a look at the *Commonwealth Law Reports* to see what happens.

Mr YOUNG: It is all right if the member wants to stretch that point that far—that is okay—but who will make the determination? The only reason I pursue this point is that it is one of the matters being touted around in the community for people to believe on a face-value basis. The Opposition and the trade union movement are saying that management can walk into the commission and say that the commission cannot hear a particular matter, which gives the impression that would be the end of the proceedings; but the plain fact of the matter is that once this provision becomes part of the Act to state that a matter of managerial prerogative is not within the power of the commission to hear, that is not the end of the question. The only thing that can stop the due process of the law is the law itself; it is not management, it is not some person who happens to represent management to fight a particular claim, it happens to be the due court process where the matter is determined. Whether that process is determined here, in the full bench of the Industrial Commission, or in the Industrial Appeal Court, what will happen to any dispute if someone wants to pursue an appeal *ad infinitum*—

Mr Hodge: What happens to the industrial dispute while all these avenues of appeal are being explored?

Mr YOUNG: I am glad the member for Melville raises that question. Under the existing situation industrial action in regard to an appeal can bring to a complete stop the Industrial Commission proceedings. In other words, an appeal can stay further proceedings in respect of a particular industrial matter, and industrial action can continue while those proceedings are stopped completely. I hope the member for Melville will support the provisions of this Bill that intend to speed up the process by ensuring that situation does not pertain. If the member is sufficiently worried about whether procedures will proceed properly, I assure him that there is nothing that will speed up the process to the ultimate degree short of a dictatorship, unless that is what he is looking for. As long as there is thoroughly built into these procedures a proper appeal system for matters to be heard along the way, the argument of the member for Fremantle cannot possibly pertain. The suggestion he is trying to get across, and the trade union movement is trying to get over to the public at large, that management is trying to stop the hearing of matters before the Industrial Commission by simply claiming managerial prerogative, is not factual. It will to some extent give the Industrial Commission even wider powers of interpretation because of the wording of the Act as it will be rewritten in respect of what industrial matters are involved.

Mr Hodge: You opened up a whole new area.

Mr YOUNG: This has not been recognised by the Opposition to date.

Mr PARKER: The response by the Minister for Health, in reply to the interjection by the member for Melville, is the most revealing statement that he has made in the entire debate. The Minister for Health has reported that he proposes, on the one hand, that when orders can be made against unions to prevent them from undertaking certain actions, everything else should stop and suddenly those orders should be rushed through the red tape, and the normal procedures of law should be abandoned. In other words, to use his terms, dictatorship should be created, and off it will go.

Mr Young: That is exactly the opposite to what I said. I said that, if you want something sped up to the stage where no appeal rights exist, the only way you can do it is by a dictatorship. I then went on to say that we would not have that.

Mr PARKER: On the other hand, there is the question of a union raising an issue.

As the member for Melville said, while all these appeals are going on, the disputes continue by way of strikes and dissatisfaction of the people concerned. This will not do anybody any good while that appeal process is being dealt with. Of course, nothing can be allowed to speed up that appeal process. The unions can wait until they go to the full bench of the Industrial Commission or to the Industrial Appeals Court or they can wait until it comes back and is remitted to the commissioner and he hears it again. There is no problem about that.

Nobody on that side of the Chamber cares about the unions or the workers; the Government adopts the attitude that they can wait. In the situation of an employer wanting an order taken out on an employee who is on strike, or the employee is or is not doing something the employer does or does not want him to do, then everything has to

be abandoned and we have an order brought down on this person straightaway.

If nothing else reveals the true motives and the true position of the Government in its general philosophy which, as the Minister said, is as different as chalk and cheese from the philosophies of this side of the Committee, or revealed in its application of the Bill, that statement by the Minister does. In it he revealed that the true intention of the Bill is to create a situation in which workers are prevented from dealing with a whole range of issues and having them considered before industrial tribunals, but in which management can have matters cleared up so quickly that workers can have very punitive orders imposed upon them. The member for Clontarf referred to the fines of $10 000 and $500 a day which could be imposed upon workers. That is the purpose of this legislation and that is the Government's attitude to this legislation.

Mr Young: You are claiming those only against unions, are you? Are you going to answer that?

Mr PARKER: It will be difficult for an employer to be in breach of an order to return to work, so to that extent it is very heavily weighted against unions.

Just look at some of the issues which have been determined from time to time and which could fall within the ambit of managerial prerogative which would prevent those workers from dealing with various matters before the commission. Housing rents and union dues we already have. Hiring, and seniority and promotional questions always are causes for concern. It always is a cause for concern when terminations are in the wind. Methods of working and the introduction of new technology are serious causes for concern and one would hope that an employer would consult his work force and have discussions with them; but in the event that an employer does not do that, using the example of new technology being introduced, there is no recourse whatsoever to the commission for the union or the group of workers who complain about that issue.

Superannuation and provident funds have been determined from time to time to be matters of managerial prerogative and I am pleased that now in industry they are no longer generally regarded as matters of managerial prerogative.

The question of safety is important. Nothing is more serious to an individual worker than is his safety—whether he could be killed or injured. Questions of misconduct—whether or not employees are misconducting themselves—also fall within this category.

Issues concerning termination of employment for misconduct, and the reinstatement question are important. An injunction has been before the High Court as to whether reinstatements are questions of managerial prerogative. Study leave, as well as aspects concerning whether workers should be able to attend things such as trade union training courses, which are funded by the Canberra counterparts of members opposite are further examples.

Reorganisation of plant, equipment, and employees together with the direction of workers and the relationship between individual workers, bosses or foremen are often the cause of industrial disruption. Questions of promotions, transfers from one area to another or from one State to another, and references on termination are all questions which have been held at one time or another to be within the definition of "managerial prerogative."

If the Minister has his way—as I am sure he will because he has the numbers in this place and in the Legislative Council—all these will be matters which will not be dealt with by the Industrial Commission. I refer back to this point again and again because it does not seem to have hit the Government. These questions will not go before the Industrial Commission but that does not mean they will disappear or go away.

The Deputy Leader of the Opposition can tell members about causes of disruption elsewhere in the world with the introduction of new technology. We have to cite only the example of the Times group of newspapers in Britain and the problems experienced with printers there. A similar situation arose here with the recent dispute between the printers' union and WA Newspapers Ltd. regarding the introduction of new technology and the question of who was to man the equipment. As it happens, the printers' union, fortunately for it, is under a Federal award—certainly the journalists are—and not under a State award. If it were under a State award, it would have been impossible for that matter to be determined by the Industrial Commission and the dispute would have gone on and on and would have been left unresolved.

This happened in England in relation to the same issues because the UK does not have an industrial or arbitration commission which can deal with these matters. The employees must battle it out on the floor, and that is what this Government wants; it wants to return us to the laws of the jungle or of the marketplace, as it often refers to it.

What the Opposition or any sensible observer of the inudstrial scene wants is a situation in which these disputes can be dealt with by an industrial or arbitration tribunal, having the powers and the resources to deal with them. I believe this will reduce industrial disruption in this State, and the sorts of things about which the member for Bunbury and the Minister for Health have been speaking. The fact that the managerial prerogative question embarrasses them is a very real point. I am not stretching a long bow, as the Minister said, in what I said about the way in which these things will appear before the tribunal. What I have said will happen will happen. I am prepared to bet the Minister for Health that once this legislation is upon us a plethora of such claims will be before every industrial tribunal in Western Australia until the Industrial Appeals Court, the highest court available, has made sufficient judgments in relation to what is and what is not a question of managerial prerogative, and it will no longer be worth anyone's while claiming one way or the other.

I am prepared to state that will be the situation. I believe that is what the Minister wants. As the member for Melville said, in the long term the disputes will go on and on and will never be resolved because there will be no power to deal with them.

I suggest it is inappropriate for this matter to be dealt with. The Minister talks in legalistic terms which he does not understand; but to the extent that he talks in legalistic terms, it is important to recognise that the area of industrial law is not, nor has it ever been, one where strict legal attitudes, determinations, readings, opinions, and authorities exist, because if they did, nothing would be solved.

It has always been the case that the courts and the commission have taken a fairly liberal view of the words when they fulfil their main function and solve an industrial dispute. That is why it is important to allow this power to remain in the Industrial Commission. The Minister in this place and the Minister in the other place have not come up with an example that an injustice has been caused by the fact that the commission has exceeded its powers of determination in terms of managerial prerogative. I think the Industrial Commission has been extremely conservative—much more than I would be—in determining what is and what is not a matter in which it is prepared to intervene.

An additional hurdle has been placed in the way of all parties and this will ensure that the Industrial Commission is further hamstrung in its ability to sort out the industrial problems in this State.

Amendment put and a division taken with the following result—

Ayes 20

Mr Barnett	Mr Gordon Hill
Mr Bertram	Mr Hodge
Mr Bridge	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr Brian Burke	Mr Parker
Mr Terry Burke	Mr Pearce
Mr Carr	Mr A. D. Taylor
Mr Davies	Mr Tonkin
Mr Evans	Mr Wilson
Mr Grill	Mr Bateman *(Teller)*

Noes 25

Mr Blaikie	Mr Mensaros
Mr Clarko	Mr O'Connor
Mr Court	Mr Old
Mr Coyne	Mr Shalders
Mrs Craig	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Trethowan
Mr Hassell	Mr Tubby
Mr Herzfeld	Mr Watt
Mr P. V. Jones	Mr Williams
Mr Laurance	Mr Young
Mr MacKinnon	Mr Nanovich
Mr McPharlin	*(Teller)*

Pairs

Ayes	Noes
Mr I. F. Taylor	Mr Rushton
Mr Harman	Mr Spriggs
Mr McIver	Dr Dadour

Amendment thus negatived.

Clause put and a division taken with the following result—

Ayes 27

Mr Blaikie	Mr Mensaros
Mr Clarko	Mr O'Connor
Mr Court	Mr Old
Mr Cowan	Mr Shalders
Mr Coyne	Mr Sibson
Mrs Craig	Mr Sodeman
Mr Grayden	Mr Stephens
Mr Grewar	Mr Trethowan
Mr Hassell	Mr Tubby
Mr Herzfeld	Mr Watt
Mr P. V. Jones	Mr Williams
Mr Laurance	Mr Young
Mr MacKinnon	Mr Nanovich
Mr McPharlin	*(Teller)*

Noes 20

Mr Barnett	Mr Gordon Hill
Mr Bertram	Mr Hodge
Mr Bridge	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr Brian Burke	Mr Parker
Mr Terry Burke	Mr Pearce
Mr Carr	Mr A. D. Taylor
Mr Davies	Mr Tonkin
Mr Evans	Mr Wilson
Mr Grill	Mr Bateman *(Teller)*

Pairs

Ayes	Noes
Mr Rushton	Mr I. F. Taylor
Mr Spriggs	Mr Harman
Dr Dadour	Mr McIver

Clause thus passed.

Clause 3 put and passed.

Clause 4: Section 16 amended—

Mr PARKER: Clause 4 proposes to amend section 16 of the principal Act by repealing a subsection and inserting a new subsection which, in essence, takes away from the Chief Industrial Commissioner the power to allocate work within the Industrial Commission and gives it to the President of the Industrial Commission. It provides also powers to the President of the Industrial Commission to revoke an allocation he has made and refer the matter directly to the commission in court session. He can withdraw a matter from a commissioner and direct it to another commissioner or to the commissioner in the full bench of the commission.

There is no indication in the Bill or the second reading speech of the purpose of this clause. It is obvious what it does, but the reasons for it have not been made clear. On reading the debate of the Legislative Council, one does not obtain any real help because it is obvious that the Minister for Labour and Industry does not understand his portfolio. Maybe the Minister in this place is a better reader and will read from his notes the reasons this amendment is thought to be necessary.

It may be it has something to do with the antipathy between certain sections of the Government and the Chief Industrial Commissioner. It is well known what the Minister for Police and Prisons thinks of the Chief Industrial Commissioner and it is quite possible there are other Ministers who think similarly; maybe that includes the current Minister for Labour and Industry.

I do not understand the reason for this amendment. I understand on the surface what is intended, but I do not know the purpose. As far as I am aware, there is no problem with the existing legislation and I am not inclined to support this amendment unless I know the Government's intentions for this change.

Mr YOUNG: I have to confess that I have heard this argument before and I have read the argument. I did not make much from the argument that was advanced to me in writing and I do not understand any better what the problem is from what the member for Fremantle has told this Chamber.

Mr Parker: I understand the clause.

Mr YOUNG: I know the member for Fremantle understands the clause. I have heard him speak twice on this clause and I cannot understand why he promotes a problem when all this clause does is to give the same power to the president to allocate work by delegation to the chief commissioner. Through that same process he is given added power to allocate work either to a single commissioner or to the commission in court session.

Mr Parker: You are advancing reasons for this amendment which is an amendment to the existing Act. Advance your reasons for amending the Act.

Mr YOUNG: I understand that also, but I thought the member for Fremantle was making the point that this clause would reduce the power of the Chief Industrial Commissioner.

Mr Parker: It appears to.

Mr YOUNG: I cannot see how it does. The Act reads as follows—

> The President may allocate the work of the Commissioners but shall delegate that function to the Chief Industrial Commissioner unless in any particular case, after consultation with the Chief Industrial Commissioner, the President is of the opinion that he should assign to a Commissioner or Commissioners a matter falling within the jurisdiction of the Commission.

The only difference between that section of the Act and the clause in this Bill is that the clause has been redrafted to make clear what are the powers of the president, by delegation through the Chief Industrial Commissioner. It gives the president power through the Chief Industrial Commissioner to make allocations to which I have referred. The Bill is almost word for word the same as the Act except that it increases the power to make allocations directly to the commission in court session and take from the commissioner a particular case and hand it over to the commission in court session. I refer members to paragraphs (a) to (c) of proposed new subsection (1).

Mr Parker: There is no power of revocation in the existing Act.

Mr YOUNG: I would like to clear up the first argument about our giving power to the Industrial Commission because I understand that was the point at which the Hon. Peter Dowding wanted to go to bed. He made some claim and was thrown out of the Chamber and he ended up going to bed while everyone sat up until 6.00 a.m. After para-

graphs (a) to (c), proposed new subsection (1) reads—

> but shall delegate those powers to the Chief Industrial Commissioner unless in any particular case, after consultation with the Chief Industrial Commissioner, the President is of the opinion that he should assign—
>
> (d) to a Commissioner or Commissioners; or
> (e) to the Commission in Court Session,
>
> as the case requires, a matter falling within the jurisdiction of the Commission.

The wording in the Bill and the Act is the same except that the Bill gives power to the president in some processes without diminishing the power of the Chief Industrial Commissioner and he has the right to allocate work to a single commissioner or commission in court session.

Mr Parker: What about the power of revocation?

Mr YOUNG: Firstly I want to make sure we have cleared up the situation. The Chief Industrial Commissioner is not losing any power and the president still delegates work. I want to emphasise the point that the Chief Industrial Commissioner has not lost any of his powers. The president, after consultation with the Chief Industrial Commissioner has had his powers expanded and therefore allocation can be made differently. The allocation now may be made to a single commissioner or to the commission in court session. There must be many times when the president would consider industrial disputes to be of such concern that he would prefer to have the commission in court session hear them.

Mr Parker: At any time the industrial commissioner, when hearing a matter, can determine the whole matter, or something arising out of it can be referred on.

Mr YOUNG: Yes, but should it be up to a single commissioner to make that decision.

Mr Parker: I am not saying he should make that decision at the outset.

Mr YOUNG: The member for Fremantle is saying that. He did not have that power to make the decision at the outset.

Mr Parker: Under the existing Act he has the power to go to the commission in court session, but half-way through the hearing the president can decide to do it anywhere, even if it is in the middle of the hearing.

Mr YOUNG: I cannot see why the Opposition would have any objection to the president's consulting with the Chief Industrial Commissioner and delegating power, by Statute, to him to make allocations at a time the dispute is made.

Mr Parker: He does not have to consult with the Chief Industrial Commissioner in order to make revocation.

Mr YOUNG: The clause says that the president may do certain things in regard to the allocation of work of the commission, but that he shall delegate those powers. To what other powers is the member for Fremantle referring?

Mr Parker: He has to consult with the Chief Industrial Commissioner before he does delegate the power, but he does not have to consult with the Chief Industrial Commissioner about revocation.

Mr YOUNG: I cannot see the member's argument against the proposition that the president could have those powers.

Mr Parker: What is the problem with the existing situation?

Mr YOUNG: What I am trying to tell the Opposition is that the president of the commission should have the powers, subject to the provisions of the Act, to make an allocation immediately the court is to allocate the work to either of the processes within the commission. I cannot see why the president should not have that power. The Opposition has made a case in respect of the diminution of the powers of the Chief Industrial Commissioner and I think it is wrong.

Mr Parker: I said I was concerned. I did not say positively I thought his powers had been diminished. You have not answered the point; there must be some purpose in bringing forward this amendment. You do not legislate for the sake of it. The true answer is that you do not know.

Mr YOUNG: I do know. I have pointed out it is the Government's belief that the particular provision under which the president can make an allocation of this work is necessary because the president should be capable of making the allocation at the outset and not necessarily through a single industrial commissioner. The Opposition claims we have no justification for bringing this amendment; it has no justification for any argument against it.

Mr Parker: Surely it is a question of why we should approve this amendment to the Bill.

Mr YOUNG: I have said the system is providing a process whereby direct allocation of work can be made at the outset to the commission in court session and that the commission engages itself in that particular work through the same provisions as those which currently exist in the Act.

Mr Parker: That initial allocation can be made under the existing Act as well.

Mr YOUNG: That is not the way I read the situation. I read the changes as being fairly clear. The president now can allocate the work of the commissioners, not the commission. If the member reads the present Act, he will see that it says the president may allocate the work of the commissoners, but shall delegate that function to the Chief Industrial Commissioner, except in certain circumstances. This amendment is saying the president may allocate the work of the commissioners, and may do other things. I do not understand this provision to have the same meaning as some other provision giving the president that power under the existing legislation. The member for Fremantle may be able to prove that under this particular provision the president does have the power to allocate the work of the commission. I do not read it that way because it says clearly he can allocate the work of the commissioners. This puts the situation beyond doubt—that the allocation of work to the commission in court session does not have to go via a prior process, but can go from the president under the same circumstances directly to the commission in court session. That is the difference; the rest of the provision relates only to drafting changes. If the member for Fremantle had wanted to draft the amendment in the style of the existing section 16, he would find it would have become a very inelegant and complicated piece of drafting.

Mr Parker: That would not be unusual.

Mr YOUNG: It would have been almost impossible had the draft not been redesigned. That is the only other change I can see. The member for Fremantle obviously has some views about it; I do not think he has advanced a case for them.

Mr Parker: I was making queries; I was trying to clarify a situation which is of concern to me, mainly because I do not understand the reason for it.

Mr YOUNG: I think I have answered it now.

Mr Parker: I do not think you have.

Mr YOUNG: I cannot answer it any better than to say a change clearly has been made. In the Government's opinion it was necessary to prevent the necessity of the allocation going through a single commissioner. The president ought properly to have that power, and the redrafted amendment gives it to him and more elegantly sets out that particular section. I cannot explain it more succinctly than that.

Clause put and passed.

Clauses 5 to 8 put and passed.

Clause 9: Section 26 amended—

Mr PARKER: I have no objection to clause 9(a) or (b), although once again I do not really understand what is the difference between taking into account "the community as a whole" and "the interests of the community as a whole". All I can say is that possibly further legal action will occur because the new words will have to be interpreted. Perhaps it can be said that these new words differ from the old words and will have to be interpreted in some way. Presumably, the courts will decide the legislature must have wanted something in inserting these new words, and some changed interpretation may occur in relation to the powers and responsibilities of the commission. I am not terribly worried about it; I think it is a fairly piddling thing and not something the introduction of which stands to the credit of the Government. I am sure it has been introduced so that Government can say it has inserted these words in the legislation when it deals with the matter on the hustings.

Clause 9(c) is a very different kettle of fish. The difference is that the commission is required to take into account the state of the national economy, the state of the economy of Western Australia, and the capacity of employers as a whole or of individual employers, to pay wages, salaries, and allowances or other remuneration, and to bear the cost of improved or additional conditions of employment. Let me deal with those aspects one by one. I refer firstly to the state of the national economy. The situation now is that the national economy is in a parlous state. In large measure that has been a deliberate creation of the current national Government.

Mr Clarko: You are talking rubbish. It is an international phenomenon. Don't you realise what is going on around the world? Haven't you seen what is happening in Canada?

The DEPUTY CHAIRMAN (Mr Crane): Order!

Mr PARKER: The Canadian Government's economic policies have not been all that crash hot.

Mr Clarko: It is a world-wide phenomenon—if you don't know that, there is something wrong with you. Haven't you seen what has happened to the international trade figures, the unemployment figures, and the inflation figures overseas?

The DEPUTY CHAIRMAN (Mr Crane): Order! It is obvious the member does not wish to respond to interjections. The member for Fremantle.

Mr PARKER: I will deal with the Minister a little later on.

Mr Clarko interjected.

Mr Tonkin: Shut up! You were asked to shut up, so why don't you?

The DEPUTY CHAIRMAN: Order! There is no need for that language.

Mr PARKER: It is obvious that the national economy is in a parlous state. It is true to say that to some extent that has been created by international economic circumstances. However, as a result of our economic policy, this country is weathering the storm far worse than are many other countries which are faced with the same economic problems.

Mr Clarko: Totally inaccurate! Look at the unemployment rate in the US and Canada.

Mr PARKER: It is interesting the Minister for Education should choose those countries because in the United States precisely the same economic policies are being followed—which policies, by the way, have been delivered a significant rebuff by voters in the US—by Mr Reagan as are administered by Mr Fraser. Had the Minister referred to Britain, he would have been equally accurate.

Mr Trethowan: What about Canada and France?

Mr PARKER: I will come to them. The Minister would have been equally accurate in saying a similar economic policy operates in Britain where there is worse unemployment and inflation—

Mr Clarko: Japan?

Mr PARKER: I will come to that; it is a good example. Let us look at other countries which are following different economic policies. I will do so briefly because it is not apposite to the matter before the Chair.

Since I have been drawn into this by the Minister, let me just say that countries such as Austria, Germany, and Japan, which I would not deny are suffering an economic downturn from the situation they were in previously—

Mr Clarko: They have real problems in West Germany.

Mr PARKER: —nevertheless are in a significantly better position economically than is Australia or are our other counterparts to which the Minister for Education referred. That is the situation.

Mr Trethowan: What about Canada and France?

Mr PARKER: Canada's situation is not entirely dissimilar to our own. It has a conservative Government in power, and it is following reasonably similar policies to those of America. Of course, it is also a mineral exporting country which means that it has some of the same problems that we have. For all the problems that the French Government inherited, nevertheless it is true to say that it is weathering the storm in terms of unemployment, inflation, and interest rates, much better than are we.

Mr Trethowan: Unemployment has increased over the last 12 months.

Mr PARKER: Yes, but not nearly to the same extent as has ours. The point I make is that the Australian economy is doing worse than any other—

Mr Clarko: That is rubbish!

Mr PARKER: It is true.

Mr Clarko: Are you suggesting that our unemployment is worse than that of the United States?

Mr PARKER: No, unemployment is one factor—

Mr Clarko: Of course it is. Every economy in the western world has deteriorated in the last few years and you know it. Tell me one country where the economy is rosy.

Mr PARKER: For the edification of the Minister for Education who appears to need it more than do the pupils under his charge, there are countries, including the three I have quoted, where a positive rate of economic growth has occurred in the last two years, and even in the last 12 months.

Mr Clarko: They have all deteriorated.

Mr Gordon Hill: Just listen and you might learn something.

Mr Clarko: I was talking to the gatekeeper!

Mr PARKER: I am not saying that these countries are doing as well as they were some years ago. It is self-evident that they are not. The point I am making is that countries throughout the world which are following the economic policy which, for want of a better word, I will call the monetarist policy—the one espoused by Reagan, Thatcher, and Fraser—have the worst economies in the western world.

Mr Clarko: That is a fairy tale.

Mr PARKER: That situation will affect the way any arbitral body will look at a wage or any other claim that comes before it. On the question of wage indexation cases and centrally-determined wage fixation cases, there has never been any question but that the Commonwealth Conciliation and Arbitration Commission has taken those factors into account. In fact, recent amendments to the Federal Act require those matters to be taken into account.

In the legislation before us, the Government proposes several gimmicky provisions. It says that

the Industrial Commission also must take into account the state of the economy of Western Australia. While I would not say that the economy of Western Australia is the worst of any of the States, certainly its performance is in the lower category. It could be said that it is quite reasonable for the commission to take into account the state of the WA economy, but the fact is that the vast majority of awards are flow-on awards from those applying to similar occupations elsewhere in the Commonwealth.

There is a strong and powerful nexus between the awards and rates of pay here in WA and those in other parts of Australia, for example, for metal tradesmen. These awards are determined by the national commission, and I would say, as with the bulk of wage determinations in WA, they are simply flow-ons from national decisions or agreements made between national employers and employees. So the ability of the State Industrial Commission to take into account peculiarly WA factors in relation to those matters is small indeed.

The WA Industrial Commission is to be made to diminish the rates to be paid to workers under WA awards from those paid not only to workers in other States, but also to other workers in WA who are employed under Federal awards where the national commission is not required to take into account the peculiar circumstances of the WA economy. There is no requirement on the national commission to take into account the WA economy, except in so far as it forms part of the national economy. So we could have the situation in many areas where a person doing exactly the same job employed by a respondent to the Federal award is paid more for doing that job than is the person employed by an organisation which is a respondent to the State award. That means there will be a wage differential between employees who are doing the same job.

It could be said that the commission would not make such a decision, but once again there is the possibility of appeals being taken to higher courts and it could be said that a wage increase should not have flowed on to the WA workers. The fact that a flow-on of a particular wage increase has occurred for the past 50 years will be of no consequence because the Act presently being amended by the O'Connor Government will prescribe that the commission must take into account the state of the WA economy.

It is of great concern that the WA commission may have to determine that these flow-on rates should not be awarded to the WA work force because of the state of the WA economy. Such a situation will certainly give rise to industrial discontent at the very least, and I suggest it may give rise to industrial disputation.

Then we come to the situation that in the determining of award wages, the commission has to take into account the capacity of the employers as a whole to pay or the capacity of an individual employer to pay wages, salaries, and allowances, and to bear the cost of improved or additional conditions. On the surface there may appear to be some merit in that proposal, but when it is analysed, it is seen to be quite extraordinary.

It has always been held that awards are minimum rates. The Industrial Commission describes an award as the minimum amount that can be paid and fairly should be paid to a certain number of workers. So the metal trades general award is a minimum wage award, and it is possible for workers in a profitable industry, those who are employed in arduous circumstances, or simply those who are able, through an agreement, to negotiate rates in excess of that agreement. It always has been held that the amount awarded in the document the court determines or ratifies is the minimum and if an employer cannot pay that amount of money, he should not be an employer. That is not me putting forward that point of view—that has been expressed by the Industrial Commission, the Commonwealth Conciliation and Arbitration Commission, and the High Court of Australia, over a long period of time commencing with Mr Justice Higgins, the first president of the Commonwealth court. If employers cannot pay those rates, they should not be in the industry.

That situation arose from the fact that, until comparatively recently, most of the rates of pay were based on the basic wage. The basic wage was determined on what it was thought possible for a worker to live on as a minimum, plus a margin for skill and a margin relating to the particular job the worker was doing or his classification.

Only quite recently in some cases in WA, that basic wage margin concept has gone and in its place we have the minimum award rate plus, of course, the minimum wage. The minimum wage is the minimum that anyone can be paid while working under a WA award, and is designed to keep a family just above the poverty line—although I am not sure that it achieves that end.

Let us look at an industry where there are different types of employers, and obviously employers with different capacities to pay. In the past, this different capacity has been reflected in the way those employers have agreed to or have not agreed to overaward payments. However, it has never been the case that an employer simply

need not pay an increase because he is not doing too well. He never has been able to pay less than the award wage applicable at the time.

I have an involvement with employers in an industry where such a situation exists and on many occasions employers have found it very difficult to pay their employees because of the nature of their work. That has not meant that the employer has been able to avoid his obligations. It has meant simply he has had to find other ways of doing it, because we are talking about a worker's livelihood and the minimum rate which has been struck for him. That is the minimum rate such a worker should be paid; and the capacity of the employer to pay should form part of the argument about any other benefits that may accrue.

Mr TRETHOWAN: This clause comes to one of the major points of philosophical difference between members on this side of the Chamber and the Opposition in regard to this Bill. From my point of view, there are three parties to any industrial dispute—those representing the interests of the employers, those representing the interests of the employees, and those representing the interests of the community. One of the problems in the past—

Mr Pearce: That tends to assume the community has a single interest, which may be a fraction naive.

Mr TRETHOWAN: It may be a fraction naive, but it is also pragmatically true that decisions based purely on the direct interests represented before the commission may provide a judgment satisfactory to the two competing groups—the employers and the employees—but the decision may not be in the best interests of other employees in other industries, or the other industries themselves; certainly, it may not be in the interests of the members of the community who cannot, at present, have direct representation through either an employers' association or an employees' association. This clause begins to satisfy more precisely the general interest of the community that needs to be taken into consideration in the handing down of any judgment by the commission.

The member for Fremantle made a reference that supported the argument I am putting forward. He indicated that, in the past, the commission has been quite clear that if an employer cannot pay the minimum rate, he should not be in the industry. If one stops to think about what that means, it is that if the rates that are brought down by the Industrial Commission are such that an employer cannot pay them, he has to shut up shop and move out. What does that mean to the people he is employing? It means that they will not have jobs. This is precisely the point—the community interest in general—that needs to be taken into consideration in any adjudication of interest.

Mr Parker: We are not talking about maximum rates or actual rates; we are talking about minimum rates.

Mr TRETHOWAN: This clause brings in the community interest.

Mr Parker: So you are saying, under this particular clause, notwithstanding that a minimum rate has been determined, a particular employer should be allowed to pay under that rate because of his particular circumstances?

Mr Young: No. He could not.

Mr TRETHOWAN: No, I am not saying that. I am saying that in the determinations from the commission, it may well be the case that a determination for increases in wages may not be in the interests of the majority of the community—particularly the majority of the workers in the community—because it is a truism recognised by many people in employment at present that another wage rise may mean their own jobs. That relates directly to the capacity of the employer and the industry to pay. If the capacity is not there, the only option, other than closing down completely, is to dismiss sufficient workers in order to be able to meet the rates being set. That is an unsatisfactory situation.

Paragraph (c) of clause 9 indicates quite clearly that the effects that flow through to the community have to be considered at the time the determination is made. It is not sufficient to determine on the interests of the employers and employees involved immediately in a dispute. The interests of the wider community, which could be affected by flow-ons from the decision, must be taken into account at the same time.

One of the problems in the Australian economy is that this has not been taken into consideration in sufficient detail in the decisions handed down with reference to many industries, particularly those relating to export industries which have found their competitive positions eroded severely. Paragraph (c) is important in drawing the attention of the commission to the wider community interests when it is making its determination.

I now will deal with some of the general economic points made by the member for Fremantle in response to interjections. He was trying to indicate that the problems of the Australian economy are now worse than those throughout the rest of the world, and the political philosophies of the Thatcher Government in the United Kingdom

and the Reagan Administration in the United States have resulted in exactly the same situation occurring, because their philosophies are similar. What he did not wish to be drawn on was the fact that the growth in unemployment in those countries is matched equally by the growth in unemployment in, for instance, the Canadian economy.

I would have thought that members on the side of politics of the member for Fremantle would prefer to identify themselves with the Trudeau Government rather than the Conservative Party position in Canada; I would have thought they would prefer to identify themselves with the type of economic measures that the Trudeau Government has attempted to introduce.

Mr Parker: It is a bit like the difference between you and the Workers' Party, or something like that.

Mr TRETHOWAN: I would have thought the member for Fremantle would prefer to identify himself with the kind of economic policies that the Trudeau Government follows. Certainly I would not wish to identify myself with those policies.

If we go further to the left of the economic spectrum, we look at the Socialist Government in France which is introducing thoroughly socialist policies. Perhaps if the member for Fremantle and members of the Opposition do not wish to identify themselves with the policies of the Trudeau Government, they would prefer to identify themselves with the socialist policies of France. In France, we find a dramatic increase in unemployment and in inflation. One could draw a very clear distinction between the economic policies being followed in France and those being followed in this country.

Another interesting factor is that the economies that the member cited as those which have succeeded best are those of Austria, West Germany, and Japan. I agree with that; but I believe it is an argument in support of clause 9, and particularly in support of paragraph (c). I am not sure whether the member for Fremantle realises that industrial relations processes take different forms in those three countries. The union movement has a very direct community responsibility. In Japan particularly, the unions identify strongly with the interests of the companies—with the employers—and they do not make wage demands which are beyond the capacity of the employers to pay, or beyond the capacity of the community to pay.

Mr Pearce: That might say more about the Japanese employers than the Japanese unions. The Australian employers have no great record for involving unionists in a way that might lead to their thinking along the lines of Japanese unionists.

Mr TRETHOWAN: That does not destroy the argument I am putting up. Those three countries have a very clear indication in their industrial relations process that they take into consideration the community interest. In fact, in Austria, it is required. Austria is a planned economy, and the Government requires it. The Austrian Government has total control, and that allows it to have very low inflation rates and very low effective unemployment rates in many areas. However, the standard of living is not as high as it is in many other European countries.

Mr Parker: That is not true. They have very high standards.

Mr TRETHOWAN: It has one of the weaker currencies in Europe, too.

Mr Parker: The Austrian currency? That is simply not true. I would suggest that, apart from the problems of space which are common all over Europe, the standard of living in Austria is at least as high as the standard of living here.

Mr TRETHOWAN: The fact remains that West Germany and Austria have union movements which, in their approach to wage determination, are very responsive to the needs of the general community. In fact, the unions in West Germany frequently have made determinations to reduce wages in the way such determinations are now being considered in other countries; that is, on the basis of a four-day working week for four days' pay. This has been done in order to prevent unemployment occurring in that industry.

The West German motor manufacturing industries have a record of this happening at not infrequent intervals. I believe that the fact that the member for Fremantle cited those three countries as prime examples of countries with economies which are performing better in the worldwide recession being experienced at the present time, merely amplifies the point that they are countries in which the union movement has shown responsibility and community interest in approaching the wage determination processes.

What we are seeking to do in this clause is to ensure that that community interest is incorporated within the determinations of the Industrial Commission in this State and I am confident that, in the long run, should that be done, we will be able to perform in this economy in the same way as have the economies of Japan, West Germany, and Austria.

I support the clause.

Mr McPHARLIN: This clause is one of the most important provisions in this legislation. For many years approaches have been made under our system by unions to the Industrial Commission. That is a part of our process and nobody denies unions the right to make submissions in an endeavour to increase wages paid, regardless of whether those approaches are made to the Commonwealth Conciliation and Arbitration Commission, the State arbitration courts, or the commission.

However, for a long time I have indicated—and I have heard other people make similar comments—that the commissions and courts can be blamed for failing to take into consideration the state of the economy in Western Australia and, indeed, the whole of Australia, when arriving at their determinations.

It appears that on almost every occasion a submission is made, despite attempts by advocates of both Federal and State Governments to resist any wage increase, the commissions overrule the submissions by those advocates and grant increases without giving full consideration to the state of the economy.

This legislation requires that the commission shall take that matter into account in its determinations and it is very important that this provision is passed so that the commission is required to do that.

How frequently do members hear people criticise the cost of production in secondary industries in this State and Australia which makes it difficult to compete with commodities from other countries? Of course, we are all concerned about the present rate of unemployment. Nobody likes unemployment and it has a devastating effect on families which have difficulty meeting their commitments in the face of retrenchments. Nobody in any walk of life likes to see that sort of thing happening.

The downturn in the economy, the failure to sell many of our products, and the international recession are contributing to the increase in unemployment and the devastating effect this has on those who are retrenched.

If the arbitration courts and commissions give greater consideration to the economy of the country than they appear to have done in the past, we will all benefit.

I support the clause.

Mr YOUNG: Firstly, I point out to the member for Fremantle that a very important aspect of this clause has not been referred to yet, and that is the use of the words "where appropriate" in section 26(1)(c) of the Act. It is important that provision be read, because the amendments proposed by this clause are that the interests of the community as a whole must be taken into consideration and, in taking into consideration the interests of the community, certain other things must be considered also and the member for Fremantle and others have mentioned those.

We must bear in mind that, in exercising its jurisdiction under this provision, the commission must consider seriously the situation that is appropriate before it must take into consideration the matters referred to by the members for Fremantle and East Melville. In other words, if the Industrial Commission is sitting in respect of a matter that would not impinge upon the economy of the nation or even that of the State, or for that matter if it were a rather paltry claim and did not necessarily reflect tremendously on the economy of the manufacturer, the employer, or the group of employers, it would not have to take into consideration any of the aspects listed, because the commission obviously would not consider certain things to be appropriate.

Therefore, the commission would be obliged to read this particular provision where it refers to the first two aspects—that is, the state of the economies of the nation and Western Australia—in the context that it was dealing with a very large question which would have a significant impact; in other words, it was going to be appropriate to the nation's economy and the State's economy. Therefore, for the reasons espoused by the member for East Melville, it is reasonably appropriate that the State Government spell out, even if only for the edification of the Industrial Commission, its obligation to take into consideration those matters where they are indeed appropriate and the Industrial Commission would be obliged by this amendment to do that.

The member for Fremantle raised a question in respect of subparagraph (iii) as it relates to the capacity of employers as a whole, or an individual employer, to pay wages, salaries, and the like. That is an interesting question, and the member for Fremantle argued the case that, firstly, the Industrial Commission may, if persuaded by the argument under this particular provision, regard an employer as not having the capacity to meet a particular level of wages and, therefore, it would be entitled to make a determination under this subparagraph that something even less than the minimum wage could be paid.

Mr Parker: Not less than the State's minimum wage.

Mr YOUNG: Did the member for Fremantle argue that the commission could obviously bring

about a situation whereby a person, the subject of that particular determination, could be paid less than the minimum wage?

Mr Parker: Not less than the State's minimum wage, but the minimum wage, say, for a fitter.

Mr YOUNG: Fair enough; but less than the minimum wage applicable to that particular person. I believe that is not the case, because, if the member for Fremantle were to read section 50 of the Act, he would see it gives the commission specific power to make a determination either on its own motion or on the application of the council, confederation, Attorney General, or the Public Service Board.

Mr Parker: That is where you have me confused. By the way, the general order provision is a very good provision, and one of the few recommendations of Senior Commissioner Kelly that were implemented. However, it relates to the State's minimum wage, the wage that must be paid to any adult male in full-time employment. I wonder whether it can relate to a fitter, a carpenter, or somebody like that.

Mr YOUNG: The member simply is not correct.

Mr Parker: I am.

Mr YOUNG: Section 50 (1) says that a general order, as made under subsection (2), "may be made to apply generally to employees throughout the State whether or not they are employed under and subject to awards or may be limited to employees—(a) who are employed under and subject to awards; or (b) who are not so employed".

Mr Parker: But that is not the purpose of it. You must refer back to subsection (2) (a) which states that general orders may be made in relation to industrial matters, including the prescription of a minimum wage for adult employees.

Mr YOUNG: That is right.

Mr Parker: It refers to a minimum wage for adult employees, the rate set periodically as the minimum rate to be paid to any adult male employed. The reason for the introduction of section 50 in 1979 was that if someone was not covered by an award, it did not matter, because, if the commission determined a minimum rate, the employee would get paid at that rate. The reason for the order is that, if someone is not under the terms of an award, he still has to get this minimum wage. I was talking about minimum rates for classifications of employees—such as fitters—rates which do not come within section 50 at all.

Mr YOUNG: I would disagree with the member, if only as a result of the further clarification of the wording in subsection (4). That being as it may be, I still believe that the specific nature of that section would override the generality to which the member has referred. The particular argument would be found to be very much wanting if it were decided in either the Industrial Commission or any other forum.

I believe the member is wrong in fact, and he is inconsistent in philosophy. There seems to be a contradiction in what he said when one aligns what he said in respect of the argument against any provision allowing the commission to take into consideration the lack of ability of an employer to meet a certain level of wages. The claim that often is made is that certain claims ought rightly to be made in respect of the capacity of a group of employers—not necessarily an individual, but an industry or a group of employers—to make a payment because it does have a rather exaggerated capacity. In other words, the argument is that if the industry has the capacity to pay, it should pay, and should pay more. If the member claims this legislation should not contain the philosophy that the commission must take into consideration the lack of ability to make a payment, he is precluded, or estopped—if one cares to use that term—from making the claim that workers can put to the commission an argument that a particular industry in fact has an enhanced capacity to pay. For that particular reason I think there is an inconsistency in his argument.

I understand the member intends to move an amendment the next time he is on his feet. I point out—possibly this will save us time—that he has a swinging "and" at the end of his proposed amendment if he moves it the way he suggests.

Mr PARKER: Once my proposed amendment is moved and carried, I will be happy to delete the word "and".

The Minister's speech reveals that he does not understand the whole setup. It is difficult to know where to start to comment on his remarks; he is so far off the track that it is difficult to respond. In fact, this legislation does not come within his portfolio; but the tragedy is that he probably understands this legislation a little better than the Minister who has it within his portfolio.

In the industrial legislation in force before the 1979 Act, provision was made for a minimum adult wage. I could be wrong, but my recollection is that provision was made for a minimum wage prescribed each year; whether or not a person was covered by an award he had to be paid a minimum rate. The rate was applied to an adult male working 40 hours a week, and no matter what a person was doing he could not be paid less than

the prescribed amount. The same applied to adult females working 40 hours a week, but the rate was lower. I have no knowledge now of what the present minimum rate is as a result of my becoming out of touch with the situation, but I think it is about $160 a week.

When the 1979 Act came into force, it provided for the creation of these general orders. Senior Commissioner Kelly had recommended on the submission of the TLC—he had had lengthy talks with the TLC and employers—that these general orders be provided for groups of workers for whom there was no award. Many such people exist in our community. The general orders were designed to create minimum rates and conditions for those people irrespective of whether they were organised or had industrial coverage. Groups that come to mind are fruit pickers and some secretarial and clerical people who have no award entitlements whatsoever. They are meant to be the subject of general orders made under section 50, and the applicant would be either the Government, the Confederation of WA Industry, or the TLC. The applications were not meant to relate to specific trades or classifications, but to a minimum rate for everybody.

The intention was that a fitter could not be paid below that minimum rate, although from time to time he could be paid less than the minimum rate of a fitter under the award covering fitters. That is what the Minister fails to understand. Perhaps as a result of the verbiage I have used whenever I have spoken about a minimum rate, the Minister has conjured up the idea of a minimum wage, but they are different.

Mr Young: Would you admit though that your interpretation would not go so far as to presume that the commission under an application would have the power to reduce that particular award minimum to lower than the State minimum?

Mr PARKER: That is true; I would not say that. It would not have the power. But it is quite a considerable discrepancy; it is probably in the vicinity of $100 a week between the minimum State wage and a fitter's rate, so we are talking about a lot of money.

The point is that it always has been held that wages are a reasonable cost of an employer's operating his business, in the same way it is held that SEC charges, or water authority charges are a reasonable cost. A farmer must pay the reasonable charges applied by the various statutory authorities, and they are regarded as a reasonable cost of his business. It is never the case that an employer feeling the pinch can say, "I am terribly sorry, I would like a discount on my water rates" and he cannot say, "I would like a discount on my SEC bill." Nobody can say that. These charges are regarded as reasonable costs, and if an employer cannot bear them, that is his problem, not the problem of the Metropolitan Water Authority or the SEC. Such authorities need to maintain a reasonable rate to pay for the services they provide.

In the same way, a worker provides a service at a minimum rate determined by the commission, ratified by it, or negotiated by an employer group on behalf of an employer. It has not been the case and it has never been determined that it is possible for the employer to say, "I am sorry, the rate which everybody else is paying simply is too much for me; I will have to pay them $100 a week less." An employer has not been able to go to the commission and ask it to agree to such a proposition, and that is the first point I make.

I think the provision in this Bill is quite iniquitous, and I agree with the member for Melville that it is a difference of philosophy between the two sides of the Chamber. Quite frankly, I regard the income of the individual concerned as being of very great importance. None of these people we are talking about who are subject to awards of the commission are paid huge sums of money. The people who received huge sums of money do not come under the commission; they are people in professional occupations or are self-employed. Very few are paid anything like a decent sum of money when employed under the provisions of an industrial award, and that is my next point.

My third point relates to the capacity of individual employers, as opposed to the capacity of an industry as a whole or a State economy as a whole, to pay. I agree with the member for East Melville that in the best of all possible worlds one ought to be able to have a look at the whole of the economy and the way it is performing and work out the different shares of the cake and say, "That is it boys for the rest of the year" and everything is dependent upon that basis. Frankly that is not the way it happens here and the member for East Melville would be the last person to want that to occur.

Mr Trethowan: It happens in West Germany.

Mr PARKER: That is quite right.

Mr Trethowan: That is why they are much more successful.

Mr PARKER: Precisely the point; I said they take these matters into consideration. However, they do not take into consideration the question of the capacity of the employers to pay less than the rate which has been generally determined. There are circumstances where more than the general

rate for, say, a boilermaker is paid because a boilermaker carries out an important operation. A situation might arise where an individual employer says he is not able to pay the going rate so he will have to go back to the award rate. It is a difficult argument and I would not like that decision if I were the boilermaker concerned. This is a situation which must be understood and should be allowed for, but I do not think it is appropriate to the minimum rate which is determined in the award.

I move an amendment—

Page 5—Delete lines 13 to 37.

I believe the Industrial Commission does take into account the general economic circumstances, because so much of its actual activities are flow-ons of matters which have been determined by the national commission. I believe there should be some centralised form of wage fixation, but more broad than that which has been put by the member for East Melville. In general terms, the trade union movement, backed up by a large number of employers, supports the concept of some form of centralised wage fixing process. Some oppose this and want collective bargaining.

Some State Governments, including this one, want a more decentralised form of wage indexation. The current Federal Minister for Industrial Relations waxes and wanes on this matter, but I heard him say on the "Sattler File" that he was in favour of a centralised system of wage fixing; in fact, he thought it was essential. Of course, that is not the position with the Minister in this State, or with this Government.

It is pivotal to the way we regard the wage fixation process in this country and I believe the centralised form, which does take into account—as the member for East Melville has said—the general economic and specific concerns of the employers, ought to be a system which is used. However, that is not what will happen in Western Australia.

My final point is that to some degree the commission in Western Australia already takes into account all of these factors, but we have the situation where a number of employers—as Treasurer Howard has said—disguise the level of their profitability, especially in exports by transfer pricing, and they disguise how much money they make.

Amendment put and a division taken with the following result—

Ayes 20	
Mr Barnett	Mr Gordon Hill
Mr Bertram	Mr Hodge
Mr Bridge	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr Brian Burke	Mr Parker
Mr Terry Burke	Mr Pearce
Mr Carr	Mr A. D. Taylor
Mr Davies	Mr Tonkin
Mr Evans	Mr Wilson
Mr Grill	Mr Bateman *(Teller)*

Noes 27	
Mr Clarko	Mr O'Connor
Mr Court	Mr Old
Mr Cowan	Mr Rushton
Mrs Craig	Mr Shalders
Mr Crane	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr Hassell	Mr Trethowan
Mr Herzfeld	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Williams
Mr MacKinnon	Mr Young
Mr McPharlin	Mr Nanovich
Mr Mensaros	*(Teller)*

Pairs	
Ayes	Noes
Mr I. F. Taylor	Mr Spriggs
Mr Harman	Dr Dadour

Amendment thus negatived.

Mr PARKER: I did not have time to complete what I wanted to say about this question of capacity to pay. I think it is very important and if the Government really understood what it was doing with this clause, it would not be bringing it forward.

The Industrial Commission already takes into account the fact that certain industries have lesser or greater capacity to pay, despite the fact that the economy is in a certain state. However the fact that it is required to do this, in the way proposed in this legislation, indicates to me there could be grounds for appeals to the commissioner in court session or to the Industrial Appeals Court *ad nauseam* from people who claim the commission has not given sufficient weight to these factors in determing the issue. I regard that as a matter of some concern because it always is wise to avoid excessive legalism. I believe what the Government has proposed will lead to that in this arena.

Clause put and passed.

Clause 10 put and passed.

Clause 11: Section 29 amended—

Mr PARKER: Once again, this is to some extent a question of philosophy. This clause gives an individual employee referring an industrial matter to the commission, and who is not represented by a union, the power to appear in person or to be

represented by a legal practitioner or agent in connection with the claim. It is an interesting amendment because elsewhere in the Industrial Arbitration Act, with the general consent of the parties involved, it is made fairly difficult for legal practitioners to involve themselves in proceedings before the commission. They need to be there on points of law or with the consent of both parties.

Until section 29 of the 1979 Act was introduced, individuals had no right of access to the Industrial Commission. They had to go through unions either from the point of view of disputes or of enforcement before an industrial magistrate. Section 29 allows an employee referring a claim to the commission to appear by way of a lawyer or agent. Bearing in mind some of the matters listed as industrial offences and referring to industrial matters in the way the Government postulates, it could mean that an individual employee could be represented by a lawyer if he were taking an industrial matter to the commission which might relate to his problems with a union, but that the union would be prohibited from appearing. Similarly, his employer, if the individual were taking a matter against him, could be prohibited from being represented by a lawyer. If individuals are to have access—and I disagree with that as a matter of fundamental philosophy, but it is already in the Act—at least those individuals ought to be in the same position as are members of unions. This proposition promotes the non-unionist over the unionist.

Last night, we heard the member for Clontarf in a rare contribution to the debate say there would be no discrimination whatever; but this provision is discriminatory. If, for example, an employee who is a member of a union seeks to be reinstated and goes to the commission through his union, he is not allowed to have a lawyer unless the employer agrees. If an individual is not a member of a union and wants to be reinstated and takes his case to the commission, he is allowed to have a lawyer whether or not the employer or the union agrees. That is a form of discrimination, and it gives cause for concern.

This provision will give to lawyers greater access to the Industrial Commission because it will be possible for people to circumvent the matter by going as individuals rather than in some other capacity. Take the reinstatement case to which I referred. I think it would be possible for a unionist who wanted to go with a lawyer, to go in his individual capacity rather than through his union. In that way he would have the use of a lawyer. If that is the case, it undermines the philosophy—which we support in this case—that limited access to the commission should exist for lawyers. The only function of this provision appears to be to make money for lawyers. The fewer of them there are in the industrial arena, the happier I am.

It is inappropriate that a provision such as this which will increase access to the commission to lawyers should be upheld. I am not sure that employers will be able to circumvent the situation. From their point of view, any employee either honestly or somewhat dishonestly could be represented by a lawyer, but under no circumstances can the employers do that unless the other party agrees. That gives cause for concern. I suggest to the Minister this is not something that he or the Government should be supporting. I do not see any point to it.

If individual employees are to have a right of access to the commission—with which I disagree—and can appear in person or with an agent, they should be subject to the same restrictions in regard to the use of lawyers as are other parties to industrial matters.

Mr YOUNG: I am not sure whether the member for Fremantle may be working from a copy of the Legislative Council Bill as distinct from the Bill received in this Chamber, having heard one of the comments he made and also a previous question we discussed in respect of an amendment a short time ago.

Mr Parker: I was at one stage, but I now have the Bill received here.

Mr YOUNG: The member will be aware that the Legislative Council Bill was amended to read in subsection (3) as follows—

> an employee referring a claim to the commission under subsection (2) and the other party to the claim.

Mr Parker: Yes, I agree, but the point is that can still give a greater access to the commission.

Mr YOUNG: It does not change the member's argument, but during his remarks he raised the question of whether an employer might be able to be represented by a lawyer before the commission. I think that would have been clear in reading those words. All this section really does is give a person the same rights when appearing before the commission as he has when appearing before an industrial magistrate. If a person is appearing before an industrial magistrate, he has the right under the Justices Act and under the court rules to be represented by a lawyer.

Mr Parker: That is the whole point. The industrial magistrate is a legal body. It is a court of record; this is not.

Mr YOUNG: The other point I wanted to make was that this particular amendment refers only to section 29 matters which relate to unfair dismissal and denial of benefit of contract of service. The area in which a person may go to the commission with a lawyer is restricted. It relates only to any claim he may make in respect of the matters to which I have referred and not to any general matters. The member for Fremantle confused me with a reference to other industrial matters. It is confined to the particular areas I mentioned—unfair dismissal and where a person may not have been allowed by his employer a benefit under an award.

Mr Parker: Why should an individual employee as a non-unionist be able to go to the commission with a lawyer, whereas a unionist who goes to the commission is prohibited from doing so?

Mr YOUNG: I think the reverse is the case. If it is fair enough for a person to go before an industrial magistrate in respect of personal aspects as distinct from an overall industrial aspect, he should have the opportunity in regard to his own personal situation—and so should the employer to keep it on a *quid pro quo* basis—and the right to argue that particular case before the Industrial Commission with legal assistance.

Mr Parker: The point is there still will be a category of people who will be prohibited from having these matters argued before the commission with a practitioner; they will be those who go as unionists, not as individuals.

Mr YOUNG: That would be continuing so—

Mr Parker: They have the right to go before an industrial magistrate with a practitioner. The logic falls down. A union and a unionist have the right to take a practitioner before a magistrate.

Mr YOUNG: I can see the purely technical point the member is making.

Mr Parker: It is a matter of equity.

Mr YOUNG: It is an arguable technical point. When one argues matters like this where an extended right is being given to an individual or to somebody else, it must make some sense.

I cannot really see that a person who is a trade unionist and who is being represented by a trade union before the Industrial Commission necessarily will be disadvantaged by this particular situation. An individual appearing before the commission in respect of a very personal matter, perhaps to do with his dismissal or some benefit to which he is entitled, also does not have the expertise that the trade unions would have available to them. I take the point the member for Fremantle made about changing the wording to "an agent or representative", but I think he is nit-picking. Quite frankly, if a person is to go before the Industrial Commission as an individual, he should have the right to be represented by a lawyer, just as he has before the industrial magistrate. If that right is given to him under this clause, it is quite proper that it be given to the other party as well.

Clause put and passed.

Clauses 12 to 15 put and passed.

Clause 16: Section 41A inserted—

Mr PARKER: There is cause for quite considerable concern about proposed section 41A. In the 1912 Act, as amended, section 9B (2) (c) reads as follows—

> all industrial disputes in which the society or any of its member's may be concerned shall unless settled by mutual consent, be referred for settlement pursuant to this Act;

It is true to say that provision was observed more in the breach than in the observance, and it appears the same may well apply in regard to proposed section 41A which requires that as soon as a union, an association, or an employer becomes aware of the occurrence or continuance of industrial action, or if in the opinion of these bodies industrial action affecting them is likely to occur, they must notify the registrar.

I can guarantee that provision will not be operable. There is no way in the world that every industrial action will be notified to the registrar, taking paragraph (a) as a starting point, either by employers or by unions. I suggest that employers were just as much in breach of the old section 9B as were the unions. At one stage—it may have been when the member for South Perth or perhaps the present Premier was the Minister for Labour and Industry—all the iron ore companies were asked to notify the registrar automatically of any dispute which lasted over 24 hours. That request remained in force for some time until it became obvious that it was a very onerous proposition for the employers and for the registrar to carry out, and it was stopped. At one stage as well I recall that Hamersley Iron Pty. Ltd. used to notify every single stoppage of work to the Industrial Registrar. This happened even in the case of a 15-minute lunchtime meeting. So the registrar was receiving many notices every week.

Proposed section 41A is to cover those situations as well as more serious industrial disputes. I can understand that the Industrial Commission requires cognizance of an industrial dispute, but it is not reasonable to require the parties to notify the commission or the registrar of each and every dispute. This provision will be complied with only

in the case of major disputes or where it suits the purpose of some of the parties.

Paragraph (b) provides that a union, association, or an employer must notify the registrar when it is the opinion of one of those organisations that industrial action affecting them is likely to occur. I am aware that the Public Service in this State has grown at a faster rate than that of the Public Service in any other State. With all the Government's rhetoric about small government, the number of public servants has increased astronomically during the term of office of this Government. It may be that, with this legislation, the Government is entering into a job-creation programme because it is obvious that the Industrial Commission will require to employ at least another 30 people to service paragraphs (a) and (b) of this proposed section.

On some occasions an organisation may notify the registrar that it believes industrial action will take place. Obviously sometimes genuine mistakes will be made. However, on other occasions, mischievous people may report to the commission that industrial action is likely to occur when there is no such possibility. I know of no arena—apart from politics—that is so prone to rhetoric as is industrial relations. It may be that rhetoric is taken to mean possible industrial action and if the Industrial Commission is notified on every such occasion, the work involved would be enormous.

If prosecutions result from breaches of this proposed section, in my view that will be an abuse of the prosecution procedure. What is the justification for the requirement of such notification? In particular, what is its justification in regard to paragraph (b)?

We could say that if the Industrial Commission is to sort out industrial disputes at the earliest possible stage, it must be notified of them at the earliest possible stage. The position is that where a matter arises that requires the commissioner's intervention, the commission is notified of the dispute fairly quickly by one or other of the parties. If two parties are in dispute, they are not usually in cahoots with each other to keep the Industrial Commission out of the arena. That would happen in rare circumstances only. The commission does not have to take cognizance of disputes through this formal procedure. It can take cognizance of them in any way it wants to.

What is the reason for the inclusion of this provision? There have been no statements in the Chief Industrial Commissioner's reports to the Parliament, either by the present Chief Industrial Commissioner or by the previous one, that this matter is of concern to the commission. No concern of which I am aware has been expressed about it in the community. In the case of an important dispute about which the commission needs to know, it is usually informed fairly quickly.

Under the provisions of some of the earlier clauses in the Bill which already have been passed by the Committee, the Industrial Commission has no power to enter into disputes about certain matters such as union dues and housing rentals. What will happen when the commission is notified about disputes relating to one of these matters which are not within its jurisdiction? Will the workers go on strike? That is what the Government is encouraging them to do with this legislation.

I am suggesting to the Government that it should not proceed with this clause. Its provisions will not be observed either by the unions or by the employers. It is another piece of legislation which will bring this whole place into disrepute. I urge members to seek to delete this provision from the Bill by voting against the clause.

Mr YOUNG: The member for Fremantle is almost unfettered in his imagination when it comes to his trying to think up reasons that particular aspect of this legislation will not work. I remind him of the legal maxim, *de minimus non curat lex*, which simply means that the law does not concern itself with the sort of trifles referred to by him. Clearly this clause is designed to give the commission early knowledge of a dispute so that it may institute some form of action as it thinks fit.

It is simply not correct for the member for Fremantle to oppose the clause with the argument that, for instance, someone might form an opinion that an industrial action is likely to take place; therefore, every time someone forms an opinion of that nature, we would have to have an army of employees ready to swing into action and notify the commission. That is not the sort of thing with which the law concerns itself. The law does not concern itself with those sorts of situations.

If somebody becomes aware of the fact that there has been some sort of industrial occurrence—someone has threatened to do something to a fellow employee, a shop steward, or the like—and all it amounts to is the threat of some sort of physical pushing and it is not likely in any way to affect the carrying on of the situation, this legislation does not demand that person should report the matter to the commission, because he has construed that industrial action might take place.

It is stretching the imagination to make the assumption that those sorts of situations would have to be notified. The member for Fremantle asked what was the justification for this provision.

Clearly it is this: Under the law at the moment nobody is obliged to report to the Industrial Commission except the Industrial Registrar if he is of the opinion some form of industrial action is likely to take place.

If the Industrial Registrar becomes aware that this situation pertains, he is obliged to report it to the Chief Industrial Commissioner. Unfortunately, the Act does not require anyone to tell the Industrial Registrar, so he has to obtain this information from the newspaper, through scuttlebutt, or, as the member for Fremantle suggested, from the fact that the parties to the dispute—either one or both of them—told him. That is not good enough. This amendment simply says that, where the Act currently obliges somebody to report to the Industrial Commissioner, to wit, the Industrial Registrar, it will now be necessary for any person who is in a good position to know that particular industrial action might occur, to report it to the Industrial Registrar so that he, in turn, can pass on that information to the Industrial Commission.

It simply makes the Act possible of performance. Quite frankly not only would the law not concern itself with the arguments advanced by the member for Fremantle, based on the sorts of assumptions he made in respect of paragraphs (a) and (b), but also no ordinary person administering the Act would concern himself with them.

Mr PARKER: Unfortunately we do not have an ordinary person administering this Act; we have the Minister for Labour and Industry and that is a matter of some concern.

Mr Laurance: Meaning extraordinary.

Mr Pearce: Subordinary.

Mr PARKER: It depends on one's definition of "extraordinary". "Unbelievable" would be another word to describe the Minister for Labour and Industry. I am concerned that some of these matters can be prosecuted by the Minister. It would be possible at any stage for the Government or anybody else who wanted to, to find a situation in which a union had failed to notify as required by proposed new section 41A(a) and (b). That would be a very simple way in which to take on a union, if that was what someone wanted to do.

In some circumstances it may not be appropriate for the Industrial Commission to be notified of certain disputes. For example, the member for Bunbury referred to eyeball-to-eyeball discussions as being one of the best ways to resolve a whole host of disputes. I would be the first to agree that if one can sort out disputes on the shop floor between those involved, one should do so.

However, while the member for Bunbury is having an argument with the chief salesman from the car yard as to the level of commission he should receive, why should he be required to inform the Industrial Commission that he was having this argument which could give rise to industrial disputation? It would be much better for the member for Bunbury to use his eyeball, in the manner he described previously in such graphic terms.

Mr Sibson: At least we agree on that point. Perhaps the Press will give us a dual run in tomorrow's paper.

Mr PARKER: One never knows. I will come down and talk about it with the member for Bunbury in his home town in a few days.

The CHAIRMAN: Order! I suggest the member for Fremantle address his remarks to the Chair.

Mr PARKER: In a number of circumstances it would be improper for the Industrial Commission to be notified of the types of matters described by the member for Bunbury. In those cases, the employer and employee would be able to sort out the problems themselves.

Members opposite talk about the dead hand of bureaucracy and Government interference; therefore, why should this body interfere if neither party to the dispute wants it to do so? It is our position that the primary responsibility should be for the parties to sort out their own problems and if neither one of them wants the Industrial Commission to know about the dispute and it is not causing any dislocation to the public, why should it be notified?

Mr Young: The proposed new section would not demand that, under those circumstances, notification be made.

Mr PARKER: It would.

Mr Young: Read the words.

Mr PARKER: I did.

Mr Young: Read them again. They say—

> 41A. As soon as a union or association or an employer—
>
> (a) becomes aware of the occurrence or continuance of industrial action affecting the union, association or employer, . . .

Surely no-one in his right mind would interpret what the member for Fremantle described as affecting that particular body if better arrangements could not be made.

Mr PARKER: I do not even understand that interjection.

Mr Young: Come on! I know you don't want to understand it, but it is pretty clear.

Mr PARKER: The Minister is misinterpreting the words and he is ignoring the words in paragraph (b) which refer to "affecting the union" and "is of the opinion that industrial action . . . is likely to occur". That covers the situation referred to by the member for Bunbury. I really do not see the point in our having it there.

Mr Young: No-one who has jurisdiction over these matters, either in the courts or in the commission—or no-one who ought to sit on them—would interpret this proposed new section in the way you are interpreting it; in other words, to say that a matter will affect the union if someone is simply talking about it. I think you have a great suspicion of people who have to sit in judgment on these matters.

Mr Brian Burke: You could have learned a lot from Sir Des O'Neil.

Mr PARKER: The provisions are unnecessary and to the extent that they are able to be used, even taking the Minister's arguments, they are inequitable.

Mr Tonkin: They are intrusive, too.

Mr PARKER: I suggest they should not be in the Bill and, therefore, I oppose them.

Clause put and a division taken with the following result—

Ayes 26	
Mr Clarko	Mr Mensaros
Mr Court	Mr O'Connor
Mr Cowan	Mr Old
Mr Coyne	Mr Rushton
Mrs Craig	Mr Shalders
Mr Crane	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Trethowan
Mr Hassell	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Williams
Mr MacKinnon	Mr Young
Mr McPharlin	Mr Nanovich *(Teller)*

Noes 20	
Mr Barnett	Mr Gordon Hill
Mr Bertram	Mr Hodge
Mr Bridge	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr Brian Burke	Mr Parker
Mr Terry Burke	Mr Pearce
Mr Carr	Mr A. D. Taylor
Mr Davies	Mr Tonkin
Mr Evans	Mr Wilson
Mr Grill	Mr Bateman *(Teller)*

Pairs	
Ayes	Noes
Mr Spriggs	Mr I. F. Taylor
Mr Herzfeld	Mr Harman
Dr Dadour	Mr McIver

Clause thus passed.

Clause 17: Section 43 repealed and substituted—

Mr PARKER: This clause is a rewording of section 43 of the Act, and it is very important that it be explored in detail. Under the Commonwealth Conciliation and Arbitration Act, at least since 1956, it has been the first duty of the commission to conciliate and to attempt to achieve a conciliated position. If the commisson proceeds to arbitration without having exhausted the avenues of conciliation, that is considered to be a misuse of its powers and any decision made under that arbitral procedure is subject to appeal and overturn. That has not been the position in Western Australia for most of this century.

As someone who has dealt extensively in the State and Commonwealth industrial jurisdictions before the coming into operation of the 1979 Act, I know the very marked difference between the way disputes were handled in the two jurisdictions. In the Commonwealth jurisdiction, generally attempts were made to achieve conciliation. On many occasions when I was involved in a dispute, I would find the commissioner saying, "I am not going to examine this issue; you ought to be able to sort it out." The commissioner would then send the various parties away and perhaps call a conference at a later time, set a hearing for a later date, or adjourn the matter *sine die* if the parties were still having problems. That was the situation in the Federal sphere.

The situation in Western Australia was that, if one were to blink twice, the commission would try to take charge of the matter. In 1979 that was one of the things that flowed from Senior Commissioner Kelly's recommendations to move to the Federal situation where conciliation was paramount and a decision was appealable if conciliation was not used to solve a dispute before it reached the situation of arbitration in the commission.

Clause 17 now proposes that we should move a long way back towards the 1979 position. This shows a considerable lack of confidence in the former Minister for Labour and Industry, the present Premier, as so many of the provisions he put forward in the 1979 Bill, the present Act, are being tampered with. One of the good things he introduced in the 1979 Bill was that the parties were required to conciliate and the commission was required to allow conciliation before arbitration commenced. Section 43 of the Act reads—

> 43. (1) The Commission—
>
> (a) shall endeavour by all means reasonable in the circumstances of the case, to settle

by conciliation all matters which come before it; and

That corresponds with proposed new section 43. To continue—

(b) subject to subsection (2), shall not deal with a matter by arbitration unless it is satisfied that further resort to conciliation would be unavailing.

That situation is to be changed so that the commission may proceed with arbitration unless someone can show why a dispute should not go straight to arbitration. Proposed section 43(2)(a) and (b) reads—

(2) notwithstanding subsection (1), the Commission may proceed to deal with a matter by arbitration—

(a) if it is satisfied that further resort to conciliation would be unavailing; or

(b) without first resorting to conciliation if—

It then indicates three points including a reference to proposed section 96I, introduced by clause 30 of the Bill, which allows orders to be made after a conviction. It indicates that there should be no conciliation over orders, and I will comment further on this when we debate clause 30. However, it completely reverses the current process.

At the moment, the onus is on a party to show why it cannot settle a dispute by conciliation without its having to move to arbitration. The rewording of the Bill transfers the onus to say that the commission can go directly to arbitration and a party has to show cause why this should not happen and why this move does not fall within proposed section 43(1) (a) to (c).

I suggest that existing section 43 is appropriate as it places the correct emphasis on conciliation as the means to settle industrial disputes, whereas the Bill places emphasis on arbitration and coercion of parties involved in an industrial dispute.

Proposed section 43 also has a reference to proposed section 96I, which will enable the commission to make orders very quickly, as the Minister already has indicated. I remember being part of the TLC's deputation that met with Senior Commissioner Kelly on a number of occasions when he was undertaking his review, and talking about some of the orders that should be available for recalcitrant unions. He said then that these things would not happen quickly. Parties would be given every opportunity to settle disputes and no-one would find overnight that an order had been made against him to pay a huge amount of money or to go back to work, because conciliation would be allowed to take place.

This clause is an attempt to move away from the philosophy exemplified in Senior Commissioner Kelly's report and towards the philosophy of coercion which says, "Let us deal with the unions quickly; let us have them charged and fined; let us get them over the barrel straight-away." No attempt is to be made to conciliate. If a matter comes under proposed section 96I, a commission has no responsibility to attempt to conciliate in the matter. That is a travesty and ought not be allowed to proceed. I strongly oppose clause 17.

Mr YOUNG: The member for Fremantle suggested this clause represented a reversal of some form of onus. I know he did not refer to the onus itself, but he said someone had to convince the commission that it should deal with a matter by arbitration before the onus of the commission was removed. The existing section 43(1)(b) indicates that the commission will not deal with a matter by arbitration except in certain circumstances. In reading this clause, one can see there has been a clear redrafting of the existing subsections (1) and (2). A more reasonable interpretation of this than that construed by the member for Fremantle would be that this part of the clause simply redrafts the existing section 43 and straightens it up.

The suggestion of a change in the obligation of the commission is not a correct one in the context that the commission can satisfy itself; it does not have to be satisfied by someone else. It would be fair to interpret this part of the clause by saying that the commission can arrive at the conclusion that it should proceed to arbitration without having been persuaded to move that way by anyone.

Therefore it is not unreasonable to change the drafting of this section so that subsection (1) would read as follows—

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

That first requirement exists under this clause. It then goes on to say—

(2) Notwithstanding subsection (1), the Commission may proceed to deal with a matter by arbitration—

(a) if it is satisfied that . . .

The member for Fremantle has referred to those other things. I cannot see any argument advanced against that proposition apart from the argument the member for Fremantle has stated he will advance under clause 30, in respect of proposed new section 96I. Why should not the Industrial Commission be given the opportunity to proceed and speed matters up if it first has taken into consideration the fact that conciliation is its first obligation? Why should it not then form an opinion if it is dealing with a matter that involves the ascertainment or declaration of an existing right; for instance, why should it not proceed to arbitration if the situation appears to it to be a *fait accompli*? Why should it not proceed to arbitration if the parties to the matter request the commission to do it? That is another part of this provision. Why should it not proceed to arbitration if it has satisfied itself that further resort and conciliation would be unavailable?

Proposed new subsection (3) states—

> Notwithstanding subsection (1), the Commission may proceed to deal with a matter referred to in subsection (1) (a) of section 45 by making an order under that subsection without first resorting to conciliation. "

We must look at section 45 to see what happens there in respect of matters in existence when an industrial matter has commenced. It seems to me that, in a redrafting of section 43, this matter has not brought about anything untoward as suggested by the member for Fremantle.

It simply makes the position clearer and introduces the new concept that can be considered under section 45 which is the speed in dealing with matters which already have come to a head and already have been subject to industrial action—those disputes which did not remain as threats, but which, in fact, occurred. The amendment to section 45 will be debated when we reach clause 19. I do not think the member for Fremantle has put forward a reasonable cause for knocking out this proposed new section, if one looks at what it actually does.

Mr PARKER: The Minister again shows that he really has no concept of the way in which things should operate in the industrial sphere. It should not necessarily be the major intention to try to get things done very quickly. I accept that, if there is industrial action going on, the shorter the length of time over which it prevails, the better, from the point of view of a person concerned; but the whole idea of providing for conciliation—as a method of resolving a dispute as opposed to arbitration—is that in the long run we are likely to get less industrial disputation if people settle their disputes between one another than we would if some decision has been imposed upon us for some arbitration procedure. That is almost indisputable. It is certainly the very strong view of the Federal commission, and, I think, of the High Court.

Mr Young: That still remains the paramount obligation of the commission.

Mr PARKER: That is the point. The Minister says it is the paramount obligation, but the legislation faces away from it, because under the current position the commission cannot proceed to an arbitration hearing unless it feels that any further conciliation would be of no avail. Now it will be able to proceed even if it does not feel that way.

Mr Young: Why should it continue to attempt conciliation that is only likely to take more time and, more importantly, to allow people to lose more wages, if it has formed the opinion that further conciliation would be of no avail?

Mr PARKER: That is in the existing Act though.

Mr Young: Yes, I know.

Mr PARKER: In the existing Act, if it forms the opinion that it will be of no avail, it can proceed to arbitration.

Mr Young: So can it under this provision.

Mr PARKER: Even if it does not think that further conciliation would be of no avail—and that is the argument I have with the Minister, in regard to a whole range of issues—

Mr Young: If two parties agree, for instance, are you saying they should not be allowed to proceed to arbitration? That is one of the ranges.

Mr PARKER: No. If the two parties agree, they already have the power. There is no necessity to put it in the Bill because that is a commission decision; that happens federally all the time and, I am sure, here in Western Australia. Where parties say, "We know we cannot come to agreement. Please go ahead and arbitrate the matter", the commission does so. There is absolutely no point in that section; it is of no avail. The point is that the way the wording has been recast means the commission no longer has to be satisfied that it would be to no avail to further conciliate.

Mr Young: That is not right.

Mr PARKER: That is right, and that is the problem which is of concern. Proposed section 96I will relate to what one would hope would be serious industrial disputation which takes place if the commissioner is going to say, "There is not going to be conciliation on this question. We will go straight into the hearing and determine the matter and cop the outcome of it". That is what

will happen under the provisions in proposed section 96I. Maybe the workers will return to work that day, the next day, or two days afterwards, and this will be a victory for the system in the long run, the Government thinks: however it will be a defeat for the system because in the long run those people will be dissatisfied because they have had to cop a particular decision which has been imposed on them by the Industrial Commission rather than their being able to settle their problems. This will give rise to and facilitate discontent which will continue for a long period and will give rise to further future industrial disruption.

Once again, I find the Government's attitude towards these things to be quite extraordinary. The Government believes that if it says something should happen, it will happen, and that is an extraordinary position for any Government to take. It does not work that way; life does not work that way and, most particularly, industrial relations which are largely human relations, do not work that way because people have feelings, pride, and strength which will be abused and they will not detract from this simply because the Minister for Health says they should. He might be able to achieve that within his own department, but he will not be able to achieve that with the community generally. He has no understanding of the way in which this Bill will operate. The recasting and rewording of this clause will mean the commission will be able to proceed to arbitration on a whole range of questions without having to be of the view that recourse to further conciliation would be of no avail, and I suggest that that is not the appropriate way to proceed. It goes against the whole purpose of industrial legislation and against the whole thrust of Mr Commissioner Kelly's report which at least formed the basis of the proposals which were brought before the Parliament in 1979. It should be opposed strongly.

Mr Tonkin: Hear, hear!

Clause put and a division taken with the following result—

Ayes 27

Mr Clarko	Mr O'Connor
Mr Court	Mr Old
Mr Cowan	Mr Rushton
Mr Coyne	Mr Shalders
Mrs Craig	Mr Sibson
Mr Crane	Mr Soderman
Mr Grayden	Mr Stephens
Mr Grewar	Mr Trethowan
Mr Hassell	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Williams
Mr MacKinnon	Mr Young
Mr McPharlin	Mr Nanovich
Mr Mensaros	*(Teller)*

Noes 19

Mr Barnett	Mr Hodge
Mr Bertram	Mr Jamieson
Mr Bridge	Mr T. H. Jones
Mr Bryce	Mr Parker
Mr Brian Burke	Mr Pearce
Mr Terry Burke	Mr A. D. Taylor
Mr Carr	Mr Tonkin
Mr Davies	Mr Wilson
Mr Evans	Mr Bateman
Mr Grill	*(Teller)*

Pairs

Ayes	Noes
Mr Spriggs	Mr I. F. Taylor
Mr Herzfeld	Mr Harman
Dr Dadour	Mr McIver

Clause thus passed.

Clause 18: Section 44 amended—

Mr PARKER: This clause proposes to amend section 44 of the Act which allows an individual to be effectively summonsed to attend a compulsory conference. At the moment the employer, or the employer organisation on his behalf, or the union can call a compulsory conference and can have brought to it those persons it wishes to attend. If they do not attend, they commit an offence.

The amendment proposes that an employee in respect of a dispute relating to his entitlement to long service leave can call a similar conference. This obviously is designed to cater for a person who is not a member of a union and is not eligible to go before the long service leave appeal tribunal. If agreed to, the clause will create an extraordinary situation. The people of whom we have been speaking before—the bludgers who refuse to join unions because they do not want to part with their money—could find they are not receiving their rightful entitlements with regard to long service leave and could call a compulsory conference. This could result in a trade union officer being summonsed to a compulsory conference.

The person who has refused to pay his union dues has the ability, under this proposal, to call a compulsory conference and can nominate the persons he wants to attend the conference. One of them could be a trade union officer whose wages are paid for by the people who pay the union dues.

Leave to Continue Speech

Mr PARKER: I seek leave to continue my remarks at a later stage of the sitting.

Leave granted.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Mr Nanovich.

QUESTIONS

Questions were taken at this stage, during which the sitting was suspended from 6.17 to 7.30 p.m.

WATERWAYS CONSERVATION AMENDMENT BILL

Second Reading

Debate resumed from 4 November.

MR BARNETT (Rockingham) [7.33 p.m.]: This Bill is placed before us in order that we might amend two sections of the Waterways Conservation Act. The first amendment will include canal developments under the control of waterways authorities, specifically canal developments that should be under the control of the Peel Inlet Management Authority. Of course, the Opposition has no objection to that amendment.

At present the Peel Inlet Management Authority has no control whatsoever over canal developments; it has control only up to the entrance to those developments. Obviously it is necessary with the sorts of environmental problems being experienced within the Peel Inlet area that this amendment be made.

The second amendment demands that any vessel licensed to carry more than 10 passengers and operating within the controlled waters be fitted with a water closet or other prescribed sanitary appliance. The Opposition feels this measure to be quite appropriate; it is particularly sensible in view of the Government's installing pump-out facilities at Barrack Street Jetty.

The legislation demands that these vessels use that facility so that their waste is pumped into it. I understand that on various occasions this waste has been pumped into the river.

We on this side of the House will give the Government approval to proceed with the legislation

MR LAURANCE (Gascoyne—Minister for Conservation and the Environment) [7.36 p.m.]: I thank the member for Rockingham, and the Opposition as a whole, for their support of the measure, which I commend to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr Laurance (Minister for Conservation and the Environment), and transmitted to the Council.

JUSTICES AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 28 October.

MR GRILL (Yilgarn-Dundas) [7.39 p.m.]: This Bill has caused some considerable interest since it was introduced in another place. It deals with the question of domestic violence and grapples with an effective redress for domestic violence. The community as yet has not come up with an effective answer to assaults occasioned in the home, generally by a husband upon his spouse. This legislation in its own way addresses that problem.

The attitude of the ALP in respect of this legislation has been expressed in another place, but I indicate to this House that we do not oppose it. We support the legislation because we consider its objectives are laudable. However, there are amongst us some who doubt that the Bill will be effective. We are dubious as to the efficacy of the provisions of this legislation.

It has been the boast of Western Australia, for some years now, that we have set up a Family Court which has an all-embracing jurisdiction and which is more effective than Family Courts set up in other parts of the Commonwealth.

It is the view of some members of the ALP, and it seems to be the view of the legal profession, that this reform of the law should have been effected, not under the Justices Act which deals basically with criminal matters, but under the Family Court Act which deals with questions relating to the family and with matters of domestic violence.

By and large, the legislation before us is a copy of legislation which was enacted in South Australia in April of this year. It is interesting to note that South Australia does not have a family law court with an enacted jurisdiction as we do in this State, so it is rather surprising that this reform of the law should be enlarged under a branch of the criminal law rather than under a branch of the civil law which deals directly with matters relating to domestic situations.

I understand that view has been put to the Government by the Law Society and I am surprised it has not taken some notice of it. Another concern of lawyers is that the legislation under consideration contains no provisions to obtain an effective interim order. The objectives of the Bill can be frustrated by the fact that there is no effective interim order proceeding. Given that the object of this legislation is to engender a situation where there is a speedy response to an urgent situation of domestic violence, such situations normally occur when a man comes home drunk, in a foul temper, and in frustration and drunkenness beats up his wife and children. Under the legislation proposed the spouse and/or the police then can apply to the Court of Petty Sessions and proceed against that man. It is open to the complainant in this case to take out that complaint, either by *ex parte* proceedings or in open court.

In the event that the husband gets wind of the application or is served with a summons and turns up in court to defend the matter, it is unlikely it will be dealt with there and then. Where a man pleads not guilty, the case will be listed for some future date and it could mean a week's delay or some weeks' delay before the hearing. It is most unlikely that a Court of Petty Sessions—the basic objective of which is to handle matters of petty crime, those relating to the Traffic Act and such—will be able to deal expeditiously with a defended hearing under the provisions of this legislation.

The very objective of the legislation—namely, a swift and effective remedy for domestic violence—will be frustrated in the case either where the offending spouse is served with a summons and pleads not guilty or where he gets wind of the proceedings, turns up in court, and pleads not guilty.

Those thoughts I have expressed are not my original ideas; they are ideas that have been presented to the Government in a report by the Law Society and it would seem to me that these considerations should be taken into account by the Government because they could effectively spell the death knell to this legislation.

Another misgiving we have about the legislation is that it does not address the primary problem faced by a complainant spouse after she has been assaulted by an errant husband; that is, the police are loath to act in these sorts of circumstances. Police are very loath to act and that is something I think we can understand. Statistics have indicated that the police officers run quite considerable risks to their own bodily health in circumstances of domestic violence.

I have no doubt that most members in this Chamber can think of situations where the police have been injured. In the last two years, some police officers have been killed in situations where they have been called because of domestic violence.

It is a policy decision; policemen do not wish to be involved in cases of domestic violence. This legislation ignores that fact and that is the real nub of the problem. What is required is a clear direction to the police that they need to act in these situations.

Mr O'Connor: That would be difficult in some circumstances. I think you would agree with that.

Mr GRILL: Most certainly. That really is the nub of the problem and I would be interested to hear what the Premier thinks is the solution.

Perhaps we have to say clearly in legislation—and I think the Family Court legislation is the place to do it—that the police have a duty to intercede in these situations. I can understand the reason they do not wish to intervene, as can the Premier.

Mr O'Connor: It is a very difficult problem—we have agreement in that area.

Mr GRILL: Another reason the police officers are loath to interfere is that when the offender is finally brought before the court—days or weeks after the offence—they do not have the evidence required. In 99 cases out of 100 they do not have the evidence because the complainant spouse is no longer prepared to give evidence against her husband.

Mr O'Connor: This can alter in minutes in a family dispute. There may be a dispute where someone else interferes and all of a sudden the wrath of all comes on that individual.

Mr GRILL: That is quite true. That is another argument why these sorts of problems should be removed from the criminal law and put in their proper context which, in my view, is in the domestic court—the Family Court of this State. In that court, by and large, these sorts of complaints are pursued by spouses. However, once the complaints reach the criminal sphere, spouses are loath to continue with them.

I realise the Government is bringing forward this legislation as an interim measure and a study is going on so that Federal amending legislation might be introduced. No doubt, in due course, that will be enacted by the States. However, we feel that the objectives of this Bill, laudable as they are, could have been better effected by two simple amendments to our Family Court Act. The first would have been to extend the jurisdiction of

the Family Court in cases where the spouses or the *de facto* couple had no children, because the Family Court cannot act in these cases at present. We believe the Family Court jurisdiction could be extended to operate within the full spectrum of matrimonial and quasi-matrimonial situations.

The other simple amendment to the Family Court legislation would be a direction to the police to police effectively non-molestation orders, and to take certain action when a spouse is assaulted in domestic circumstances. It is clear that police policy at the moment—I do not think it is disputed—is not to interfere in domestic situations. By and large, when the police are asked to call at a house where an assault has taken place, evidence exists that such an assault has occurred. The wife has a black eye, or the children are crying, or someone is distressed. Normally, there is sufficient evidence for the police to press charges. Police are not prevented from taking some action by an evidentiary situation. It is the policy of the Police Force—fairly well founded as we have agreed—that it does not have a major role in these domestic situations. That role has to change to some extent, and it may be better that a clear direction is given to the police that they are to go to the assistance of distressed spouses in these circumstances, and where necessary, charges should be brought.

I understand other speakers on this side wish to comment on this legislation. With those few remarks and reservations, I indicate that the Opposition supports this Bill because of its objectives which we consider to be laudable.

MR PEARCE (Gosnells) [7.55 p.m.]: I support the remarks of the member for Yilgarn-Dundas when he indicated the Opposition will vote in favour of this legislation. However, it is true to say we will do so without a lot of joy. It may be that this amendment to the Justices Act will create some legal process which does not currently operate in relation to domestic violence in this State. It falls far short of what is required. Yesterday, when discussing the Criminal Injuries Compensation Bill, I said as a kind of damning-with-faint-praise compliment to the Attorney General that the Government has taken up some of the women's issues we have been putting forward for some time. This legislation is one of them.

Some of the key points we have made in drawing up an agenda of issues on which reforms are needed to assist women in the community have been in the area of rape law reform where the Government is moving slowly and has not presented its recommendations to Parliament, and in getting a better system of criminal injuries compensation for raped women. Last night we gave the garland to the Government for introducing reasonable legislation in that respect. Apart from equal opportunities in regard to which the Government has not yet come to the party, the other area is that of domestic violence. My colleague in another place, the Hon. Lyla Elliott, twice has moved motions calling on the Government to enact some domestic violence legislation.

As our shadow Minister for women's interests, I have been attempting to formulate a Bill on domestic violence, looking at the legislation which has been introduced in some other Australian States and in the United Kingdom. I believe a separate piece of legislation is required to deal firmly with domestic violence.

Although this Bill provides a better situation than that which currently exists—and the member for Yilgarn-Dundas is right in pointing out that some of the problem stems from police policy and not necessarily from the legislation—the main problem thrown up by this Bill is that a person must be beaten up at least once before he or she can get any assistance. In a woman's case, it is required that she be beaten up sufficiently for the matter to go to court or for a policeman to go to an authority and get an order that she is not to be beaten up again. You would agree, Mr Speaker, it would be passing strange if we were to say that some degree of protection from mugging in the streets would be available once a person had been mugged. We would not accept that proposition in other areas. Would we say women should be raped once before they can go to court and get a non-rape order so that the police can go around and prevent women from being raped?

Apparently the Government is prepared to say that once a woman has been beaten up she can go to a court and get an order, or a policeman can get an order relating to her husband. That is not a satisfactory situation. The member for Yilgarn-Dundas is quite right in saying that, generally, the police will not go into a domestic violence situation where a woman is being beaten up because they consider it a domestic matter. The reason for this may be that when tempers have cooled and people have reassessed their situation, the case will not proceed; the police, knowing the case may never reach the courts, do not go in the first place.

The requirement is not that a case reach the courts, but that men be prevented from beating up their wives and/or children; not that they be punished subsequently. When women seek assistance from the police, it is often when they are being terrorised or assaulted. It may be nice to tidy up procedures which are to follow such an assault, or to attempt to prevent a repetition, but it

is necessary that the crime being committed be stopped at the time. We do not require special laws to do that.

If you Mr Speaker, were in the habit of assaulting your wife, you would be committing just as much a crime as if you were in the habit of beating up your constituents.

Mr Young: He is a "beater", not a "beatee".

Mr PEARCE: Mr Speaker, it is not required that before you can be charged, you must have a record in this area—that you have been known to assault some stranger in the streets, perhaps a Labor voter in your constituency who has drawn himself to your attention and whom you have assaulted. You are not entitled to do that, and the person being beaten up by you is entitled to call for assistance to prevent your so doing. The police will attend under those circumstances, and I hope they will be in time to rescue your poor victim.

However, the same courtesy is not likely to be extended to your wife if she were to ring the police to complain that you were beating her up. Even under this legislation, your wife would be required to undergo at least one beating for an order to be issued, so that the second time around she could say to the police officers, "Not only am I being beaten up now, but also I have an order. Will a policeman please come to my aid?" and a police officer may then come.

The improvement of the amending Bill over the present law is that the police may come on the second occasion whereas at the present time the chances are that they will not come at all, no matter how many times the situation recurs. That is the problem and I do not think it is satisfactory to say that the police will intervene on the second occasion.

What is required is police action in regard to domestic violence. These situations should be resolved. The member for Yilgarn-Dundas is quite right in saying that police officers are unlikely to attend not only because it is unlikely the case will ever reach a court, but also because they are placing themselves in a situation of personal danger. When they attend incidents of domestic violence, emotions are running high and people are likely to be acting very irrationally. In the circumstances of anger generated inside the family, people are likely to find relief in expressions of violence and to deflect that violence towards the police officers.

As the member for Yilgarn-Dundas said, a number of policemen have been murdered in these circumstances. Passions run high, and sometimes the attempts of the police officers to intervene have resulted in police officers being killed or badly wounded. What is required, as an adjunct to any legislation to deal with the problem of domestic violence, is a domestic violence squad. Police officers must be trained to deal with these situations. They must be aware of the emotional traumas suffered by the participants and they should be able to deal with situations in a way which is least likely to deflect violence towards themselves. No such training can be foolproof, but we would have a better situation than the one we have at present.

I am not, as I alleged you might be, Mr Speaker, in the habit of beating up my wife. However, I did become involved in a very traumatic domestic violence scene which took place in my own home. I was sound asleep at 6.30 a.m. one day when there was a violent hammering on my front door. A woman with whom I was otherwise unacquainted was standing there and quite hysterical. I can assure members that it is not a funny situation to be in. I suppose that this woman came to me because I am a member of Parliament. I let her in, and very shortly aferwards her husband hammered on my front door while she was cowering in my family room. The husband was equally hysterical, and I found out later it is believed he was under the influence of drugs. He demanded admittance to my house so that he could continue to beat up his wife. I was unable to cope with the situation, and I suggest other members of Parliament would have found themselves in the same position. I was reluctant to try to eject the husband, but, on the other hand, I had no intention of pushing the woman out so that he could beat her up again. What I did was to close the door, and strangely enough this silenced the husband. It was a funny situation because every time I opened the door the husband would commence screaming again.

After about 15 minutes I called the Armadale Police Station and a very efficient young police officer was sent around. He locked the husband in his van for a while.

Mr Hassell: I'll bet that worked!

Mr PEARCE: It did work. The police officer then took the wife back to her home, waited while she packed some clothes, and then drove her to where she wanted to go. A few days later she moved back in with her husband and they have been a happy couple ever since. No charges were ever laid. The intervention of the police officer at that stage was tremendously effective. This young police constable was the soul of diplomacy and he was able to resolve an extremely awkward situation.

The point I am making is that the constable attended my house because it was a matter of trespass and not just one of domestic violence. If the woman had stayed in her own house and telephoned for help, the police would not have attended. It was a classic situation, and one that a police officer was able to resolve without the need to arrest anybody. It did not lead to a court case, but the presence of a person in a uniform had the desired effect.

I am aware that police officers have many duties, and it may be that an officer was sent to my house although one may not have been sent to the house of an ordinary member of the public. However, I hope that is not the case. I have nothing but praise for the intervention of the police in this situation.

My colleague referred to the question of police policy. Under the administrative arrangements of the Police Force today, it would be possible to take the sort of action I am suggesting without changing a single law. Under the laws relating to assault, police officers can intervene, and charges can be laid on that basis.

In some ways, I share the reservations of my colleague about the split jurisdiction between the Family Court and the Court of Petty Sessions. However, I feel obliged to inform the House that I do not share the confidence of my colleague in the efficacy of the Family Court in these matters. It seems to me that in terms of policy and also legislatively we need to start from scratch in regard to domestic violence. It is not good enough just to add onto the Justices Act or the Family Court legislation. What needs to be done is for the Government to look afresh at the whole situation. Psychological pressures affect people and training is needed for domestic violence situations to be sorted out.

Along with my colleagues, I intend to vote for this measure, but I do not do it with much confidence that the situation will be improved greatly. A good deal more needs to be done before we in Western Australia can believe confidently that we are doing something for the women and children in our society who are the victims of domestic violence.

MR TONKIN (Morley) [8.08 p.m.]: Problems of this kind have occurred over the whole period I have been a member of Parliament. It usually seems to be the woman who is the victim in cases of domestic violence. I take the point of the member for Gosnells that there is no need for any change in the law as the police are able to take action under the present Criminal Code, but they are reluctant to do so.

I can understand the reluctance of the police officers because when they seek to prosecute a husband, his wife may not give evidence against him. However, every successful police action does not have to end in a prosecution. The member for Gosnells made this point in relating his traumatic experience to us. There was no prosecution, but the laudable aims of justice were served and the woman was able to gain relief. After all, that is the main objective rather than that a conviction is obtained.

In the past, I have been critical of the Police Department because the officers will not interfere in domestic situations. Even allowing for the sense of frustration the officers feel when they cannot obtain a conviction, we must remember that a marriage licence does not give anyone the right to commit assault upon his or her spouse.

If a man were to perpetrate that kind of action on a woman to whom he was not married, the police would intervene, but if he is married to the woman, the police frequently will not intervene.

A few months ago a case was brought to my attention in which a young woman gave the right to her estranged *de facto* husband to enter her house to reclaim a television set which he said was his. He entered the house and attacked the woman and her young brother of 17, breaking his ribs. The woman and the brother went to the police, who were reluctant to intervene, because they regarded it as a domestic arrangement. They apparently said, "You gave him permission to enter the house, so what do we charge him with?" That is nonsense. If someone is given permission to enter one's house, one does not give that person permission to assault one.

These people came to me and complained that the police would not give them protection or charge the person. I wrote to the commissioner and he sent out a commissioned officer to investigate the matter. In my office that officer said, "We have no evidence." However, the young man had broken ribs. I do not know what kind of evidence the police want. That is a classic case, because it was labelled "domestic" and the normal protection of the law was not given to these people. That situation is absolutely intolerable. Therefore, we are pleased to support this measure, because it certainly seems to give more protection and it involves the police at an earlier stage than they were involved previously.

Earlier this week I heard part of the comments made by the Attorney General in a talk-back radio programme. I was rather impressed with his comments. I always have found him to be a humane and considerate person, but I wonder

whether this legislation goes far enough. As I said previously, the main change should not be a statutory change, but rather a change of policy on the part of the Police Department. That department must adopt a different and more humane policy and it must accept that a person who is assaulted by her husband has as much right to the protection of the law as does anyone else. It is wrong to label such a situation as "domestic" and say, "We will not get a conviction; therefore, we will not buy into it." That is quite unacceptable.

I hope the Police Department will look again at this question. Indeed, that is one of the reasons for our supporting the measure; it will help the police to reassess their policy with respect to domestic violence. However, the Police Department certainly should look again at its policy and, in the case of assault in a domestic situation, the injured party should be given exactly the same protection as a person would receive in any other case involving violence.

If the police find later on that the wife will not give evidence against her husband, so be it. That can happen also when people are not married; but when a physical assault is made against someone, the injured party has a right to receive the protection of the law.

MR BATEMAN (Canning) [8.13 p.m.]: This Bill is rather one-sided. I am familiar with many cases in my area where the boot is on the other foot. I know one dear old fellow who lives out in Queens Park, who came into my office with 19 stitches in his head which had been split open. I do not know about the protection of that fellow! His wife weighs about 18 stone and she belts the living daylights out of him. This legislation will not do anything to protect that fellow and there are many cases like his.

While I agree that the Bill has a lot going for it—

Mr Tonkin: Anyone who is assaulted should be protected—male or female.

Mr Pearce: He can get an order restraining her.

Mr BATEMAN: Members who have spoken on the Bill have referred to the protection of women.

Mr Tonkin: I have never had a case that went the other way, that is all.

Mr BATEMAN: The member for Morley should come out my way and he will find the boot is on the other foot. From time to time, some rather aggressive women assert themselves and that is fair enough, because some of these fellows play up. They come home late on a Friday night from a dart club meeting or whatever and they catch the rolling pin or something similar.

Nothing in the Bill will protect the fellow to whom I referred and I suggest that, in the Committee stage, an amendment should be made to provide protection of that nature.

MR O'CONNOR (Mt. Lawley—Premier) [8.15 p.m.]: I thank members for their support of the Bill and also the member for Canning who injected a little humour into the debate.

I understand the reservations of members in relation to the Bill. That is always the case when dealing with new legislation of this nature.

I am sorry that from time to time the police take a certain position with respect to issues of this nature and members opposite have virtually expressed similar views. My father was a policeman and for much of my younger life I lived near police stations and I am aware of the problems involved in these domestic situations. Frequently a policeman would intervene in order to restrain the people involved. The party causing the problem was often taken away and, after a chat, the problem would be overcome.

However, on some occasions when a policeman or some other party intervenes, the individuals involved in the dispute turn on him. This creates difficulties for the person who intervened and it may be hard for him to prove that he himself was not an offending party in one way or another. Sometimes this brings the two parties to the dispute back together, but leaves the policeman or intervening party in a difficult position. Legally, he can be in trouble and members would be aware of that.

I appreciate the points made by members and I shall refer them to the Attorney General. The poor, little chap who had 19 stitches in his head, and to whom the member for Canning referred, is covered by the legislation, also. My understanding is that, if domestic violence were inflicted on him, the legislation would cover him.

Mr Barnett: But only on the second occasion he was bashed.

Mr O'CONNOR: In view of the comments I have heard, I suggest the member should not intervene to try to assist this fellow!

Recently Cabinet considered an interim report for the establishment of a crisis centre for women who have been victims of various forms of domestic violence. The location and manner in which this centre should be established is being examined.

I thank members for their support of 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 Mr O'Connor (Premier), and passed.

LAPORTE INDUSTRIAL FACTORY AGREEMENT AMENDMENT BILL

Second Reading

Debate resumed from 26 October.

MR BARNETT (Rockingham) [8.20 p.m.]: The Bill before the House provides the Government with the legislative power it apparently needs to resume a further 316 hectares of land situated on the Leschenault Peninsula adjacent to Leschenault Inlet, close to Bunbury, for the purpose of disposing of the Laporte factory effluent.

The current situation for the disposal of Laporte effluent is precarious indeed; not a great deal of time is left to the Government in which to decide which of the numerous options available to it it should choose. The option the Government appears to favour is one which will make use of the 316 hectares of land in the following way: It will continue to operate a lagoon disposal system within a new area of land and the lagoon system will take only a very small proportion of the waste.

A further method of disposal of the Laporte effluent will occur with the implementation of injection bores, where consituents of the Laporte waste will be injected down under the lagoons and into the confined aquifer beneath the sand dunes.

The third section of the Government's apparent proposal is for the disposal of the balance of the waste—some 75 per cent of it—out into the ocean.

I say at the outset that the Opposition believes the 350-odd jobs provided by the Laporte factory are of paramount concern.

Mr Tonkin: Hear, hear!

Mr BARNETT: The Opposition looks towards an alternative method of disposal of the waste; that is, a method other than that currently used, but which would ensure those jobs provided by the Laporte factory remain permanent. However, those permanent jobs require permanent solutions to the problem of effluent disposal. I do not consider the Government's proposal to utilise the 316 hectares of land is necessarily the most satisfactory solution the Government could find.

What the Government and the people of the State are dealing with—and I include the people of this State because the Government is locked into the contract to dispose of this waste for some 50 years—is an extremely hazardous and noxious waste being discharged at the rate of 700 cubic metres a day. The waste is so noxious and hazardous that recent reports have it that it contains substantial amounts of radioactive waste, including thorium and radium, which have been isolated in some of the crustacea inhabiting Leschenault Inlet.

Members would be aware of the tremendous recreational importance to this State provided by Leschenault Inlet. Large numbers of people from all around Bunbury and the metropolitan area travel to this region in order to secure crabs and other marine life from the inlet. It is very important we ensure that whatever options are taken up in the future they are not ones that will affect adversely the Leschenault Inlet area any more than it is affected at present.

A number of other noxious materials are found in the waste from the Laporte factory, not the least of which is sulphuric acid, which is being disposed of at a considerable number of tonnes a day into the lagoon system.

In a moment I will quote from a report tabled immediately prior to the introduction of this Bill into the Parliament. The section to which I will refer points up precisely how noxious is this waste and just exactly what we will be dealing with in the future.

I refer to page 5 of Vol. 1 of the "Laporte Factory Effluent Disposal" report wherein comments are made about what will happen if the total waste is discharged from an ocean outlet. It states—

> (a) Within an area of about 200 ha—

Mr Speaker, as a man of the land, you would be aware of what area of land would be involved; I am sure you could imagine 200 hectares and would realise it is a considerable area. I will quote again as follows—

> (a) Within an area of about 200 ha there would be toxic effects ranging from complete denudation . . .

That means the destruction of all plants and bottom living animals as well as the death or exclusion of fish. It goes on to mention that an area of about 1 000 hectares could be affected, and now we are really coming to understand the problem facing us. If members can imagine 200 hectares, they might understand that 1 000 hectares represents something like an average metropolitan electorate, because if 1 000 hectares of land were

built on closely it would contain something like 8 000 homes housing perhaps 16 000 people, which represents roughly a metropolitan electorate quota. I quote again as follows—

> (b) There would be a larger area of about 1 000 ha in which the behaviour of fish would be affected, most likely leading to their exclusion, with possible adverse effects on the migratory movements of Australian salmon and herring in the near vicinity.

I will not quote any more as other members who wish to contribute to the debate no doubt have obtained a copy of the report and will refer to it during their speeches.

In the past this waste, noxious as it is, has been disposed of by a number of different methods. In 1961, when the Laporte factory was established, the first method used was an ocean disposal. Very soon after the establishment of the plant, it was noted that beaches as far north as Binningup and others a substantial way south of Bunbury were being polluted by this particularly noxious effluent. The colour of the beaches became quite unsatisfactory.

I am pleased to say this ocean discharge method was dispensed with shortly thereafter and another method with which I am equally at odds was adopted, and this was the method currently being used; that is, the lagoon disposal method on the peninsula and adjacent to Leschenault Inlet. This involves small pits being dug so that the waste can be transported across the Leschenault Inlet by pipe to the lagoons, where the waste is then poured in until one is full whereby further effluent is dumped in a second lagoon until the first has drained out and is ready for use again.

During this period of about three years a test pipeline was put out to sea. Unfortunately the test pipeline and the test itself were cut short by Cyclone Alby; incidentally, it only disposed of something like five per cent of the waste. During that period sufficient mathematical models were devised which enabled the study group to come up with the sorts of results I already have indicated to the House. Many problems have been encountered as a result of the methods of disposal at Leschenault Inlet, not the least of which is the substantial degradation of the oceanaria which the Government agrees has occurred in the vicinity of the disposal points. I was fortunate or unfortunate enough to fly over the disposal areas 12 months ago and I can say honestly that I was quite horrified to see the amount of degradation that has occurred on that peninsula. I am not saying that the total degradation has been caused by the lagoon disposal method, but certainly it is responsible for a portion of it.

Mr Sibson: About what proportion?

Mr BARNETT: Neither the member for Bunbury nor I can say what proportion it is, but both of us know the peninsula is severely degraded now and we both accept it.

Mr Sibson: There is more vegetation now.

Mr BARNETT: The member is just reading from reports. There are an equal number of reports which state the opposite, and the member knows that to be true.

Mr P. V. Jones: The committee does not say that.

Mrs Craig: Particularly when walking over it, one realises how successful some of the rehabilitation has been.

Mr BARNETT: I have no argument with that. I am not trying to say the lagoon system is entirely responsible for the degradation; I am merely saying it is responsible for a portion of it.

Mr Sibson: When you flew over the area, did you notice the blowouts further north?

Mr BARNETT: Yes, I noticed a number of blowouts which one could associate with the degradation beginning around some of the lagoon zones, and I think the member will agree it is a serious problem. It is only one part of the problem. The number of burst pipes that have been experienced at the inlet and the excessive amount of acid, radioactive waste, and discolouration that has been released into Leschenault Inlet in those years have caused both the Opposition—and I believe quite sincerely, the Government—a lot of concern.

Mrs Craig: What amount of wastage has been released into the inlet?

Mr BARNETT: It is way in excess of what we would expect and, I am sure, what the Government would expect. In answer to the Minister's question, I indicate that I am no expert, but she would be aware of a number of reports into this problem. Phil Jennings, for example, from Murdoch University has reported a study which shows the radioactive uptake in the crustacea in Leschenault Inlet and he has associated that with the effluent from the port. There are a number of other reports—for example, the Government's own report—which state this. The Government only has to read it to find this. If I have time before I reach the end of my speech, I will find the section which relates to this.

Mr Old: Don't bother!

Mr BARNETT: I am not giving members information of which they are not already aware. It is in the Government's report. It also has been reported on occasions by very authoritative people and has been well and truly accepted since 1981 when the first report was made.

Mr P. V. Jones: I am not quite sure where this is getting us. You have said you are in favour of this, but you also have told us it is a noxious effluent.

Mr BARNETT: Yes. Does the Minister agree with all those things?

Mr P. V. Jones: You have told us you do not like the method of disposal which this Bill supports, and that you would prefer a better way of disposal, but you are not telling us what is the better way.

Mr BARNETT: I have been on my feet for only a short time and all I am doing at this stage is—

Mr P. V. Jones: Criticising!

Mr BARNETT:—pointing out the situation as it exists.

Mr Tonkin: He doesn't have to answer your questions at all.

Mr BARNETT: I am sure he agrees with the points I have raised.

Mr P. V. Jones: No, I don't, but keep going.

Mr BARNETT: If he does not agree with them, he can get up when I have finished and tell me where I have gone wrong. I look forward to hearing him. Okay?

Mr Tonkin: That is fair enough.

Mr P. V. Jones: Is that fair enough?

Mr Old: Hear, hear!

Mr BARNETT: I am sure the Minister would accept in his own heart—even if he will not stand up here and admit it—that the method of disposal which is currently being used is the cheapest possible, but it is an entirely unsatisfactory method which has proved to be inadequate, especially over the last couple of years, for the points I already have raised and also for the following points which I will refer to only briefly now and later when I bring into my speech the attitude of the System 6 Study to the Government's proposals.

I have said the effluent is disposed of in lagoons in the peninsula area, and reports which the Government has provided to the Parliament show that these lagoons have either reached or nearly reached saturation level and, consequently, within eight years will be unable to be used. They also say that the effluent has been disposed of at such a level that there now exists leaching of effluent through the undefined aquifer on both sides of the peninsula itself. There is leaching of the currently disposed effluent both into the ocean and into Leschenault Inlet. It is obvious to me and to the Government that an alternative solution to the method being used now must be found. The report indicates the serious nature of the effluent.

I remind members that if we dispose of the total effluent into the ocean—and I agree that the Government does not intend to dispose of the total effluent into the ocean at this stage—we would be creating a very severe effect on the area which involves some 8 000 housing blocks. Also we would be expanding the population over a fairly massive area, which the report says would extend over a 50-kilometre zone. On page 4 of the Government's report it says—

> Based on visibility investigations, a concentration of insoluble ferric hydroxide equivalent to 0.1 mg/L of iron was adopted as the limit of visual detection. The mathematical model predicted that, at full production, the plume containing more than 0.1 mg/L iron would be extensive and for 20 per cent of the time could be up to 50 km long.

The point I am trying to make about that is not that the Government intends to dump it all at sea—and I am sure it does not—but merely that this waste is so noxious that no matter where it is dumped, the result will be devastating. As well as reading these reports and endeavouring to try ascertain people's reactions to the Government's legislation, I contacted a number of people within the area concerned. I approached the Bunbury City Council first and I had to look no further than at the Bunbury regional plan. I have here a copy of the summary of the Bunbury regional plan which has a map on one side which I will discuss later. On the other side it says—

> National Parks should be established at Leschenault Inlet, Lennard Special Management Priority Area (S.M.P.A.) and associated parts of the Collie River and Dardanup S.M.P.A. and associated parts of the Ferguson River.

We are interested only in Leschenault Inlet.

I turned then to the map which the Bunbury region plan provides and I found the total area—apart from the very southerly tip of Leschenault Inlet—is coloured in a light green which, according to the legend, shows that the land is under consideration as a reserve, conservation easements, special management areas, priority areas, and scenic protection, and those purposes cannot be compatible with the disposal of the Laporte effluent.

After that investigation, I was about to contact the Harvey Shire Council when I noted an article in the *Daily News* which revealed the Harvey Shire Council's President's comments in relation to the Government's proposal to purchase another 316 hectares for the disposal of effluent. The article read—

> Harvey Shire president, Mr Tom Staniford said: "It is opposed to everything which has been coming out about the Leschenault inlet and the coastal dunes system.
>
> "I'm not happy about it and I don't think the council would be either—

Incidentally, to be fair, further on he said—

> "I recognise that Laporte is an important industry for the area but we haven't seen any sums about the total cost of effluent disposal since the place started 17 years ago.
>
> "If it had all been added up it would have gone a long way towards paying for recycling the whole thing. As it is taxpayers keep paying out."

Mr Sibson: What is the date of that letter please?

Mr BARNETT: It was a Press release that appeared in the *Daily News* of 27 October, I believe. It is hard to read the date, but if the member for Bunbury wants to read the article he may do so.

Mr Sibson: What year was it?

Mr BARNETT: It was in 1982.

Mr Sibson: You would be aware that area is subject to being bulldozed now.

Mr BARNETT: I will tell the member for Bunbury about that. I am aware of it.

I spoke to members of the Harvey Shire Council and they indicated that the policy is to develop this area for tourism, recreation, or reserves. As a result of their concern about this area the council recently wrote to the Government requesting it to purchase this land. This is what this legislation will provide for, but of course if the Government's implied intention is not to utilise the land for recreation, reserves, or tourism, but to utilise it for the disposal of the Laporte effluent, it does not meet with the wishes of the Harvey Shire Council.

The member for Bunbury asked whether I was aware that bulldozers could be put through that area of land right now. Of course I am aware of it and I want to bring to the attention of the House the fact that the owners of the land, Majestic Homes, have submitted a proposal to the Harvey Shire Council to develop the area as a tourist resort. I have not seen the plans for this proposal and while it may not be the best way in which to utilise this area I suggest it is far better than to use it for the dumping of the Laporte effluent.

Mr Sibson: Not in the long term.

Mr BARNETT: The member for Bunbury does not have to agree with me. When I sit down he may stand up and put his point of view. I suggest that he should save his breath because I have answered all the interjections I am going to answer.

I refer now to the System 6 report and to the comments in that report about this land. With members' indulgence, I will read one paragraph of that report as follows—

> The Leschenault Inlet is of considerable importance for water-birds. More than fifty species, some with populations of over a thousand, have been recorded. The most important area is the northern section, which is a breeding ground and refuge for migratory birds, including greenshank.

I note the smile on the face of the member for Murray.

Mr Shalders: I was simply remembering the time you read out a list of birds and somehow referred to the peach-bottomed beach runner.

Mr BARNETT: Mine was the beach runner. In any event, to show the member I still retain some knowledge of the bird population of this State, I indicate that the greenshank referred to in the report is a migratory bird which is protected currently under the international agreement. Its nesting and breeding grounds are protected under this agreement to which the Australian Government is a signatory. This area is immediately adjacent to the land which is about to be resumed.

Several members interjected.

Mr BARNETT: I will return to that. The report continues—

> The estuary is also an important summer refuge for water-fowl, including black duck, black swan, grey teal, mountain duck, musk duck and the pelican.

When the member for Bunbury is in the area, it is also for one goose. The report continues—

> During mid and late summer, most of the swans and ducks move to a point on the western shore, opposite Australind, where there are fresh water seepages. This area is extremely important as a bird refuge.

I ask members to cast their minds back to volume 1 of the report which indicated the aquifer immediately under the lagoon system is affected by

the Laporte effluent and it is seeping out to the ocean and to Leschenault Inlet.

Mr Sibson: How did that happen?

Mr BARNETT: It happened because it has a member of Parliament who does not care a damn.

Mr Sibson: I am not the member for that area. You are reflecting on the wrong member.

Mr BARNETT: I do not care which member represents that area. This problem arose because the member representing the area does not give a damn and the people of Bunbury should express concern about it. The recommendation in the System 6 report reads as follows—

> The Public Works Department, in consultation with the Department of Conservation and Environment, should investigate and develop techniques which will minimise the environmental damage caused by the disposal of industrial effluent.

Ninety-nine per cent of the comments I have made have been direct quotes from Government publications.

Mrs Craig: And very selective.

Mr BARNETT: They are not statements I have made up; they are merely quotes from Government reports which are freely available to everyone.

The member for Bunbury asked whether I knew that the Harvey Shire President (Mr Tom Staniford) was a member of the Leschenault Inlet Management Authority. To tell the member the truth, I was not sure. However, I do know that Don Eckersley is a member, and I know what he has had to say about effluent from Laporte Australia Ltd. He has been reported on at least two occasions—and probably a lot more—as saying he believes the effluent should be shipped out to sea as quickly as possible. Quite obviously, Sir Donald Eckersley, as chairman of that authority, does not want this effluent anywhere near his area of control; I do not blame him.

Mr Carr: He is hardly what you would call a Labor man, I believe.

Mr BARNETT: That is true.

Mrs Craig: You are using a very selective comment, because as you would be well aware, that is not what Sir Donald Eckersley said in its entirety.

Mr BARNETT: The owners of the land are listed with the Harvey Shire Council as Majestic Homes and the two voting nominees of that company are a Mr Gillen and a Mr Osboine who I presume are the principals of Gill-Boine Real Estate Pty. Ltd., which is a company interested in development. I agree the company has an obligation to its shareholders to develop that land to its fullest extent, or to obtain the best price for the land. Indeed, I have nothing against the concept of a tourist resort being developed in the area.

In order that I could do the appropriate research and to determine my attitude to the legislation, it was a legitimate exercise to stand in this place and ask questions of Ministers to determine the Government's objective in relation to certain aspects of the legislation. In my opinion, the Minister handling this Bill answered my questions rather poorly.

Because the Bill skirts closely around conservation matters, I took the opportunity of submitting three questions to the Minister for Conservation and the Environment; to enable him to research the matter, I gave notice of the questions, and the Minister agreed to answer them. However, because he was not responsible for this Bill, he handed the questions to the Minister for Industrial, Commercial and Regional Development, who is handling the Bill. As I pointed out, the Minister handled the questions in a totally unacceptable and unsatisfactory manner; his answers were a slight on this House and on the people of Western Australia. We have a right to know the answers to questions such as these in order that the legislation can be judged on precisely what it is, and not what it may be.

I merely wanted to know the cost of the 316 hectares to be purchased; I am sure members would agree that was a reasonable question to ask, particularly when we consider that every other disposal option has been covered—if only briefly—but that this option has not been costed. We have not been told—and I suspect we will never be told—the value of the land to be purchased. An area of 316 hectares of prime dune beachfront land must be worth in excess of $100 000 an acre.

Mr P. V. Jones: You say it is worth $100 000 an acre?

Mrs Craig: For what reason?

Mr BARNETT: Let us look at the value of some of the blocks on the other side of the estuary.

Mrs Craig: That land is zoned residential, but this land will never be zoned residential; nor will the council allow it to be used for a tourist development.

Mr BARNETT: On the other side of the estuary we find a large number of blocks which, in my opinion, are not as prime as the land to which we are now referring; they are for sale.

Mrs Craig: But they are residential.

Mr BARNETT: I know the present zoning of the land and I know that it easily can be rezoned within a short space of time.

Mrs Craig: No, the council has said it will not agree to a rezoning. Already, it has rejected five applications for a tourist development.

Mr BARNETT: On the other side of the estuary, blocks which are only one-fifth of an acre are selling for $20 000, giving a value of $100 000 an acre.

Mr Sibson: That is including establishment costs; you are not allowing for those costs.

Mr BARNETT: I am; the land to which we are referring is prime land, whereas the residential land on the other side of the estuary is not.

Mr Sibson: Go back to school; do not be so stupid. You would have to be ridiculous.

Mr BARNETT: After nine years in this place, I am aware of how difficult it is to get through to a member as dense as the member for Bunbury. Mr Acting Speaker (Mr Tubby), I believe members opposite are concerned that the Opposition may not support this Bill; I suspect they believe I am about to indicate our opposition to the legislation.

Mr P. V. Jones: We are simply wondering about your valuation of the land. In fact, we will let you have it for $70 000 an acre.

Mr BARNETT: Will the Government allow me to purchase it for that price, and develop it as a tourist resort?

Mr P. V. Jones: We are not saying that.

Mrs Craig: Oh, no!

Mr BARNETT: So, the Government would place restrictions on the purchase and say I could use it only for the disposal of effluent. I do not think I will take that chance.

Mr Sibson: You could use funds from the sale of Curtin House.

Mr BARNETT: In any case, an exceedingly strong argument exists for the Government to own and control that land; I concede that point. I agree that the Government should own and control the land, but for the reasons I have advanced, not for the implied reasons put forward by the Government. Indeed, an equally strong if not better case can be advanced for the waste not being dumped on that land.

I believe I have spent enough time of the House.

Mr Sibson: What is your point of view on the legislation?

Mr BARNETT: The Opposition does not intend to oppose the legislation; it is not opposed to the purchase of the land by the Government; we feel it could be an excellent thing, provided the land is carefully managed through the Bunbury City Council and the Harvey Shire Council.

However, I make it perfectly clear that, although we approve the Government's purchasing this land, the Opposition, when in Government next year, will not be locked into utilising the land for the disposal of effluent from Laporte Australia Ltd. A Labor Government would pursue with vigour all the options which have been put to the Government. It would make a decision on one of the options, only after exhaustive examination of all options and multiples of options.

I conclude by repeating that the Opposition does not intend to oppose the legislation, but, at this stage, it is opposed to the use of that land for the dumping of Laporte Australia Ltd. effluent.

MR P. V. JONES (Narrogin—Minister for Resources Development) [9.00 p.m.]: I thank the Opposition for its support of the Bill so far as land purchase is concerned.

I will make one thing clear at the beginning: The report to which the member for Rockingham referred and the System 6 report are not Government reports. They have not been prepared by the Government, and they do not represent Government policy. In fact, they are reports—

Mr Pearce: We recognise that, because they are fairly informative.

Mr P. V. JONES: If the reports are informative, they should have received more recognition than they just did. They are reports to the Government—

Mr Barnett: They were printed in July and given to this House two weeks ago.

Mr P. V. JONES: —by a committee of experts formed for the purpose of studying various matters. The member for Rockingham claimed that the report in question was brought to this House only two weeks ago. I advise him—and he may care to check this himself with the Government Printing Office—that the report was tabled in this House the day after it was received from the Government Printing Office.

Mr Barnett: It has "Printed in July 1982" written on it. If they did not give it to you before now—that is four months ago—there is something wrong with your organisation.

Mr P. V. JONES: The report was tabled and made public the day after the copies were received from the Government Printing Office. They arrived on a Tuesday.

Mr Barnett: Are you saying the Cabinet did not consider it before it was tabled?

Mr P. V. JONES: The Cabinet certainly considered a draft of the report. I made it clear that the report would be tabled as soon as it was printed.

The member for Rockingham indicated that jobs are important. This Bill has nothing to do with jobs. It deals with the responsible management of an industrial development and, in this particular instance, the management of a very sensitive type of development relating to the effluent of an industry which is of a particular type which gives cause for concern. That is not denied by the Government, by the company, or by anybody associated with the project. That has been the case for a number of years during which more than $500 000 has been expended on studies relative to the disposal of the effluent.

The Bill is designed to put into practice the recommendations of the committee, despite what the member says regarding the present method of effluent disposal which he has criticised. This has been going on for a considerable time; but that, in itself, does not make it a good method. I am not suggesting that.

We have been provided with an opportunity to investigate the disposal of the effluent, to monitor it, and to see how it is functioning. Indeed, the committee in question made the following comment in its findings—

> There is at present no method of treatment and disposal of effluent that is more acceptable environmentally and more practical economically than the method of sand dune disposal currently used at Australind.

Mr Barnett: That is what I said.

Mr P. V. JONES: I remind the member that he questioned the method of disposal. Indeed, he concluded his speech by saying that were he in a position to do so, he would seek better methods of disposal. He said clearly that while he and the Opposition support the Bill so far as the acquisition of land is concerned, they do not necessarily support the use of that land for effluent disposal. I am not commenting upon that, but simply reminding the member that is what he said. The committee has identified clearly the fact that no method of treatment and disposal of effluent is more acceptable environmentally.

Mr Barnett: Sorry, it also adds something about economics.

Mr P. V. JONES: I have read it all out.

Mr Barnett: Not the second part.

Mr P. V. JONES: It was as follows—

> . . . and more practical economically than the method of sand dune disposal currently used at Australind.

Is the member for Rockingham denying that, in his view, it is the most acceptable method, environmentally or economically?

Mr Tonkin: The two are not necessarily compatible.

Mr Barnett: That is not what it says at all.

Mr Tonkin: You said "environmentally". You did not mention the economics.

Mr P. V. JONES: I agree they are not necessarily compatible; but when I tried to separate the two, I was chastised by the member for Rockingham.

Mr Barnett: Because it might well be the best method for that price, which I believe is what they are saying.

Mr Grill: That is what they are saying.

Mr P. V. JONES: That is not what they are saying at all. I do not know whether the member for Yilgarn-Dundas has read the report—

Mr Barnett: Of course he has.

Mr P. V. JONES: —but if he has read it, he would also have read the part of the report which relates to other studies regarding chemical disposal, treatment of waste, and all the alternative forms of disposal—

Mr Barnett: Yes.

Mr P. V. JONES: —which support the view that, at this stage, this is the most acceptable method environmentally.

Mr Barnett: No, they do not necessarily.

Mr P. V. JONES: The member for Rockingham went on to speak about the method of bore injection. He is aware that monitoring over the years has shown that various components within the effluent stream have become fixed. Although this was not mentioned by the member, the report refers to the fact that the discolouration relates to the iron content of the effluent. That shows that, over a period of years, the dune treatment and the subsequent bore injection have become better and more acceptable than was originally thought.

Mr Grill: Just to make one thing clear, the most environmentally acceptable form of disposal, as I understood it, was the chemical means; but it was far too expensive.

Mr P. V. JONES: Yes, but the committee also made the point that the method is not yet perfected. The report contains the following—

> . . . the Committee has found that neither chemical treatment nor deep ocean barging of the effluent offer viable long term disposal methods.

It then goes on and talks about the technical and chemical difficulties, although it alludes to the possibility of better research bringing forth developments which could lead, down the years, to different methods of effluent treatment and disposal. Indeed, the member will recall that in the report the committee spoke about dividing the effluent into two streams.

The subject of the Bill, although interesting, is not really a scientific dissertation on effluent disposal; but it does refer to the report, and it is quite proper to address the report. However, I remind the House that the report gives 20 alternative methods that were considered. The member for Rockingham did not comment upon whether—

Mr Barnett: There were a number of things I did not comment on.

Mr P. V. JONES: —the one being followed today, and which has been identified in the way I have already mentioned about its environmental and economic acceptability, is the only acceptable method, or whether, somewhere in the other 19, there was one he would have liked better. He did not say whether the committee was at fault or whether it should have recommended an alternative other than the one it recommended.

The House should be reminded that, at this stage, we simply are acquiring land for the purpose of continuing the present method of effluent disposal. It is not necessary to have the land in question tomorrow. It is not as if the land has suddenly run out. In fact, the existing land has a future viability for the present method of effluent disposal, as the member is aware. Notwithstanding that, the committee has said—and the Government has accepted its recommendation—that the land should be acquired and reserved now, and that is exactly what we are proceeding to do.

In addition, the committee refers to studies that have been commenced. Binnie & Partners Pty. Ltd. have been commissioned to conduct a feasibility study of ocean disposal—if I can use that term.

Mr Barnett: There is something that really concerns me about this ocean disposal method. If you split the stream and take out the iron agents which actually discolour the effluent, you will create a situation where you will not be able to detect the effluent visually, but the effluent volume will be equally as big.

Mr P. V. JONES: I have no intention of engaging in a dissertation regarding the various methods of effluent disposal adopted down the years. I make it clear to the House that this matter is only one part of the ongoing operation. The seaward disposal—the ocean discharge method—is the subject of investigation at the moment by Binnie & Partners Pty. Ltd. A report will be presented next year when it will be possible to consider again the further development of the effluent management.

I will place on record the situation regarding environmental assessment. The Department of Conservation and Environment was a member of this committee and contributed much technical data and support by way of input and research work. Any major change to the effluent disposal methods, any particular scheme embraced, will again require environmental assessment. It is not a matter of someone making a report to the Government, and the Government of its own volition in conjunction with the company implementing something. The decision will be the result of consideration. Indeed, as the member already has been advised at length in answer to a question I answered today, the public have been invited to say what they think. A series of meetings regarding the present report has been arranged with various shires. For example, I understand the Harvey Shire will be met on the 17th of this month. It is not a matter of our doing anything in secret.

Reference has been made to the value of the land. The member may be surprised, but I will refer back to the figure he gave. I am sure he knows the price paid will be public knowledge; there is no way it will not be public knowledge. However, the Government is not in the position of indicating in advance what might be the commercial transaction involved and I do not know what will be done. These matters are handled by the appropriate Government agency, as the member already has been told, such as the Valuer General and the property valuation branch within the Public Works Department. The price will not be a secret; it will be known. After all, a bill of sale must be registered in the proper way.

Last week the member raised another question. Although I invited him to put forward further questions, he did not do so. If he looks back at the answer I gave him the other day when I indicated that the Minister for Conservation and the Environment during the day had passed to me the member's questions, he will have to admit that at that time he accepted he had not allowed time for the answers he wanted to be provided. I indicated that if he wanted the information he could ap-

proach me to obtain it, but he has not. I make that point in order that the record is clear.

I thank the Opposition for the support of the land purchases and commend the second reading of 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 Mr P. V. Jones (Minister for Resources Development), and transmitted to the Council.

ALUMINA REFINERY (WORSLEY) AGREEMENT AMENDMENT BILL

Second Reading

Debate resumed from 27 October.

MR GRILL (Yilgarn-Dundas) [9.17 p.m.]: This legislation is very interesting indeed. The Worsley agreement relates to land running north and south along the Darling Range, and the land is approximately 160 kilometres long and 20 kilometres wide. The legislation raises interesting questions relating to the deposition of minerals, Mining Act titles, and the environment.

The Alumina Refinery (Worsley) Agreement Act was passed in 1973, and under that agreement the land I have just mentioned is held by the joint venturers under a temporary reserve for bauxite mining only. It is of considerable interest that the joint venturers now have made applications for mineral tenements within the agreement area, which is referred to as the picture frame area. I understood the applications came as a result of the study of certain new theories in respect of the deposition of precious and base minerals in land similar to that of the Darling scarp. Upon investigating those theories in a practical sense—going back to analyse actual cores and core cuttings from drill holes put down quite some time ago in a multitude of areas in this picture frame area—the joint venturers found they have considerable prospects of discovering in that picture frame area precious minerals such as gold, and copper, zinc, and other base minerals. The joint venturers have designated certain areas within the picture frame area as being of prime interest.

As I mentioned earlier, a temporary reserve has been granted to the joint venturers, and that reserve shortly will be turned into a special purpose mining lease, which will grant to the joint venturers the right to mine bauxite only within the picture frame area. It is my understanding that they will be able to take also other minerals under other circumstances.

The first of these circumstances concerns a by-product of the mining of bauxite. In other words, after having mined earth or ore containing bauxite and having refined it, they can take any by-products away whether they be precious minerals or base minerals. The other means is to actually step outside the terms of the agreement, surrendering part of the picture frame area and taking up that land under the Mining Act.

Because of the change to our mining legislation in 1978, it is now apparent that if the joint venturers took that second option and stepped outside their agreement, surrendering prospective lands, and then took it up under the new Mining Act, they would be given an all-minerals title to that tenement they took up. Putting that simply, they would have the right to mine bauxite—and other minerals of course—under the terms laid down in the Mining Act and not under terms actually laid down under the Worsley agreement. It is most important that exploration and mining of bauxite take place under the terms of the agreement because there are some special terms of that agreement and many of them are important environmental terms which require ongoing rehabilitation of the mined areas.

It is my understanding that when the joint venturers became aware of the prospective nature of parts of the picture frame area for other minerals, including gold, they went to the Government and asked for the exclusive right, not only to mine bauxite within the picture frame area, but also to mine other minerals within that area. Quite rightly, the Government indicated it was not prepared to accept that proposition and said another formula would be necessary. Persons within various Government departments have now come down with the formula as laid down under the provisions of this Bill.

What is envisaged by this legislation is that the joint venturers can apply for a mining tenement under the 1978 Act in the normal fashion, within the picture frame area. It is possible for the warden to grant them the tenements, but it would be granted only under such conditions that bauxite would be mined subject to the constraints laid down under the original agreement. That would allow the joint venturers to take up mining tenements, under the 1978 Act, in the normal way, but, where they mined bauxite, they would be mining bauxite in conformity with the conditions

of the original agreement. Once they finished mining other ores, the tenements would then fall back under the conditions of the agreement and would become once again part and parcel of the land, the subject of the picture frame area.

As I understand it, that is the gist of this legislation. Provisions have been made within the legislation, as they were made under the original Act, to give third parties certain rights. Third par ties will have the right to take up mining leases within this area, as long as the mining of the minerals will not interfere with the mining of bauxite. That would appear to be an equitable sort of arrangement.

The Government is conferring some benefit on the joint venturers, but not the sort of benefit that would have been conferred if the Government had acceded to the original request of the joint venturers, which was to grant them an exclusive right to mine all minerals within the picture frame area.

Some concerns of an environmental nature have been expressed and on 4 November I asked the Minister several questions about the taking up of tenements within the picture frame area. I asked the following question on notice 1948—

> (1) With reference to the Alumina Refinery (Worsley) Agreement Act, where a tenement is granted for gold or other minerals within the picture frame area, what environmental safeguards are contemplated that will be placed on mining operations?

The Minister answered—

> (1) Any necessary specific environmental safeguards would be decided upon when the nature of mining proposals is known.

A very vague answer indeed; there is nothing specific there at all. I remind members that we are talking about the Darling Range. We are talking about prime forest and in some cases the prime areas for water supply within our State. It is also one of the last remaining areas of jarrah forest.

The second part of my question was as follows—

> (2) Do the proposed Worsley joint venture areas of mineral interest coincide with State forest or Forests Department management priority areas?

The Minister replied—

> (2) Some of the areas within the blue picture frame area are within State forest, but none are within Forests Department management priority areas.

Just this evening the Minister, through one of his colleagues, indicated he would like to correct his answer to that question as follows—

> With respect to the reply to question 1948 asked by the member for Yilgarn-Dundas on 4 November 1982, the Minister is now advised that part (2) of the reply was partially incorrect.
>
> In his reply he advised the member that none of the areas of mineral interest to the Worsley joint venture was located within the Forests Department management priority areas, although he indicated that some of the areas within the blue picture frame area were within State forest.
>
> He is now advised that the area of State forest known as the Duncan management priority area does extend into the area of the Worsley agreement over which the Worsley joint venturers have claims for other minerals.

The Opposition does not oppose this Bill, in fact, we support it because we think the Government has come down with an equitable formula for granting mining tenements for minerals within the blue picture frame area. However, it is my view—which I think is shared by members on this side of the House—that the Government at this stage should be spelling out what sort of environmental safeguards and conditions should be placed on the granting of mineral tenements within these vital areas of State forests and Forests Department management priority areas.

The Government has gone to some lengths to lay down safeguards for the mining of bauxite within those areas and as a matter of sheer logic, why is it not spelling out environmental safeguards to be laid down with respect to the mining of other minerals? The Government has not been prepared to answer that question to date. I suggest to the Minister that he indicate the Government's answer tonight because he must have some ideas as to what conditions would accompany the granting of mining tenements within these vital areas of the State.

The Minister has indicated he made a mistake last week in answering one of the questions I put to him. He has had an opportunity to look at the question and give it some consideration. In view of the fact that the Forests Department management priorities areas will be affected, and State Forest areas will or may be affected, we believe it is incumbent on the Minister to give some indication—even as a gesture of goodwill because we are supporting the legislation—of the types of

conditions which would attach to the granting of mining tenements.

MR P. V. JONES (Narrogin—Minister for Resources Development) [9.31 p.m.]: I thank the Opposition for its support of the Bill. As the member for Yilgarn-Dundas has said, it provides an alternative which falls short of that originally sought by the joint venturers, but it is a formula that seems eminently practical as far as other minerals are concerned. It brings them in under the requirements of the 1978 Mining Act, and at the moment they have some applications already in regard to applications for various tenements which will be before the Warden's Court next month.

In relation to the alteration to the question, it was not so much that the answer was wrong, although it was in the sense that it fell short—

Mr Grill: I was only using your words.

Mr P. V. JONES: That is correct. It was not so much that it was wrong, but it was incomplete, and on advice available to me at the time, it represents an inaccurate answer in that one of the areas in question impinges upon the Duncan management priority area. I mention that because it certainly was an omission in the advice available to me at the time the answer was prepared, but it leads to the question of environmental management.

I draw the member's attention to the fact that new clause 7A(2)(a) of the third schedule provides that the Minister must give approval to the mode or modes of the operations involved in the various extractions which might be entered into should development occur in an environmentally sensitive area or, in fact, in any area. The Bill goes on in new clause 7A(2)(b) and (c) to draw attention to the fact that the Minister may attach such conditions as he may reasonably determine as to further specific right to require the joint venturers to obtain the approval of the State to a variation of the ERMP before giving his approval, and the imposition of other conditions and requirements as the State may determine.

It is not possible to say tonight that certain environmental criteria will apply to that particular applicant because, whereas the applicant—in this case the joint venturers—would have to approach the State, that does not necessarily mean the Minister whom they approached in the granting of a tenement under the 1978 Mining Act sets the environmental conditions. In this instance it would be two other areas of the State. The Conservator of Forests through his Minister would indicate the requirement or restrictions which could apply to a particular tenement, in the same way as the Conservator of Forests already imposes management criteria on both the Worsley joint venture and Alcoa of Australia Ltd. In regard to the granting of various tenements within the former temporary reserve which covers State forests, a total of 11 or 13 areas are currently before the Warden's Court, and they are subject to conditions imposed in that regard.

That is one part of the State's capacity to impose these requirements. The other is the environmental machinery itself, through the Department of Conservation and Environment, or the EPA. The Minister for Mines is required to obtain from these two areas of the State's administration the required environmental or management criteria which must be imposed and accepted by the applicant before the tenement is granted. It is not a matter of saying what particular environmental management criteria will apply in any one case, so much as ensuring a machinery exists to impose it. That is provided for in this legislation.

The other aspects of the Bill, as the member properly suggested, make certain that the 1978 Mining Act is now recognised as the prevailing law. They also ensure that the method relative to bauxite extraction will be treated out of the area in question in a specific way; and they also deal with the problems of minerals other than bauxite, and identify clearly the way in which the tenements must be administered in relation to the 1978 Mining Act. They must be applied for according to the law. The opportunity exists to impose the conditions which should prevail.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Blaikie) in the Chair; the Minister for Resources Development (Mr P. V. Jones) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Third Schedule added—

The CHAIRMAN: I advise the Committee that I have sighted a signed copy of the agreement and I direct the Clerks to make the following correction to a typographical error on page 14, lines 15 and 16—

Delete the passage "Document No. 287".

Clause, as corrected, put and passed.

Title put and passed.

Report

Bill reported, without amendment, but with a correction, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr P. V. Jones (Minister for Resources Development), and transmitted to the Council.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

In Committee

Resumed from 4 November. The Chairman of Committees (Mr Blaikie) in the Chair; Mr O'Connor (Treasurer) in charge of the Bill.

Division 50: Police, $103 650 000—

Progress was reported after Division 50 had been partly considered.

Mr PEARCE: I would like to take up in this discussion the general question of the policies and practices of the Police Department and the question of the police raid on the premies of Economic Distributors in Mt. Hawthorn some weeks ago. This raid was the subject of some questions in this Chamber and some exchanges between the member for Fremantle and the Minister for Police and Prisons. The last of these exchanges took place on Tuesday of last week when I was not present in the Chamber and on this occasion the Minister referred several times to what he described as the "pimping colleague" of the member for Fremantle.

I want to indicate to members that the prominent front-bench member referred to by the Minister for Police and Prisons was me. I reported to the police that I had been given information that an unauthorised gaming, drinking, and striptease night was to be conducted at these premises.

I want to explain how I came to make that report, the exact circumstances under which I did it, and exactly what I said because I think the Minister made a grave error of responsibility when his normal intemperate nature led him to make such comments in this Chamber.

It is a disgrace that the Minister made such comments at a time when I was not present. I would have been very forthright in replying to his remarks had I been here. I have had to wait until now for an opportunity to debate this matter in Parliament.

The Minister became involved in a cover-up when he pretended—and in ways which seemed to me to be quite despicable—that the function raided had not been organised to raise funds for the Liberal Party. In accordance with the information available to the Opposition, it was a fund-raising night for the Liberal Party candidate for the new seat of Balcatta (Mr Vince Alessandrino), the old seat of Mt. Hawthorn which now is held by the member for Mt. Hawthorn (Mr Bertram).

On the Friday on which this function was to be held, I arrived home from the office at about 6.30 p.m. About 10 minutes later I received an anonymous telephone call. I did not recognise the voice, and to the best of my knowledge I had not heard this voice before. The caller told me that he had been approached to attend the function and that those purchasing tickets to attend were being told that it was a Liberal fund-raising campaign.

Mr MacKinnon: Did you ask for his name?

Mr PEARCE: No.

Mr MacKinnon: I will not speak to people who will not give me their names.

Mr Old: He is not as fussy as you!

Mr PEARCE: It may be that that is the practice of the Minister for Industrial, Commercial and Regional Development, but it is not my practice.

Mr O'Connor: If we did that, you would accuse us of talking to ourselves!

Mr PEARCE: I will relate the whole story. Before the Treasurer and others interject to suggest that I did not handle this matter in the most responsible way, I would like to say that I listen to everyone who calls me.

If a person declines to give his or her name and it seems that the information the person wants to give me is not very substantial, I may decide not to follow it up or I may advise the caller to make a formal complaint. I may say to the caller, "I am not prepared to take this further unless you are prepared to give me your name."

Mr Coyne: You should have said that first up. I had a number of anonymous calls while the gaming legislation was being debated, and I said, "I am sorry; I will not talk to people who will not give me their names."

Mr PEARCE: That may be the practice of the member for Murchison-Eyre, but it is not my practice.

Mr Coyne: What is the good if you do not know to whom you are talking?

Mr PEARCE: The information given may or may not be true.

Mr Hassell: And you thought it was especially good if you could have a go at the Liberal Party. That is the real issue, isn't it?

Mr Young: He would have asked his name if the suggestion had been it was a Labor candidate. He would have wanted his name then.

Mr PEARCE: My practice is this: If a person rings me and wants to talk to me about a certain

matter without giving his name, I always listen. That seems to me to be a sensible approach. I then make a judgment about what I will do with the information. On this occasion it turned out to be pretty accurate because the police carried out a raid on the premises and arrested someone.

I have stood in this Chamber before to relate matters which came to my attention through anonymous telephone calls; for example, I can refer to the incident of the prisoner who was handing out Liberal how-to-vote cards. The then Deputy Treasurer, the present Treasurer, and the Minister for Police and Prisons had egg on their faces over that matter.

Mr Hassell: This is the value of your information when you get straightout misleading statements like that.

Mr PEARCE: Let the Minister for Police and Prisons, by interjection, point to the misleading statement.

Mr Hassell: Absolutely no one had egg over his face over that incident. It was explained in this place.

Mr PEARCE: The information I had on that occasion was so good that the Minister himself rose in this place and said that the sources of the member for Gosnells obviously were pretty good.

Mr Old: What an historic occasion!

Mr PEARCE: One must make a judgment about the information given. I would like to tell members exactly what I was told over the telephone, what I thought I should do about it, and what I did do. I will then challenge the Minister or anyone else to advise me he would have done something else under those circumstances. The Minister for Police and Prisons should be very careful in giving this advice because it is his responsibility not only to enforce the laws of this State, but also to seek out the lawbreakers.

Mr O'Connor: Do you always carry out any undertakings you give?

Mr PEARCE: Indeed I do.

Mr O'Connor: When do you resign?

Mr PEARCE: As soon as the Treasurer can prove that he did not make that comment.

Mr Young: You were the one who was going to prove it.

Mr O'Connor: You made the allegation. It never occurred.

Mr PEARCE: I saw the Treasurer on television say what I said he said.

Mr O'Connor: What channel?

Mr PEARCE: To the best of my belief this segment was on the news on either Channel 7 or Channel 9 on the Thursday evening that the Budget speech was delivered. I do not know what news programme the Treasurer watches, but every evening I am at home I watch the news on Channel 9, Channel 7, and Channel 2 in that order. I could easily watch 21 news programmes a week, and under those circumstances I cannot carry the details of all the programmes in my head.

Mr O'Connor: Will you still resign if I can prove you are wrong?

Mr PEARCE: No, if the Treasurer can prove he did not say that, I will carry out my undertaking—I never gave any undertaking to the Treasurer to search out my comments.

The CHAIRMAN: I suggest that the member for Gosnells relate his remarks to the division that we are discussing; that is, "Police".

Mr PEARCE: I am certainly prepared to stick to the point, Mr Chairman. Perhaps you could restrict interjections to the same area of interest and then I would not find myself being accused of straying from the point under discussion.

The CHAIRMAN: Order! I request the member to direct his remarks to the Chair, in which case he will receive the support of the Chair.

Mr PEARCE: That evening I received a phone call at approximately 6.40 from a gentleman who declined to give his name. Bearing in mind the way in which things have shaped up, I am not surprised he did not give his name, because had he given his name to me or to the police, the next thing that would have happened was that the Minister for Police and Prisons would be announcing it in this place.

The protection of sources of information in regard to lawbreaking is something I shall raise with the Minister in this place along with his responsibility to maintain confidentiality with regard to these matters.

Mr Hassell: You are—

Mr PEARCE: Just be quiet for a minute!

The CHAIRMAN: Order! The member has indicated he wants to ignore interjections.

Mr PEARCE: The gentleman indicated to me that he had been approached with regard to this campaign fund-raising night. Firstly, he gave me the name of the company—that is, Economic Distributors—and, secondly, he gave me its address; that is, 49 Howe Street, Osborne Park. Thirdly, he said there were to be gambling, drinking, and a striptease artist.

Mr Old: All sorts of things.

Mr PEARCE: All sorts of things. Fourthly, he alleged—and this was the issue which worried me most—that the people who were being approached to attend this function were being told that the police were aware the function was to be held, but that they were going to turn a blind eye to it.

Mr Nanovich: That is rubbish!

Mr PEARCE: That is what the man said.

Mr Herzfeld: It is hearsay.

Mr PEARCE: Of course it is hearsay. I am indicating to the House what I was told in an anonymous phone call.

Mr Laurance: Anonymous! Mr Anonymous!

Mr Davies: It all turned out to be true.

Mr PEARCE: That is the point; it all turned out to be true and the proof of the pudding is in the eating.

Several members interjected.

Mr PEARCE: Members should listen. Let them make their interjections when we come to make judgments about the matter, not when we are dealing with the narrative.

Mr Crane: Why don't you do that? You are always interjecting.

Mr PEARCE: I do not object to the fact that members opposite interject; I simply ask that they interject at a time when they can make sensible interjections.

When the phone was put down I was in something of a dilemma as to what to do about it. Clearly, I could have done nothing.

Mr Hassell: Quivering with anticipation!

Mr PEARCE: That is not the case. I had received this phone call at approximately 6.40 p.m. I had just arrived home and I was undecided as to what to do. Members opposite may take it lightly if allegations are made to them about serious things such as the police turning a blind eye to lawbreaking. However, that does not seem to me to be an allegation which one should take lightly. Members should look at the circumstances with which I was faced.

Mr Hassell: We have heard you and your colleagues attacking the police without justification for years. Why should we take it seriously now?

Mr Carr: That is just not true.

Mr Davies: It is nonsense!

Mr PEARCE: Of course it is not true.

The CHAIRMAN: Order!

Mr PEARCE: If the allegation which was made to me anonymously was true, it was a serious matter. Obviously I could ignore a serious allegation like that, do nothing, and there would be no comeback on me. An anonymous caller is not in a position to know whether I do anything about his call. Nobody else would know about it and I could have done nothing and nothing would have happened.

As it was, for about an hour and a half I thought about what I should do and finally, at about 8.05 p.m. I decided it would be unwise to do nothing. If this question were to arise in some other way, if the person had telephoned other members, other people, or the police, and the whole thing ended in a raid and went before the courts, if I had not informed the police of this allegation I would have to rise in the House in the face of a controversy and point out what I had been told.

Let me relate the circumstances to the Minister for Police and Prisons. Here I had an allegation that the law was about to be broken and the police were going to turn a blind eye to it. In the past the Minister has criticised the Opposition for bringing such allegations to the Parliament. I telephoned the police an hour after the allegation was presented to me and told them what the allegation was. I gave it to them in complete detail. I told the police who I was. I identified myself as a Labor member of Parliament. I gave my phone number and address. I told the police I had had an anonymous phone call from a person whom I did not know and whose voice I could not identify, but of which I gave a brief description, when asked. I explained exactly what I had been told and gave the police the allegation point by point and said, "I do not know from my own personal knowledge if any of these things are true. That is what I have been told and I am telling you now, because, if this thing blows up subsequently, I do not want it to be said I had been given this information and I had not done my duty, as a citizen, and passed it on to the police." What is wrong with that?

The Minister for Police and Prisons is in the process of setting up an organisation called "Neighbourhood Watch" for the purpose of getting ordinary citizens to report potential breaches of the law in the ordinary way, and yet he comes into the Parliament and says that a member of Parliament, to whom serious allegations of lawbreaking are made and who passes on those allegations to the police, giving his name and a complete rundown of circumstances, is a "pimping colleague" of other people. What is the Minister's responsibility with respect to law enforcement in this State? What is his advice? If the "pimping colleague" remark is anything to go by, his advice is that I should have said nothing; I

should have received the allegation that the police were turning a blind eye to law breaking in this State and yet done nothing about it. That is the advice I am getting from the Minister for Police and Prisons.

From whence are the police to obtain their information if not from people who know breaches of law are about to be committed or suspect that to be the case? I wonder whether the Minister checked out these intemperate and foolish remarks with the members of the Police Force before he made them. I wonder whether he thought about the incredible contradiction which is involved when one bears in mind the "Neighbourhood Watch" which he is in the process of setting up and the fact that he thinks I should have done nothing about this matter. What if a complaint is made through the "Neighbourhood Watch" scheme? Will the Minister for Police and Prisons stand up in this House, name the person who made the complaint, and call him a "pimp"? What sort of law-enforcement agency does this hypocritical Minister for Police and Prisons intend to introduce?

Mr Hassell: It was the politics you were after, not the law breaking. Be honest! That is why you brought it into this House.

Mr PEARCE: I have not yet finished the story.

Mr Hassell: Hurry up and finish it then.

Mr PEARCE: This is what happened on the Friday evening. I telephoned the police and then did nothing. I read the paper and listened to the radio. In between I watched the Premier on television describing himself all the sorts of ways he usually does. There was no report. The police did not contact me and nothing more came of it.

However, when I came up to the House on the Tuesday that the Parliament was sitting—that is, four days after this series of events which I have just related—I discovered that three of my colleagues were aware that the function to which I have referred had been raided by the police approximately two hours and 20 minutes after I had reported the matter.

Perhaps I should backtrack a fraction and say that, when I reported the matter to the officer in the liquor and gaming squad and gave him the details of the allegations, he left the phone, went away for a moment or two, and, when he returned, he said, "I have only just come on duty and I do not know whether we have knowledge of this function." That is to say, he went away and spoke to someone and then said that to me over the phone. So I was unaware of whether the police had had information about this function separately from my reporting it. I am not worried about whether they had that information. If they had separate information, that confirms my belief that the information I gave the police, though derived from an anonymous phone call, was, in essence, correct.

When I came here on the Tuesday, I found that three of my colleagues were aware that the function had been raided. All of them were aware independently that the function had been organised to raise funds for the Liberal Party candidate for the new seat of Balcatta (Mr Vince Alessandrino) and that was something I did not know. The name was not given to me in the anonymous phone call. I told the police I was unable to be specific about that at the time.

Each of those three members were independently aware of this, and this was at a time when I had had no contact from the police. However, after I came out of the shadow Cabinet meeting about midday on Tuesday, there was a phone message for me to ring a senior constable in the liquor and gaming squad. I phoned him and he gave me this message: The information I had given them had turned out to be accurate and the function had been raided. He said a man had been arrested and charged with liquor offences, because a liquor permit had not been given for the function. He then said the function was not a Liberal fund-raising show—not that the police could not confirm that it was. He wanted to assure me that the function raided was not a Liberal Party show.

From the attitude the Minister has taken in this House, the most that could be said is that the police have been unable to confirm that the function was a Liberal fund-raising show. The assurance the police officer gave me rang a little hollow considering the information available independently to three of my colleagues, none of whom were aware of the phone call made to me on Friday night. I had not mentioned it to them.

Mr O'Connor: You have made allegations under parliamentary privilege without knowing your facts.

Mr PEARCE: What accusations have I made?

Mr O'Connor: You said it was a Liberal Party function.

Mr PEARCE: I do not know whether the Premier has been present during the whole of my speech or is suffering his normal difficulties of comprehension.

Mr Young: He was referring to what you said some time before.

Mr O'Connor: The member for Fremantle said it was a Liberal Party function.

Mr Young: He said that unequivocally.

Mr PEARCE: Certainly.

Mr Young: And so did you.

Mr PEARCE: I have mentioned the fact that when I rang the police, all the information they had was an allegation made in an anonymous phone call—I have conceded that. I was unable to say from my own personal knowledge whether the allegation was true. Further, I was not in a situation to be able to name a name.

What I am saying now is that when I came in on Tuesday morning, three of my colleagues in the State Parliamentary Labor Party were independently aware of the raid and were independently aware of the name of the person for whom the fund-raising function was held. I was unaware of the name; all I knew was what I have related to the House this evening.

A fair amount of evidence is available to the Opposition to indicate that the function was as I have said. In the light of that it seems to be a little worrying that the police are able to ring me, or believe they are able to ring me, to give a categorical assurance that the show was not a Liberal Party fund-raising function.

We know the Minister's attitude to these things and his waspish and snappish replies in this House. If it were simply a matter of a breach of the law, surely his job as Minister would be to prosecute the lawbreakers or to ensure that the police did so. He ought to be grateful to the people who assist in catching law breakers, but this is not the attitude he has adopted. His attitude would have to be said to be defensive in the extreme.

The Minister for Police and Prisons is obviously very clearly and deeply annoyed that the function was raided and that even one individual of the 150 or so persons at the function has been charged with an offence.

Mr Hassell: Absolute nonsense. Where are you getting this?

Mr PEARCE: Out of *Hansard;* I have read how reluctant the Minister has been to answer questions.

Mr Hassell: I have answered every question your colleague has put.

Mr PEARCE: How despicable the answers have been. The most despicable has been the reply which attempted to suggest that the whole thing was held as a charity function, when he warned the member for Fremantle not to persist with pressing to know the names of the people who organised the function. Here is a function which everybody agrees was illegal. Drink was available, but no liquor permit had been given; gambling equipment was seized, but no permit was or could have been given.

Mr Hassell: I didn't warn him not to persist; I warned him to check his facts before he persisted. That is quite different from your twisting of the truth, as usual.

Mr PEARCE: I will quote the Minister's words—

> I inform the member for Fremantle that I suggest he should check the matter carefully before proceeding, as if he proceeds, he may unwittingly do damage to some totally innocent people who may have been trying to help others.

The best we can say about these totally innocent people is that they are guilty of breaches of the liquor laws and the gaming laws, so they can hardly be described as totally innocent people when they are breaking the law.

Mrs Craig: They may be.

Mr PEARCE: He said they may unwittingly do damage to some people who may have been trying to help others. He said they were totally innocent people who may have been trying to help others. Clearly they are not totally innocent.

Point of Order

Mr HASSELL: I make it clear in taking this point of order that I do not want to inhibit the member for Gosnells in what he has to say, because I am anxiously waiting to hear the end of his story. I am particularly waiting to hear the proof of the allegations he and his colleagues have made. Mr Chairman, I draw to your attention the fact that a person has been charged with an offence—one person. As I understand it, that person has not yet been dealt with by the courts, although I do not know the details.

Mr Bryce: Ho, ho!

The CHAIRMAN: Order!

Mr HASSELL: To that extent—

Mr Bryce: *Sub judice.*

Mr HASSELL: —the matter is *sub judice.*

Mr Bryce: What a beauty!

Mr HASSELL: I am anxious to hear the end of the member's story, but I do believe he ought to be restrained from dealing with the subject of the actual prosecution.

Mr PEARCE: I wonder whether the Minister took his own advice when he declared that a person before the courts was totally innocent. What a ridiculous and hypocritical point of order.

The CHAIRMAN: Order! As I was looking into another matter immediately prior to the Minister's drawing this *sub judice* matter to my attention, I will leave the Chair and obtain a transcript from *Hansard* of the words that gave rise to the Minister's rising on a point of order. I will leave the Chair until the ringing of the bells.

Sitting suspended from 10.07 to 10.43 p.m.

Chairman's Ruling

The CHAIRMAN: In response to the point of order raised by the Minister for Police and Prisons on the question of *sub judice*, I have examined the speech of the member for Gosnells wherein remarks were made as follows—

> The best we can say about these totally innocent people is that they are guilty of breaches of the liquor laws and the gaming laws, so they can hardly be described as totally innocent people when they are breaking the law.
>
> Mrs Craig: They may be.
>
> Mr PEARCE: He said they may unwittingly do damage to some people who may have been trying to help others. He said they were totally innocent people who may have been trying to help others. Clearly they are not totally innocent.

At that point, the Minister for Police and Prisons raised his point of order.

The member for Gosnells used the term, "they are guilty of breaches of the liquor laws". Those words could be taken as prejudging the issue. The member could have used the word "alleged"; and in future I would strongly urge that he avoid the use of the terminology I have mentioned.

Mr Tonkin: Hear, hear!

The CHAIRMAN: Such a practice is in line with the established practices and precedents relating to *sub judice* in the Legislative Assembly.

Committee Resumed

Mr PEARCE: I certainly will follow your advice, Sir, in the way that I deal with this. Of course, I point out that the opposite judgment *vis-à-vis* their total innocence was made by the Minister for Police and Prisons, which is an equal breach of the *sub judice* rule, except that nobody drew attention to it at the time.

I have only a brief moment left to complete my speech, so I will summarise the position as I have put it to the Committee. I received a phone call which contained information, which proved to be accurate excepting in one contested detail; that is, whether the function complained of was organised by the Liberal Party. Members of the Opposition have had information made available to them independently from a number of people who are in agreement that the function was one organised in order to raise funds for the Liberal Party candidate for the new seat of Balcatta (Mr Vince Alessandrino). At one point, the Minister for Police and Prisons suggested that I should bring proof to the Chamber, and give the names of the people who supplied the information—three of them, independently—to members of the Opposition. I might consider that in other circumstances; but the difference now is the Minister's own reaction to this.

In their activities, the police often have to rely upon information given by people who do not want their names used, for obvious reasons. For example, if one were to complain of hooligan behaviour in one's neighbourhood, the last thing one would want is to have one's name given to the hooligans about whom one is complaining because they would come around to one's place and wreck it. For very good reasons, the police do not give out the names of their informants in those circumstances. If subsequently the people have to go to court as witnesses in order to enable the criminals to be locked away, the situation is different. However, a degree of confidentiality is observed, for very good reason; and the people who are doing their duty as citizens, in a general sense, are not harassed subsequently.

Clearly, the Minister for Police and Prisons does not believe in this sort of confidentiality. He was almost prepared to name me in the Chamber—a fact which I do not mind personally because I am perfectly prepared to stand up in the Chamber, and, indeed, on a number of occasions, do so—as the person who passed the information to the police. Any person who made a complaint to the Minister for Police and Prisons would face the possibility of retribution visited on him by the very people about whom he was complaining.

When he became a Minister, the member for Cottesloe swore an oath to uphold the law and to do his job in his portfolio by helping to enforce the law. It seems to me he is in considerable breach of his oath with regard to his behaviour in this matter.

As the member for Morley pointed out when I came here I swore an oath to uphold the law; and I would have been in breach of my oath if I had not done what I did on this occasion. I am appalled to find that the Minister for Police and Prisons is, in effect, advising me in this place on what I ought to do in regard to this matter, and saying that I ought not take the necessary action to uphold the laws of this State.

The Minister for Police and Prisons made the point that there is a distinct political overtone in this whole business. He very quickly fell back from the original allegation that I was pimping to the proposition that I and other members of the Opposition would not have been interested in this business had it not been for the allegation that it was a Liberal Party function; that is, if we did not believe that it was just an example of some charity, as the Minister despicably tried to imply in his answer to the member for Fremantle. The Minister suggested that the people who were involved may have organised the night virtually for charitable purposes. In order to attempt to cover up the Liberal Party involvement in this thing, the Minister is prepared, effectively, to infer that a charitable organisation was involved.

Mr Bryce: The Liberal Party is a charity, is it not?

Mr PEARCE: What sort of response is it for the Minister to suggest that it may have been a worthwhile charity involved in these allegedly lawbreaking pursuits? A person who has sworn to uphold the law is involved in a cover-up for party-political purposes; and he is attempting to deflect the alleged crimes onto a charitable organisation in this State. If that is not despicable behaviour for a Minister, I do not know what is.

I am not happy with the way the Minister has taken up this whole business. Let me assure him that if the lawbreaking had involved some other group and not the Liberal Party, I at least—and I am sure I speak for my colleagues—would have taken exactly the same course of action. The bottom line of what he was suggesting was that, because it was the Liberal Party which was involved, we ought to have done nothing.

Mr Hassell: That is nonsense!

Mr PEARCE: That really shows the clear weaknesses in the selective enforcement of the gaming and liquor laws that the Government has as its own policy, because selective enforcement means the Minister, or someone else, chooses who is raided and who is not, who is allowed to operate and who is not, and when that kind of political choice is being made, it hardly can be said to be fair.

If the bottom line is that the Minister can make decisions about who is allowed to get away with illegal activities and who is not, it is hardly surprising that a Liberal Minister should move to allow lawbreaking by Liberals.

Mr CARR: I apologise to members for, in a sense, intervening in the debate on the matter just referred to, but if the Minister were to speak now, I understand he would close the debate. The matter to which I shall refer relates to the continued procrastination and duckshoving going on within the Government with regard to the driver education scheme.

I know that, in a sense, this involves one other Minister and one other department besides the department to which I refer, but I make my remarks here, because of the Minister for Police and Prisons' involvement and the fact that traffic is one of the matters coming under the police portfolio. This is an appropriate place to raise it.

Members are all aware that the driver education scheme was cancelled in last year's Budget, just 13 months ago. At that time the Treasurer promised that alternative programmes would be developed. He gave the assurance then that new programmes would replace the programme for which funding had been withdrawn. Of course, that has not happened and it has been one long, drawn-out example of procrastination.

At the time I was critical of that programme being withdrawn, as were a number of other members. I do not want to belabour the argument we had 12 months ago concerning the actual closure of the scheme. I am more concerned about what has taken place in the meantime which simply has not been enough.

Mr Clarko: It is a question of what scheme you put up. Perhaps you might like to make some suggestions. The great weakness is that it covers pupils below a certain age and those particular pupils are perhaps not the ones which cause the problem.

Mr CARR: As I suggested earlier, to some extent the Minister is repeating arguments which were put forward in this Chamber previously when a number of points were raised in relation to the improvement of this scheme. The Public Accounts Committee report No. 16, which has been quoted a number of times by many members, has pointed out some aspects of the scheme which were perhaps not ideal and suggested a number of modifications. I do not really want to weary the House by going over the debate we had in this place over 12 months ago, but very little has happened in the meantime.

If I quote a few questions and answers, I could indicate how long this has been going on, how little has been done, and the way this matter has been shoved under the carpet. On 25 March, I asked question 187 of the Minister for Police and Prisons which reads, in part, as follows—

> . . . what stage has been reached towards the introduction of such a scheme?

The Minister replied—

> Research stage to develop the necessary refinements and respective roles of the departments involved including establishing the manner in which the scheme will be financed.

On 6 April, I addressed question 388 to the same Minister and it reads, in part, as follows—

> ... which departments are involved in planning for a replacement scheme?
>
> (2) When can a decision be expected concerning a replacement scheme?

The Minister replied—

> (1) Police Department, Crown Law Department, National Safety Council of Western Australia and the Education Department.
>
> (2) The time of an expected decision concerning a replacement scheme cannot be determined at this stage.

I gave the Minister a number of months in which to act before inquiring as to whether the review was taking place. I waited until 10 August when I asked question 977 of the Minister which reads as follows—

> Will he please inform me on the progress being made towards the introduction of a replacement for the driver education scheme?

The Minister replied—

> Introduction of a replacement for the driver education scheme is still under review.

Twelve months of reviewing and looking into the matter had elapsed. It is no wonder this Government is called a "looking-glass" Government. It seems to be prepared to duckshove everything by saying, "We are looking into it" or, "We are reviewing it".

Mr Bryce: More paralysis.

Mr CARR: We then came to the Budget this year and I made an appeal to the Government prior to its introduction suggesting this was a matter of some considerable importance and the Government should address it in the Budget. Of course, the Budget produced absolutely nothing on this matter. That provoked people to make some inquiries as to the nature of the Government's intentions and this led to an article in *The West Australian* of 10 October, under a very encouraging, positive-sounding headline which said, "High schools to get a pilot driving scheme". I must admit to being very encouraged when I read that headline.

However, a closer reading of the article tended to suggest to me that the substance was not really up to the standard of the headline and that in fact what the Government was offering at that stage was very woolly and was far from being a positive move. Indeed, I suspect strongly that a journalist —perhaps the journalist (Mr Barker) who wrote the article—may well have noticed there was no allocation of funds in the Budget for a driver education scheme, so he approached the Minister for Education and said, "What is going on?" The Minister for Education may have drummed up a quick sort of answer to the effect, "We are looking into it and hope to do something very soon" and the term "pilot scheme" was the first thing that came off the top of his head.

Mr Clarko: That is totally suppositious.

Mr CARR: Well, that is certainly the way it appears to me. I followed that up with question without notice 586 on 12 October 1982, to the Minister for Education on that occasion, and asked him to elaborate on this article which had appeared in *The West Australian*. I asked him at which high schools the scheme was to be introduced, when it would be introduced, and how it would be funded. They were important questions that the Government had been considering for over 12 months.

The Minister replied, among other points, along the lines that I quoted in the Chamber this afternoon in asking a question. He said that he felt it was desirable to implement some sort of pilot scheme. The proposition was that perhaps we should establish a pilot driver education scheme in, say, five separate schools. He went on to say that the matter was now awaiting consideration by the meeting which would take place between officers of the Education Department and the National Safety Council of WA.

Here we have the Minister for Education saying the Government is going to do something about this; it is going to set up a committee and sort out the matter. That sounds curious to me when it is related back to answers to several questions asked earlier in this place of the Minister for Police and Prisons in which he said that the matter was being reviewed and he named four departments and other agencies which were involved in that review. It cast some doubt on just what that committee to which the Minister for Police and Prisons referred was actually doing.

In answer to my question today the Minister for Education was not very encouraging at all when I understood him to say that that meeting had not taken place.

Mr Clarko: I did not say that.

Mr CARR: I asked whether the meeting had taken place and he gave me an answer which did not say the meeting had taken place, but certainly led me to believe it probably had not taken place,

because the Minister commented along the lines that he had written to the Minister for Police and Prisons about this matter some three or four weeks ago and had not yet received a reply. He presumed the matter was being dealt with in the usual way in the department of the Minister for Police and Prisons and he presumed also he would hear something in the near future. All of that seemed to imply to me that things are not really happening very quickly at all in this field. I am not very satisfied with it.

Mr Clarko: You would not have expected anything to happen this year. The Budget for last year closed on 30 June and there were no funds there at all. You would not expect, during the normal course of an academic year, to turn around a couple of months later and do something in the latter months of the calendar year.

Mr CARR: Perhaps the Minister for Education did not read the Budget speech of the then Treasurer (Sir Charles Court), given on 13 October 1981 when he announced that the funding of the scheme had been terminated and that alternative programmes were being developed. So over 12 months ago the Government made the announcement that it was developing alternative programmes. It is astonishing that all this time has passed and the Government has got nowhere near to introducing a new scheme.

Mr Clarko: We are talking about it right now.

Mr CARR: The Minister is trying to put the view that it is perfectly reasonable to take a couple of years to plan an alternative programme. I see this as being a totally unreasonable situation. I am getting a little sick and tired of waiting for the Government's new programme to be announced. I suggest a lot of people in the community are strongly of the view that more should be done to assist young, inexperienced drivers.

Mr Clarko: That is not true.

Mr CARR: Our road trauma is too serious to be ignored.

Mr Clarko: I am advised that only a few queries from country areas came in.

Mr CARR: The Minister can have his say later on. Our road trauma is just too serious; too many of our young people are being killed on the roads. It is true we have experienced a considerable improvement in the number of road deaths in absolute terms and in the number of deaths per 10 000 vehicles registered. I am pleased the Government has taken strong action in the alcohol part of its road safety programme. However, the Government should be taking a far more comprehensive approach to road safety matters. The aspect of inexperienced young drivers being responsible for the major part of the deaths on our roads should be addressed seriously by a scheme of special driver education for young people.

Perhaps to some extent the previous scheme could be extended; I accept the comments that it could be improved by involving more students and people who are no longer students. However, the important point I want to make is that I am not satisfied with the Government's continual procrastination and the recent duckshoving of this matter between the Minister for Education and the Minister for Police and Prisons. The Government has a responsibility to get its act together and to sort out what type of scheme it will introduce. A scheme should be introduced as soon as possible so that more young people do not lose their lives on our roads.

Mr NANOVICH: It is about time that someone in this place stood up and said what a good job our Police Force does. The Budget contains an allocation to provide for an increase in police numbers, and I am sure the Commissioner of Police welcomes this. The Police Force today is doing a tremendous job.

To some extent the public are inclined to take advantage of the service provided by police officers. We know their first duty is to protect life, to preserve property, to keep order, and to allow us to move safely in the city and the suburbs. However, I believe the Police Force is being used for silly matters that ought not to be involving the force at all. I refer now to hoax calls such as the member for Gosnells was mentioning, although I will not go into his argument.

Mr Pearce: It was no hoax.

Mr NANOVICH: I am referring to things such as domestic problems, although, as members would be aware, some petty domestic problems can become serious problems. Our police officers know this and they know how problems do occur.

We have police pimps who go out of their way to sit on the telephone and report every little thing they see. They add their own impressions of what is happening and then ring the police and tell them they ought to be there.

Mr Pearce: Is this your description of—

Mr NANOVICH: As a member of Parliament, the member for Gosnells must get these calls. I get sick and tired of the petty things the police have to investigate. Sometimes a person will contact his member of Parliament and say the police are not doing their duty. When we contact the police officer to whom the person has spoken and

then hear his side of the story, we know what is wrong and what is right.

The member for Dianella recently spoke about problems facing people in his electorate, and I will quote his comments as follows—

> The facilities, including the olympic-sized Mirrabooka Ice World skating rink, 10-pin bowling rink, water slide, family fitness centre, and other associated centres just about to open, are an attraction not only to the people who want to use them for the purpose for which they have been developed but also to people who want to cause trouble. Reports have been made of gangs of up to 20 youths competing for control of the vicinity. The proprietor of the ice skating rink has been forced to employ his own security team to protect those people who wish legally to use the facility, and to ensure that serious personal harm is not occasioned to legal users. It has been reported to me that at times when serious incidents have been likely to occur and the police have been summoned, great difficulty has been experienced in getting the police there on time.

I know this occurs, but I do not think we can fully blame the police, because on many occasions they are being called upon to handle petty matters. Therefore, on such occasions as the member for Dianella outlined, when gangs of up to 20 or 30 youths gather in areas and create problems—and sometimes dangerous problems—I cannot help wondering whether our courts hand out sufficiently heavy penalties.

On too many occasions the police are called out on hoax calls. Little problems pile up in the mind of the person who reports the incident and often the situation is not as serious as the person believes. As the member for Dianella suggested, these gangs of teenagers do create problems, and the police may be a little late in arriving at the scene. However, they have probably been called out by a hoax call or to iron out a little domestic problem. One might say the easiest way to iron out a domestic problem or a problem with a neighbour would be a swift punch on the nose, but one then is immediately charged with assault, which makes things awkward.

Recently I was telephoned at 2.30 a.m. by an irate constituent.

Mr Bryce: Anonymous?

Mr NANOVICH: He claimed he was having problems and that the police would not act on his report. I contacted the police who told me—

Mr Pearce: The Minister will be naming you in the Chamber in a minute.

Mr NANOVICH: —the problem involved a private party next door to the person who had phoned. So the police did go out and act on the report.

Mr Pearce: Very shortly you will be called a pimp.

Mr NANOVICH: The member for Gosnells should know that police cannot take action if something occurs on private property unless what takes place disturbs the peace or creates a dangerous situation. They can then step in and say that a person is creating a problem and he could be arrested. The constituent did not tell me the truth. As I said, the police informed me that they had been to the premises where the party was being held and had booked the drivers of the vehicles parked on the median strip. Those people were rightly booked. Those same people were spoken to by the police, and a complaint was recorded at the police station. The police left the premises because they did not feel any great problem had developed.

I rang the person who first contacted me and informed him of my discussion with the police officer at the station. The constituent said to me, "That's not good enough" and I said to him, "The police informed me that they would keep an eye on the place during their general night patrols." The police would have called again.

The constituent had told me that someone from the party had thrown a bottle through one of his windows. Of course, that was a bad thing to happen, and a charge could have resulted. The constituent went on to say that his wife was becoming a nervous wreck, and his children could not go to sleep, but he did not tell me that before the bottle had been thrown he had turned a water hose onto the people at the party, which caused the bottle to be thrown. If he had not become annoyed and, probably, spoken to the people at the party in the way he did, instead of speaking to them in a proper and decent way, they might have taken proper notice of him.

I knew one of the people at the function, and he told me that there was no need at all for the police to intervene. The constituent had not told me the truth; he had created a problem by turning a hose onto the people at the party.

On many occasions the work of the police is made difficult as a result of their having to go out to try to settle personal disputes. When large groups develop, and it is necessary that the police attend to those groups, it is often difficult for them to do so because at the same time they are trying to sort out small domestic problems. The

time of the police is taken away from policing areas where a major problem is likely to occur.

Mr Davies: You are lucky to get them to a domestic fight, and certainly they don't like going to fights between Aborigines.

Mr NANOVICH: On any occasion I have had to ring the police, no matter what time of the day, or how early in the morning it has been, they have acted quickly. On every occasion I have contacted the police on behalf of someone else, the police have tried to sort out the matter, and I have been able to get back to the person who raised the complaint to tell him that the police were acting. Surely to goodness one cannot accept the situation of people constantly seeking to create problems by pimping. Certainly we have people about the place who do that. They try to obstruct the police in their normal functions.

The allocation to increase the number of police will be welcomed by the commissioner. The police will be able to expand their activities relating to road safety, to carry out more patrol work, and to man stations easier than they are manned at present. However, in our suburbs problems still will be created by irresponsible people. I am sure members of this Chamber agree that, as the police say, the majority of problems requiring police action are caused by people drinking alcohol to excess.

If more people accepted their responsibilites in regard to these matters, our Police Force would function more positively to combat major crimes committed in this State, which perhaps are not resolved as quickly as they should be because the activities of our police are directed to areas in which the police should not be involved.

I commend the Treasurer for including the allowance for an increase in the number of police, an increase which I am sure is welcomed by all members of this Chamber, and the public generally.

Mr TONKIN: I pay a tribute to the Police Force.

Mr Nanovich: Hear, hear!

Mr TONKIN: These people have one of the most difficult jobs in our community. They are at the real cutting edge of society. Unfortunately, they must deal with a small proportion of the community who do not know how to behave properly. The police have an onerous task to carry out; certainly their job is not the kind I would like to do. The difficulties they encounter are the prime reason for the Opposition's being so pleased that an allowance has been made for an increased number of police.

However, I must raise a point in regard to the figures. The Minister for Police and Prisons may be able to correct me if I am wrong, but it seems that although the promise was that 100 extra police officers over and above wastage will be appointed by way of this Budget, the figures provided do not reflect that increase. The figure for superintendents and inspectors is 105 this year compared with 100 last year—an extra five. The number of sergeants and constables this year is 2 566, compared with the estimate for last year of 2 493—73 more. Of course, the 73 plus the five indicates an extra 78 officers only. The discrepancy may result from the estimate last year not being adhered to by a greater number of officers being employed than were provided for in last year's Budget. Certainly the figures provided for this year compared with the figures for last year indicate an increase of only 78 instead of 100. I will be interested to hear the Minister's comments on that point.

Mr WILLIAMS: It would be remiss of me not to support the Budget comments of the member for Canning when he referred to traffic flow problems. His main complaint related to traffic flow on freeways when people drive at a speed below the speed limit, and drive alongside another vehicle travelling at the same speed. I am one who for some time has asked that we revert to the old style of requiring that vehicles keep to the left while travelling on a freeway. I believe that is the only way to overcome this road problem.

The more one travels around the world, and particularly in the Eastern States, the more one realises that the idea of keeping people to the left on freeways is very important.

The main arterial roads of England have three lanes, and a traffic density far greater than most people in this State could envisage. Heavy vehicles such as trucks and buses keep to the left, and vehicles travelling a little faster, at about 70 or 80 miles an hour, use the second or middle lane. Those who wish to travel at 100 miles an hour or more use the third lane. The courtesies adopted by drivers on those roads are such that if the driver of a truck or bus wishes to move from the inside lane to the second lane to pass a vehicle on the inside lane travelling slower than he, he simply flicks his lights on and off, and at all times the drivers of the vehicles in the second lane give way to him so that he can come out to pass. The driver of the passing vehicle will show a similar courtesy by returning directly to the left lane.

This has the effect of keeping traffic flowing at all times. There will be no impediment of the traffic flow and the object of freeways or highways is to get from point A to point B in the

shortest possible time with safety. When I was in England this year I travelled extensively on the freeways—or motorways, as they are called—and never once did I see an accident. I was told they sometimes occur, but usually when there is fog, sleet, or snow.

I again ask the Minister, in conjunction perhaps with the Minister for Transport, to give this matter serious consideration. When I speak on this subject and the Press sees fit to report my remarks, my office is inundated with telephone calls. This also has an effect on other members and I suggest I am gaining support from members from both sides of the House. The member for Canning and many of his colleagues have passed on comments to me. I wish something positive could be done in this regard.

I am pleased that the Police Force will be increased by 100 members and I hope some of those new policemen will be used to try to overcome the problem of the impeding of traffic flows on freeways. People should be told to move over and let the traffic which wants to flow do so. That is the only way we will overcome the problem. It is time we started doing something positive in this direction because it is obvious that we have more licensed drivers these days and unholy traffic jams will be created unless we improve our rules and regulations now. We cannot afford to wait until we experience the dense road traffic of Melbourne, Sydney, or overseas. Now is the time to begin appropriate educational programmes.

Mr Tonkin: That is what the member for Geraldton meant.

Mr WILLIAMS: The object is to keep to the left and that will improve the traffic flow and enhance safety on our roads; that is all-important. We must start now. We will need the co-operation of driving schools because young people must be taught in the proper manner. We have a reputation in this State of being bad mannered and impatient on the roads, and that is understandable when we have to tolerate people who remain in the centre of the road. Quite often we see driving school vehicles, with a pupil behind the wheel, sitting right on the crown of the road against the white line, and consequently these students are taught bad habits during driving lessons. Surely these driving school pupils could be taught the manners of the road. It is simple courtesy and commonsense and, above all, in the long run it could save lives.

Again I ask the Minister to give this consideration. It is not an idle pipe dream, because most people want it. Most people who use the roads each day are imploring us to do something about this problem. The police and officers of the Main Roads Department see what is actually happening on the roads. These officers have been interstate and overseas and they have witnessed traffic flows in those places. They should be able to implement similar schemes here. It should not be necessary for members of Parliament to stand up in this place and make these suggestions. Those people are the professionals in the field and it is their job to implement these measures, which are obviously required and should have been implemented years ago. These people are paid big salaries and it is their job to keep our roads safe. I believe they are falling down in their responsibility. It is up to them to implement this "keep to the left and move as quickly as possible" principle and to ensure driver courtesy on the roads.

Mr EVANS: I want to make several remarks in connection with driver training during this opportunity which has been afforded to me. I have a particular interest in this subject as I was involved with the driver training centre at Manjimup Senior High School which was one of the first schemes initiated.

Mr Tonkin: Hear, hear!

Mr EVANS: The scheme proceeded remarkably well. After it had been established for 10 years, I talked with the local police sergeant to obtain an indication of whether there was any evidence to prove the effectiveness of the driver training course. He was able to point out that of the pupils who had gone through the driver training course, not one had appeared in court for infringing the rules and that is, I feel, an indication of the value of driver training. It impresses me as being quite an outstanding effort and I am fairly confident that that sort of record will be maintained while the scheme is in existence.

Many people have approached me in regard to the location of the present driver training scheme and I hope to get an indication in the Chamber this evening as to the Government's proposals in this regard.

The Minister for Education mentioned that a number of pilot schools would be selected, but whether or not this will be a scheme patterned on the previous driver training scheme is not clear. If the Minister could report on that matter it would be of great interest and value to most members in this Chamber.

A number of propositions have been put to me. We must remember that this scheme involves students who are in their final year of schooling and who are in the 16½ to 17-year-old age bracket. It is most important that they are taught by a well-trained instructor and even if the

existing driver training schools were introduced only in the last three months of a student's school life, it would certainly afford the students the opportunity of learning from an experienced instructor. Good habits will be inculcated in the early driving life of an individual and will remain, but once bad habits are established they must be broken before proper training can become effective.

Mr Tonkin: Hear, hear!

Mr EVANS: The cost of involving established driver training schools or instructors in the scheme could be beyond the limits of a total State scheme, but it would be worthwhile costing such a concept. Each senior student could be offered a minimum number of lessons with an experienced instructor before he or she terminates his school years, and he or she will at least be left with some background on this matter which will stand him or her in good stead for the future.

Mr Tonkin: It is never going to happen, for the simple reason that it is something the Government claims it should not be doing. The Government's philosophy is that it is a private enterprise matter.

I take note of the point made by the member for Victoria Park, but if, in part or to a minimum degree, there were some way of financing the instruction that is required to set the students on the road to proper driving, it would be an investment that would pay off for the entire lives of the recipients of that training.

Mr Davies: I could not agree with you more and the car manufacturers acknowledge that, too.

Mr EVANS: I ask the Minister the intention of the Government in this regard and whether there is a possibility of involving the established driving schools and instructors in some way. I ask whether this aspect has been looked at, whether it is feasible, and whether the Government will endeavour to do something about it.

Mr HASSELL: A number of matters need to be mentioned in response to the points raised by members in this debate, and I will deal with them in the order in which they were discussed.

The member for Victoria Park referred to the subject of complaints to the police and expressed the view that the Ombudsman should be able to investigate complaints—

Mr Davies: That was not the main tenor of my speech. It was actually more what you brought into the matter.

Mr HASSELL: It was one of the first remarks the member made.

Mr Davies: You must have misunderstood. I was complaining about the way members of Parliament are treated in response to their complaints. That is quite different.

Mr HASSELL: Nevertheless, the member made the point that the Ombudsman should be able to investigate police complaints. I understand it is the policy of the Opposition that that should be so.

Mr Davies: Hear, hear!

Mr HASSELL: The Government has examined this matter on a number of occasions and it is not its view that that should be the case. I noticed, in a report the Ombudsman made recently that he expressed the view that the issue should be determined by Parliament and that he did not propose to take any further in terms of legal argument between himself and the Commissioner of Police, the extent of the jurisdiction of the Ombudsman in this area. He believed he had taken it as far as he should and said he would not take it any further.

Mr Davies: I think he was giving us the nod.

Mr HASSELL: It is the Government's view that the best interests of the community are served by the present system. Members who have a view on this matter should appreciate that the Ombudsman has a considerable jurisdiction in the police area already. He has jurisdiction in relation to all sorts of administrative complaints and he exercised that jurisdiction regularly.

Members will recall that he was involved in considering questions as to the state of the lockup and he made a report on that some time ago. He deals with complaints about the administration of the traffic side, in terms of the issue of licences and all those administrative functions. He examines many areas of police activity. The only area from which the Ombudsman is clearly excluded is that which involves complaints about the behaviour of police officers.

It is our view—and it is a view which is supported by the Police Union and by other policing authorities—that the public is best served by the present rigorous system of police investigation of police complaints because we have an established track record in that regard. It has been shown that the police are effective in their investigation of complaints about the behaviour of officers. It has been confirmed recently by a report tabled in this Parliament by Mr Dixon after he was given a specific task to overview police investigations and reported on their thoroughness.

Mr Grill: Mr Dixon was hardly impartial. He was known as one of the most biased Crown prosecutors that this State has ever seen. You ask any criminal lawyer and he will tell you that particular fact.

Mr HASSELL: We have seen some pretty bad defaming of people and characters in this Chamber and here we have it going on again.

Mr Grill: You know as well as I do.

Mr HASSELL: Tonight we had the member for Gosnells quoting all sorts of things. I remind the member for Yilgarn-Dundas that Mr Dixon was appointed by a Labor Government as the first Parliamentary Commissioner for Administrative Investigations and was highly respected by both sides of politics for his work.

Mr Davies: Hear, hear!

Mr Grill: You would not have a clue.

Several members interjected.

Mr Grill: We made some pretty bad appointments as judges and magistrates also.

Several members interjected.

Mr HASSELL: The member for Yilgarn-Dundas is following the great tradition of his party which uses parliamentary privilege to defame someone against whom it has some prejudice—

Mr Pearce interjected.

Mr HASSELL: —because it does not like someone for what he has done at some time or another.

Mr P. V. Jones: They don't agree with you over Mr Dixon.

Mr HASSELL: There are some responsible members over there. The defaming of Mr Dixon in this Chamber—

Mr Grill: Pull your head in.

Mr HASSELL: —does the member for Yilgarn-Dundas no credit. It is a disgrace for him to make those sorts of remarks about a man who is regarded highly.

Mr Davies: Don't make it any worse. We do not all agree with what has been said.

Mr HASSELL: Why should not the matter be pursued?

Mr Davies: Because we have said that everyone does not agree with him. Let us not see your bias showing.

Mr HASSELL: Will the member say it?

Mr Davies: I have defended Mr Dixon already.

Mr Pearce: That is right.

Mr Davies: Try to remember what has been said and get some fair judgment back. Take the blinkers off your eyes. You are the worst Minister for Police and Prisons we have ever had.

Mr Pearce: You are a shocker.

Mr HASSELL: It must gall the member.

Mr Pearce: It does not; actually, it is a positive relief to us.

Mr HASSELL: It does not give the member much comfort.

The DEPUTY CHAIRMAN (Mr Crane): Order!

Mr Carr: Can we move on?

Mr HASSELL: Opposition members always are trying to drum up something that I have done wrong; it is obviously their wish to try to find some flaw.

Mr Pearce: Even Barry Humphries in his stage show spoke of you.

Mr HASSELL: I will respond to the members who have made some responsible remarks.

Mr Grill: You are every judge and prosecutor.

Several members interjected.

The DEPUTY CHAIRMAN: Order!

Mr HASSELL: We do not believe the best interests of the community would be served by our bringing the Ombudsman over the top of the Commissioner of Police, and his commissioned officers, who are responsible for internal investigations and deal with complaints against the police.

Apart from the views that are expressed in other places on the matter, I refer members to the comments made by Justice Williams in the report of the Royal Commission of inquiry into drugs. He was careful when handling this very issue and suggested it was not necessarily the right course to follow, although he contemplated that it might be followed. Our own experience and records tell us that our system works well, and the Dixon reports tell us that, also. No-one has shown any evidence that it does not work well. That is a telling point because there always would be a fear that if outsiders were brought in—and the one area in which the Ombudsman is excluded is that which relates to the behaviour of policemen in a disciplinary sense—there is a danger that there could be a tendency of a closing of the ranks and a less effective system than the one we have.

We believe that the complaints against the police should be dealt with powerfully and effectively, as they are. As members on the other side of the Chamber have acknowledged from time to time, they are dealt with very toughly.

The second point made by the member for Victoria Park referred to the way in which complaints made by members of Parliament on behalf of constituents were responded to by the Police Department. He raised an objection to the fact that the Police Department tends to take up those

complaints directly without advising members of Parliament of the action that will be taken, or is taken, or the outcome of the complaint.

Mr Pearce: They refuse to tell you if you ask.

Mr HASSELL: I advise the member for Victoria Park that in the past I have considered that issue. I considered it as a back-bencher when I followed the course of raising a complaint and I have considered it since. There has been some change in the practice of the Police Department in that respect.

Mr Davies: Not for the better.

Mr HASSELL: If there has not been a change, I am prepared to take up the matter again because there is some validity in what the member for Victoria Park has said. Members of Parliament should be told the outcome of complaints raised by them. I advise the member for Victoria Park of the rationale of why the Police Force approaches this matter in the way it does. It goes back to the issue we have been discussing about complaints against the force. When a complaint is made against the Police Force by a member of the public, or a member of Parliament on behalf of a member of the public, the police treat it seriously and treat it as potentially leading to proceedings against the police officer concerned. The first thing that is done is that evidence is obtained that can be used in a court, if necessary, and the Police Force looks to the complainant in order to obtain direct evidence of his complaint and the basis for it. That is the approach taken by the Police Force, and the Ombudsman follows the same approach. All complaints received must be in writing and be directly from the complainant.

There is a very good reason for the Police Force adopting this approach and dealing with complaints at the commencement of an investigation where it does not act on hearsay evidence or secondhand allegations. I think there is something to be said for the member of Parliament being informed of the outcome of that complaint.

The member for Swan spoke at some length and in a general fashion about the road toll, the road trauma committee of the Royal Australasian College of Surgeons, and the publication released by that committee on a national basis. He did not put forward any specific suggestions, but mentioned that the surgeons suggested there was a need for an Australia-wide uniform road code and that there should be severe penalties for repeat offenders, and he urged that matters of education and law enforcement be considered.

I was surprised at his comments. I did not disagree with them in any substance. I do not agree with all the specific recommendations of the surgeons. Recently this Parliament considered legislation which took into account many of the things which the member raised. They were not only debated in that legislation, but also covered by it. We have made decisions in relation to the reduction of the blood alcohol level from 0.08 per cent to 0.05 per cent and to random breath testing. The Opposition has given the decisions it supports. It appears to me that the member for Swan, although undoubtedly taking up a worthy theme, was not raising any issues on which we could take action.

The member for Dianella raised specific issues in relation to the need to increase officer members at two police stations, and he referred to vandalism at the Mirrabooka town centre. He referred also to the number of traffic patrol officers in the Warwick area and the area of patrol based at the Warwick station.

The member for Dianella asked me some specific questions on that subject in the last couple of days and I have given him an answer. Nevertheless, I will refer his remarks to the Commissioner of Police. In regard to the questions he raised on the number of traffic patrol officers available from the Warwick police station and the general issue of police patrols in the metropolitan area, I indicate that these have been the subject of a number of speeches in this place and have been raised quite often in correspondence to me.

In some areas of the community there is a feeling that police numbers are being reduced in police stations and in some cases the stations are being closed, and thereby police coverage has been reduced. That is not the case. It is true that in some areas the police numbers have been reduced and in some cases the police stations have been closed—I am referring specifically to the metropolitan area.

Mr Davies: You look tired.

Mr HASSELL: For goodness sake! In some instances police stations have been closed. The reality of this is that the Police Department's objective is to increase the effectiveness of coverage and in this respect they operate mobile patrols of various kinds. Those groups have been established and made operational and they have a proven record of effectiveness. As I have mentioned, they are mobile units and they are in constant contact with the operations centre. A computer-aided dispatch system is to be developed. This area of high technology is to be developed in this State by a wholly Western Australian firm and I understand we are leading Australia in this field.

The computer dispatch system will enable officers in patrol cars to obtain direct access to a

certain amount of police information. The information is received in a direct approach on a visual display unit in the patrol car. They will not be able to obtain all the information from the police records for obvious reasons. There will be safeguards built into the system in relation to when a car is stolen, etc.

The computer dispatch system requires that the police patrol cars are directed by the computer in the sense that calls for assistance, and reports requiring attention will, when received, be fed into the computer.

According to the nature and the urgency of the calls, they will be assigned priorities. According to the location of police cars, the calls will be directed to those cars, again through the visual display units in the cars, without any voice control. We will not have somebody sitting at headquarters working out the nearest patrol car. According to the system of priorities, that car will be assigned to the job automatically.

Mr Davies: Will the priority be selected by a computer?

Mr HASSELL: That is the intention. It will obviously involve a degree of human input and human judgment.

Mr Davies: A murder is worse than a bashing, and a bashing is worse than a motor accident, and a motor accident is worse than a child molestation, and things like that?

Mr HASSELL: These judgments are made all the time now; they must be.

Mr Davies: I think they are made by people, as the member for Geraldton says, rather than by machines.

Mr HASSELL: They will not be made by machines; but the machines will be involved in them.

The point is that the police operations centre will not need to fill the air waves with voice directions. Police officers will not need to work out where the nearest patrol car is. I have seen such a system working in the United States, and ours will be equal at least to the one I saw. We believe it will be a very good system.

Mr Davies: It sounds good, but impersonal.

Mr HASSELL: That is technology being put to good use by police officers; and it will assist in the mobility and effectiveness of the patrols about which I have been speaking. We are concerned to ensure that the metropolitan area is covered and served adequately.

The member for Canning and the member for Clontarf raised a joint submission about the use of freeways. Although I listened carefully to both of them, I am not absolutely certain at this stage whether they were advocating higher speed limits, a fixed rule about keeping to the left, or a blitz to ensure that people kept to the left.

Mr Davies: Any excuse for a blitz is all right with you.

Mr HASSELL: The point is that they were concerned about blockages on the freeways.

Mr Williams: No, the traffic flow.

Mr HASSELL: They were concerned about cars not using the freeways as best they might. I can only reiterate the position as it is, although perhaps I have one piece of fresh information.

As far as the speed limit on freeways is concerned, the Government has made a firm decision not to increase it, at least for a period. The speed limit function on the freeway is an issue for the Main Roads Department or, in the case of interdepartmental differences, for the Cabinet. The regulatory power under the traffic code has been delegated to the Commissioner of Main Roads. In this case, the Cabinet has determined that, for the time being, the speed limit will be maintained.

I was interested to see the comments made by some people that an increase in the speed limit from 80 kilometres per hour to 90 kilometres per hour over the range of the freeway, would result in the difference of only a minute or so in the time taken for the journey. If we are to talk about 100 kilometres an hour, the difference might be a little more; but we are still talking about a difference over the whole freeway of well under five minutes.

We have determined that we should wait to see how the extensions to the freeway work out, and how the habits and patterns of the traffic develop, before making any changes.

The point about keeping to the left has been the subject of discussions in this Chamber, and discussions and consideration by the Police Department and the Cabinet. The advice that we receive consistently from our different advisers—and it is consistent advice from different sources—is that with the modern roads and modern freeways, we must make the maximum use of them by allowing for the use of all lanes without "artificially", by regulation, directing people to use the left lane except when they are passing.

Mr Tonkin: Have you driven on the autobahns? They stay to the right all the time, and the traffic flows beautifully.

Mr HASSELL: That is the advice we received. Our advisers say that the traffic moves best if all the lanes are used. They say that the people who are driving properly on a freeway prepare them-

selves for the off-ramps well in advance of reaching them, and to do so, they need to use all the lanes.

My own view is that there are arguments on either side, and they all have a degree of validity. I know that the member for Clontarf indicated in his remarks, and the member for Morley just said, that other places in the world have rules about keeping to the edge of the road—the left here and the right in other places. There are safety arguments for the proposition that weaving in and out of cars among the different lanes is less safe than passing by using a passing lane. Those are conflicting arguments.

Mr Tonkin: The flow of traffic compares unbelievably with the flow here.

Mr HASSELL: Those issues can be raised validly.

As far as the Government is concerned, we have examined the matter, and we are having the regulation reviewed. If a change can be made to the regulations without putting drivers in a position of committing offences when they use the freeways properly, and it can be seen to be likely to improve the traffic flow, we will give it consideration. We have not reached a final decision on it, although, in response to representations by the member for Clontarf and others, we have looked at it again.

The next member to speak tonight was the member for Gosnells, and I will deal with his remarks in a very clear, simple, and factual way. I will not be involved in exchanges about those remarks.

The first thing the member for Gosnells told us was that he was the man who made the report to the police about the event—whatever it was—that occurred at Economic Distributors. I did not ever say that he was the person; but he did, and that was his choice.

Mr Pearce: You referred to "a prominent front-bench pimp", as I remember.

Mr HASSELL: He told us also that in doing so he acted on an anonymous phone call, and that he had conveyed the information in full to the police as a result of that anonymous phone call.

Mr Pearce: I pointed it out as an anonymous phone call to the police, too.

Mr HASSELL: I am not denying that. I am not denying what the member said about what he did. I am not questioning it. I can say only that if members of Parliament consider the matter, they will have to think about whether they would, in the normal course of events, act in that way in response to an anonymous phone call.

Mr Pearce: What is your advice? What would you do in those circumstances?

Mr HASSELL: I will not enter into cross-fire about this. I want to make it clear that I will make my remarks—

Mr Pearce: I want your advice on that point. Are you prepared to give it?

Mr HASSELL: People who make anonymous accusations are particularly mischievous as a rule, because they do not have the courage to state their position. I can say in all honesty that I have received many anonymous stories and accusations by phone and otherwise about the activities of the Labor Party and I have never reported them; but whether they be about the Labor Party or anyone else, my reaction to anonymous phone calls is to indicate to people who make them to me that, unless they are prepared to give me their names and addresses—except in exceptional circumstances and there certainly can be exceptional circumstances—I will not act on them. But, more particularly, my reaction to an anonymous phone call of the nature described by the member for Gosnells—and it was his description—would be to tell the person on the other end of the phone that, if he wanted to report the matter to the police, he should do so; that would be the normal reaction of normal people.

Mr Pearce: Rubbish!

Mr HASSELL: However, the member for Gosnells had his nose to the air for what he thought was some sort of political scandal in which he could involve the Liberal Party.

Mr Pearce: It was pretty right too, wasn't it?

Mr HASSELL: That was what the member for Fremantle was about when he asked his questions. Let me remind the House of the way in which the member for Fremantle went about his questions. He phoned my office and gave notice of three or four plain, simple, factual questions. The answers to those questions were given at question time when the questions were raised without notice—factual answers to factual questions.

He then immediately leapt to his feet with the scent of triumph in his nostrils—

Several members interjected.

Mr HASSELL: —and said, "Now, can you confirm that it was a Liberal Party function?" I said, "No, I cannot confirm it. I do not know anything whatsoever about the matter beyond the answers to the questions which I have just given you which were provided by the department."

Mr Hodge: That was very convenient, wasn't it?

Mr HASSELL: At that response, the member for Fremantle was totally incredulous and in his remarks he implied—

Mr Pearce: You attack me when I am not here and you attack the member for Fremantle when he is not here.

Mr HASSELL: I am not attacking him. He implied I had some information I had not disclosed. I had none. I did not have a word of information. But having done what he did, the member for Fremantle got his report into the newspaper that this was a Liberal Party function.

Mr Pearce: It was, too.

Mr HASSELL: He said it was. Subsequently the member for Fremantle said he could prove it and the member for Gosnells has said that tonight. Thereafter the member for Fremantle put a question on notice in which he asked specifically if I could confirm that it was a Liberal Party function. Again I answered, "No, I cannot", any more than I can now, because I have no evidence whatsoever—

Mr Pearce: So you can't confirm that it was not?

Mr HASSELL: —that it was a Liberal Party function.

Mr O'Connor: He can't confirm it was not a Labor Party function, either.

Mr HASSELL: When the member for Fremantle asked the question and I gave the answer, he then said he could prove it. He has not proved it and neither has the member for Gosnells. In a 30-minute speech, the member for Gosnells basically made three accusations. Firstly, he said that the function was a Liberal Party function; secondly, he said I was involved in a police cover-up.

Mr Pearce: No; I said you were involved in a political cover-up.

Mr HASSELL: No; the member for Gosnells said a "police cover-up". He should make no mistake about what he said.

Mr Pearce: I don't blame the police. I blame you quite specifically.

Mr HASSELL: He said, "The Minister is engaged in a police cover-up". Thirdly, he told us that he reported the matter to the police because of the allegation that the police already knew about the function, but were not going to act on it. If that were so, the member for Gosnells was accusing the police, as he did tonight, of themselves having acted only because he reported the matter and not because of other information.

Mr Carr: No, he did not say that at all.

Mr Pearce: When I rang them on Friday I told them in advance that this could become a public issue.

Mr HASSELL: I am not denying that. What I am saying is the member's third accusation tonight was that the police were not going to act.

Mr Pearce: I said that was alleged. That is totally untrue.

Mr Carr: You are totally misrepresenting him.

Mr HASSELL: If the member for Gosnells is withdrawing that allegation, that is all very well—

Mr Pearce: I did not make that allegation. I said that allegation was made to me and I passed it on, because it was so serious.

Mr HASSELL: So the member for Gosnells did not allege that.

Mr Pearce: I did not allege it.

Mr HASSELL: The innuendos are there.

Mr Carr: You are setting up a straw man and then knocking it down.

Mr Tonkin: He said he did not know.

Mr HASSELL: The innuendo is clearly there, because he went on to link this matter with the policies of enforcement. The member for Gosnells put his accusations together. He cannot escape them; they are on the record.

Mr Davies: You can't put innuendos on the record.

Mr HASSELL: The members for Gosnells and Fremantle are beneath contempt in this matter, because they have not produced the evidence they said they could produce.

Mr Pearce: You are in breach of your oath. You are a disgrace to the Parliament!

Mr HASSELL: They have not produced the evidence. In his speech tonight the member for Gosnells became very excited, because he said I had done something wrong in saying that an informer or pimp told on this function in the way he had, as though I had named him, which, of course, I had not. Then in a number of places in his speech, the member for Gosnells was very busy naming a Liberal Party candidate as being associated with this function. What evidence does the member for Gosnells have that that candidate was associated with the function?

Mr Pearce: Might I say I did not raise this matter until you called me a pimp. I had done nothing but call the police.

Mr HASSELL: What evidence does the member for Gosnells have that the Liberal Party can-

didate he has named half a dozen times in his speech tonight was involved in this function?

Mr Pearce: We have information from three separate sources, none of which do we intend to name to you even on a confidential basis, because you would name them somewhere. You are not to be trusted in regard to that.

Mr HASSELL: I do not want the member to name them to me. I do not want him to name them in the House. I want him to tell the House what shred of evidence he has to say that the man he named tonight was involved in the function.

Mr Pearce: The evidence we have is that the function was to raise funds for that person. Three people have told us that and we certainly will not name them to you on a confidential or any other basis, because you can't be trusted.

Mr HASSELL: I do not want the member for Gosnells to name them. I want his evidence.

Mr Pearce: That is the evidence. We have three witnesses; that is the evidence people have in court—they bring in witnesses.

Mr HASSELL: What is the evidence that they would give? One does not bring the witness into court, stand him in the witness box, and say, "You are Joe Bloggs" and that is the evidence. He must say something. What do these people say?

Mr Pearce: They will say, in some cases, that they were invited to and, in other cases, they were present at a function to which they were invited in order to contribute funds to the campaign of the Liberal candidate for the new seat of Balcatta (Mr Vince Alessandrino). Some of them were there when the police came. That is what they will say. Is it clear now?

Mr Nanovich: It is not true.

Mr HASSELL: It is clear now. It is clear now that the member for Gosnells, who apparently is so concerned about the possibility of someone being named, has not hesitated to use unsubstantiated evidence based, in the first instance, on an anonymous phone call, to name someone in this House against whom there is no charge or no evidence.

Mr Pearce: The anonymous phone caller is not one of the witnesses. I made that perfectly clear.

Mr HASSELL: He is like his colleagues in Canberra who use the—

Mr Pearce: You are wriggling like a worm on a hook!

Mr HASSELL: —Parliament to besmirch characters and to—

Mr Bryce: Like Lynch and the others!

The DEPUTY CHAIRMAN (Mr Crane): Order! The member for Ascot is interjecting from out of his chair and I ask him to desist.

Mr HASSELL: —name people against whom no charges have been laid and against whom no conviction has been made.

I can only say, as I said before, that, in my view, the members for Gosnells and Fremantle are beneath contempt, because they do not have any regard for anything other than their own cheap political gain.

Mr Pearce: A total cover up.

Mr HASSELL: There he goes again. Who is covering up? For whom am I covering up?

Mr Pearce: That is perfectly obvious.

Mr HASSELL: Who? I have answered every question asked of me in this Chamber to the full extent of my knowledge.

Mr Pearce: You were prepared to make the innuendo that the function referred to was a fund-raising function organised for a charity. That is pretty despicable. Name the charity involved and take every other charity in the State off the hook. You made the innuendo that some charitable body was involved in the fund-raising function. You are claiming you have no knowledge of the person for whom the function was run. There is a contradiction in that which any smart lawyer would pick up.

Mr HASSELL: I was not at the function and I do not know the name of any person who was present.

Mr Pearce: Including the name of the person charged?

Mr HASSELL: I do not know the name of the person charged.

Mr Pearce: You are remarkably badly informed on the matter to be making a speech on it.

Mr HASSELL: I do not know who organised the function.

Mr Pearce: Have you inquired?

Mr HASSELL: Of whom would I inquire?

Mr Pearce: Questions have been asked in this place about who did run it.

Mr HASSELL: I have answered every question that has been asked.

Mr Pearce: Now it appears you have not made inquiries.

Mr HASSELL: Every question asked has been answered.

Mr Pearce: Not too well. You could not confirm it because you did not ask about it.

Mr HASSELL: The questions have been answered on the basis of information provided to me by the Commissioner of Police.

Mr Pearce: Given the controversy, you have not even sought to learn any more than the information sought by the member for Fremantle.

Mr HASSELL: If the member for Gosnells wants to ask more questions about this matter, I suggest he put them on the notice paper and they will be answered.

Mr Pearce: You have a responsibility.

Mr HASSELL: I am not involved in covering up anything or protecting anyone. So far as I know there is nothing to cover up. When I answered the first questions put to me, I did not even know there was any suggestion of a Liberal Party involvement. I answered the questions fully and clearly.

Mr Pearce: Can I ask you one question: From where did you get the information that I had passed on the information to the police? The member for Fremantle did not ask about that.

Mr HASSELL: I never said the member for Gosnells passed on the information to the police.

Mr Pearce: You said it was a prominent front-bench Labor member.

Mr HASSELL: The member for Gosnells said it.

Mr Bryce: You said it here.

Mr HASSELL: The member for Gosnells said he was the person.

Mr Pearce: Yes, but you said a prominent front-bench member of the Labor Party had made a complaint about the matter. The member for Fremantle didn't raise that in any of his questions, so you clearly had discussions with someone in the Police Force about matters relating to it.

Mr Bryce: I think the Minister is telling fibs.

Mr Pearce: That is right; the Minister is being dishonest.

Mr HASSELL: I have in this Chamber acted on the advice of the Commissioner of Police.

Mr Pearce: Completely caught out.

Mr HASSELL: I have never named the member for Gosnells as having made the report. He said he did it.

Mr Carr: From where did you get the idea it was a prominent front-bench member from this side?

Mr Bryce: Caught with your pants down—metaphorically speaking.

The CHAIRMAN: Order! The Deputy Leader of the Opposition will come to order!

Mr HASSELL: The member for Gosnells and the member for Fremantle in no way have lived up to their accusations. As with their colleagues in Canberra, they have simply set out to smear some people.

Mr Pearce: Before the cover-up became clear.

Mr Bryce: Your leadership bid has taken a bit of a knock-back.

Mr HASSELL: They have done this on the basis of anonymous information. This is the level at which they operate.

Mr Pearce: You know more about this than you are saying; that is what a cover-up means.

Mr HASSELL: In the remaining minutes, I want to respond to remarks made by other members.

Mr Bryce: Onto safe ground.

Mr HASSELL: I have devoted the bulk of my comments to dealing with this issue. If the member for Gosnells wants to go on repeating his allegations without any evidence—he does it all the time, along with his colleagues—I will not argue with him any more. I have stated the factual position as I know it.

Mr Hodge: You are not telling the truth.

Mr Pearce: That is right.

Mr Bryce: Fancy the Minister for Police and Prisons not telling the truth.

Mr HASSELL: Members opposite can go on saying what they like, but one day they will have to account for the simple facts as I have accounted for them.

Mr Shalders: You call yourself a prominent front-bencher!

Mr Pearce: I didn't; the Minister for Police and Prisons did. I must say I was quite flattered.

Mr HASSELL: I would like to have had the opportunity to comment on the driver education programme and other things, but my time has expired so I will deal with them whenever the opportunity arises to do so.

Item 1: Salaries, Wages and Allowances—

Mr DAVIES: I wish to comment on the Commissioner of Police and I have here a letter from him which I will quote a little later. Firstly, however, I comment briefly on something the Minister for Police and Prisons has just said; it relates to the letter I have in front of me, and the position of the Ombudsman inquiring into actions of the Police Force.

Although I have never had any dealings with Mr Dixon as Crown Solicitor, I never had any complaint about his actions as Parliamentary Commissioner for Administrative Investigations. At times he seemed to go to extremely lengthy procedures in order properly to investigate a complaint, and if I had any complaint about him it would be that he was too enthusiastic. I do not want to be associated with anyone who has something to say against him and I do not want to make any innuendoes, because at no time have I cast innuendoes at Mr Dixon and his work as the Ombudsman.

The CHAIRMAN: The member for Victoria Park having made those remarks, I now ask him to inform me how they relate to Item 1.

Mr DAVIES: My comments relate to the Commissioner of Police, and I must say the present commissioner has brought about a vast improvement in the Police Force compared with his immediate predecessor. By the same token, I was interested to note that the Minister for Police and Prisons said tonight—and perhaps this is purely an innuendo—that as a result of changes the Minister had suggested, in future a different approach may be adopted in reply to members of Parliament who make complaints to the commissioner on behalf of constituents. When I spoke in the Chamber last Thursday a letter from the commissioner addressed to the ALP spokesman on police matters, the member for Geraldton (Mr Jeff Carr) and dated 1 November, had not reached the member for Geraldton; therefore, it had not reached me. The member for Geraldton had written to the commissioner on 18 August, so it took a fair while for the member to receive a reply. I imagine some conversations took place between the commissioner and the Minister about what line of action might be suitable. If the outcome is a result of the Minister's direction, it seems we are right back to where we started, because the commissioner in his letter acknowledges the complaint made by the member for Geraldton—a complaint made on behalf of the Opposition—and says—

> As the investigating officer deals direct with the complainant, the Member is not advised of all details for a number of reasons, i.e.,—
>
> (1) It is not unusual for the information supplied by the complainant to be biased or incorrect. This may subsequently embarrass the Member, as it may be necessary to call him as a witness at a court or departmental tribunal hearing, . . .

If a member forwards a complaint to the commissioner, the member would not be embarrassed by the information provided to him. As I said last Thursday, when I forward a complaint I merely detail the facts given to me, check them with the complainant, and send the complaint to the commissioner with a request for his comment. I do not say that the complaint is true or not true; I merely ask for the commissioner's comment on what has been said.

On many occasions people ask members of Parliament to forward their complaints because they are not able to put down their complaints in a chronological or acceptable order. Members merely act on behalf of the complainants, being at the same time concerned that the complainants may have grounds for complaint. To suggest that we could be embarrassed because the information may be biased or incorrect is merely acknowledging what every member would say to the commissioner; namely, that he is willing to accept the commissioner's reply, even though he may argue it. Therefore the first reason given by the commisioner for his not giving details is not acceptable.

The second reason is: "Certain aspects may be confidential." When a member deals with a client it is understood—certainly I make it understood—that the information given is confidential. I say, "Is there anything else about which the commissioner may come back to me and say that you have not told me? Is there anything you want me to keep in confidence?" After a few years' experience in these matters, members expect to be told certain things in confidence. We accept confidential matters may be involved, and the person making the complaint must accept that risk when attending the member. The second reason is not acceptable.

The third reason states—

> The investigating officer has dealt direct with the complainant, who is thoroughly conversant with the details and the result of the inquiry.

I have complained about this reason. I said that we keep the correspondence on file, and if the complainant does not come back to us or we do not hear anything from the police officer we would either have to write to the commissioner again or have to find the complainant to ask him, "Have you heard anything? Are you satisfied?" The third reason is completely unacceptable to me, and I am sure to any other member of Parliament.

We know the investigating officer will deal directly with the complainant; that is the first thing

he would do. I believe these officers occasionally may frighten the complainant by saying, "Look, we have received this letter from Davies and he says this. What's happening? You know you did or didn't do this." I am not entirely happy with the attitude the police adopt toward people whom, in the opinion of the police, have the gall to make a complaint through their members of Parliament.

I have one fairly regular customer, and when I ring the police about him I am told, "Oh, not Jack Smith again. Don't believe him." However, a recent trial by jury of this person found him not guilty of the particular charge, but the police had told me to forget about him. As far as the police were concerned, he was as guilty as all hell and I was wasting my time with him. That case is a good example. If I had done what the police said I should have done, the person concerned would have gone inside for a while. Again I say I do not accept the third reason.

I believe police do prejudge cases. Possibly they have more experience in these matters than do members of Parliament, and in many cases they could be right; however, if a member of the public attends a member of Parliament to ask that he forward a complaint, I believe there must be at least some substance to the complaint.

I have expressed my acceptance of the commissioner and the job he does. However, if these three reasons are the only reasons to be given, he had better have another try, as should the Minister have another try if he influenced the drafting of the letter. The three reasons are completely unacceptable.

The commissioner goes on to say—

> Although the Member may initially supply the information on behalf of another person, it is necessary for that person to be interviewed and to repeat the complaint to a police officer.

That is so always. To continue—

> Unless this is done, should the information be false, the complainant could not be charged with making a false report.

That is correct as well. Sometimes the complainants are unable to judge whether they have made a false report, although technically, as the police see the situation, a false report has been made. Often the report is technically false because of the complainant's interpretation of what he understands has happened in relation to the information provided to the member of Parliament. But that is precisely the area in which we try to find where the fault lies; we are not trying to have people arrested for making a false report. While we accept the subtle technicalities of the complainant's having to say again to the investigating officer that which he said to the member of Parliament, we do not think it is entirely necessary that a point be taken in regard to inconsistent reports.

To my knowledge no person who has come to me with a request that I forward a complaint has been charged with making a false report. Perhaps the inconsistency is the fault of the member of Parliament for not sifting the evidence before sending it to the commissioner.

The commissioner goes on to say—

> Experience has shown that this is not uncommon.

It is not a matter of complainants deliberately making false statements; it is a matter of their interpretations and recollections of what happened compared with what the police officer says happened or recalls happened. Again the matter comes down to one word against the other. The commissioner says—

> However, I have now implemented a policy whereby Members of Parliament will additionally be advised the result of the inquiry and any resultant action being taken.

Hooray, we seem to have had some slight victory. But that is not so when one reads the last sentence. It states—

> Detailed information will continue to be restricted to the person on whose behalf the complaint is lodged.

We are right back to square one; we have wasted our time. The shadow Minister for Police and Prisons, the member for Geraldton, wasted his time in writing the letter he did; I have wasted my time; and the Minister for Police and Prisons has wasted his time—we are right back to where we started. We want some details of the results of complaints we forward; we are entitled to that detail. I was pleased that the Minister acknowledged that we are entitled to that detail, but I remind the Chamber that the information he gave us was that there was little hope that we would receive anything better than that referred to in the commissioner's letter. However, the Minister did indicate that he has had discussions with the commissioner.

I was distressed a little when I heard some charges made by the Minister in respect of breaches of confidentiality by members on this side of the Chamber. I wonder whether the Minister remembers the occasion when the present Leader of the Opposition as the member for Balcatta had the name and address of a person who claimed he had evidence of telephone

tapping. The Leader of the Opposition was prepared in confidence to give that information to the Minister, who said, "Let's see it; let's see it." He was told that he would be given the information, but that it would be given in confidence. The Minister was given the information and he immediately read it into the record. He provided the name and address of the person concerned, and seriously embarrassed that person.

Mr Hassell: It wasn't given in confidence.

Mr DAVIES: It was given in confidence.

Mr Hassell: It was a political stunt, and you know it.

Mr DAVIES: The Leader of the Opposition said, "I will give it to you in confidence." The Minister should remember that occasion before saying that members on this side of the Chamber breach confidences.

Mr Tonkin: Would the member explain the apparent discrepancy in numbers?

Mr EVANS: While the Minister is on item No. 1, could he deal with the traffic problem I raised? It would involve the entire salary range, or the salaries of the appropriate officers, and consequently it could be part and parcel of the item.

Mr HASSELL: I take the opportunity on this item to respond on the question of driver education and also on police numbers. Dealing firstly with the matter of police numbers as raised by the member for Morley, on the information I have in front of me I cannot give him an explanation of the reason that the Estimates show an increase in numbers which he says amount to 78 over the last couple of years. According to the supplementary notes I have, the Police Department's understanding is that 100 additional men will be provided this year. It will be a serious situation if 100 men are not provided because there have been all sorts of demands to commit those 100 men to certain areas.

Mr Davies: Yes, I have written asking for some.

Mr HASSELL: We made a special arrangement, as the member may be aware, to allow the commissioner to commence training these men from 1 July; that was preferential to the usual practice and I think it could be that already we have the 100 additional officers. Recently 84 officers graduated from the Police Academy, and the Premier took part in that ceremony. There are over 70 at the school.

Mr Tonkin: They won't necessarily make better officers.

Mr HASSELL: That includes wastage as well as new graduates; those officers are committed. There certainly will be 100 additional officers, but I cannot say how the figures will work out relative to the Budget papers.

Mr Tonkin: Would somebody in your office be able to provide that information and let us know?

Mr HASSELL: Yes. The member for Victoria Park reiterated his remarks about information to members and I can only repeat that I will have the matter considered further. I am aware of the reasons he quoted and that the commissioner said he will change his policy. It would be fair to see how that works out in practice—

Mr Davies: Back to square one!

Mr HASSELL: —before concluding it is inadequate, as the member already has done. Nevertheless, I will have the matter considered further and I will discuss it with the commissioner.

The driver education programme was referred to by several members and I will deal briefly with it. The driver education programme was discontinued for a number of reasons; the Budget was only one of those reasons. In 1981 the Budget had to be reduced and we have had to maintain that reduction this year as we will have to do in the years ahead because we have to face up to the fact that funds in many respects are decreasing and the imposition upon us of the relativities determined by the Grants Commission does not help. Apart from the financial issue, the driver education programme was discontinued because it did not benefit a large group of people; as it operates in a school it overlooks those people who are not at school. I have heard an estimate—I do not know whether it is accurate and I have not followed it through or checked it; I think that figure came from the Public Accounts Committee—that the driver education programme covered only about five per cent of the potential pupils.

Mr Carr: The Public Accounts Committee said it was seven.

Mr HASSELL: Seven. It is still a very small percentage. Seven per cent is a low percentage of potential participants in the driver education programme. We have pursued alternatives. Members would appreciate that it is not easy to replace that programme. There still are questions as to whether it ought to be replaced and what benefit is to be derived from it. That is why the Minister for Education has proposed a pilot programme next year. I have not been personally involved in this for some weeks, but I will check the matter further.

Mr Clarko: The meeting took place last week.

Mr HASSELL: An interdepartmental committee meeting took place and my department was told to advance the matter as quickly as possible, and I understand that is being done. I intend to check on its progress. The question of funding will remain relevant and we have looked in the long term to some form of private sponsorship. The last programme involved a lot of money and it is clear we will not have a big fat Budget allocation which will give us the capacity to cover 100 per cent of potential students.

The member for Warren asked that consideration be given to the involvement of private driver training schools in the scheme. This is a key point and it has been considered; this is one of the difficulties upon which the situation hinges. The industry involves a lot of small businessmen who are extremely competitive and who are under a lot of pressure. It would not be our object to introduce a scheme at the taxpayers' expense and replace the existing scheme: It must be perceived that something different will be done, something which is additional and beneficial; more than what one could learn at a driving school or on obtaining a learner's permit. I assure the member for Warren that that aspect has been and will be further considered and it has not been abandoned at all, although it is not an immediate option. We are carrying this matter forward and doing what we can about it. We do not see much benefit in our introducing a new programme that simply replaces the old one unless it can be demonstrated that it has the widespread availability that is necessary in the State and that it is able to provide something additional and extra to simple driver training.

It must be driver education in the proper sense that brings those special benefits we are seeking. We intend to pursue the matter and I am hopeful that despite the difficulties and the lack of finance—there is no finance, as the member for Geraldton correctly identified—we will be able to do something in the next year.

Division 50 put and passed.

Division 51: Prisons, $41 016 000—put and passed.

Mr RUSHTON: I move—

That postponed Divisions 39 and 40 be now taken.

Motion put and passed.

Division 39: Public Works and Buildings, $80 676 000—put and passed.

Division 40: Country Water Supplies, Sewerage, Irrigation and Drainage, $64 858 000—

Mr PEARCE: I would like to raise the question of a country water supply and indicate that I will mention this matter under the Tourism vote as well. The particular country water supply relates to the proposition to develop Big Lagoon, north of Denham. One of the difficulties that arises with the possibility of a development there is that no satisfactory water supply is available.

I must state that I am a little unprepared to deal with this matter because like other members in this Chamber I was totally unaware that we would deal with this division. I cannot understand why the Government cannot get its act together. I came along yesterday expecting to speak on the police section of the Budget because it was the next section on the notice paper. I cannot remember during the last month when I have come to this place and we have dealt with the notice paper in the order it has shown.

The CHAIRMAN: Order! I understand the member for Gosnells has had some difficulty, but I remind him that the item under discussion is Division 40 and I ask him to speak to it.

Mr PEARCE: The point I wish to make is that the limiting factor to our efforts to develop the tourist industry in Denham is the water supply. I am sure members know that the water supply at Denham is taken from underground; it is artesian water which is naturally brackish. There was a time when that was the only water available. It could be used for purposes domestic, but not drinking purposes. However, these days people catch their own drinking water and there is a desalination plant, so there is a limited supply of drinkable water provided for the houses at Denham.

Two supplies are connected to the homes there, one is the brackish water for use in the toilet systems and the other is drinking water.

So limited is the supply of water that one of the places in Denham which rents chalets, and limited accommodation such as that, has been prevented from expanding its business by the addition of an extra two or four chalets because the water supply is not available to cater for a larger population.

However, it is proposed that an area some nine miles north of Denham, which has no water supply, will be ruined by a development which, is I understand it, will consist of a large hotel and a range of other tourist accommodation to cater for some several hundred people.

Mr MacKinnon: Has it been given approval?

Mr PEARCE: It has not as far as I know. It is difficult to find out these things. I asked a question without notice on that matter of the Minister for Tourism, but he did not know. The

Minister for Lands told me to place that question on notice because he did not know.

Mr Laurance: I did not.

Mr PEARCE: The Minister leant across to me and said, "Put it on notice." I thought that meant he did not know the answer.

Mr Laurance: I said "... if you want a considered answer."

Mr PEARCE: I hope someone can find out because a development at Big Lagoon of the type which has been planned would be a total disaster to the ecology of the area. I hope the Minister can tell me whether plans have been made to provide a better water supply to the Shark Bay and Denham areas and whether a water supply is planned for the tourist facility proposed for the Big Lagoon area, approximately nine miles north of Denham.

If it is possible to provide a water supply for 300 or so hotel guests at a site nine miles north of Denham, I ask why it is not possible to allow the owners of a chalet to expand and build additional chalets at Denham. If a water supply cannot be provided for a small tourist expansion in a town which exists, I do not know how it would be possible to have a massive development nine miles north of it.

I hope the Government will give serious consideration to the water supply situation in the Denham region because restrictions of this type place a further limit on the tourist industry in Western Australia. It is rather pointless to promote an area if people cannot obtain something to drink when they arrive. Of course that is not to say anything against the services of the Shark Bay Hotel.

Mr EVANS: I wish to make comment on another water supply which involves the town of Greenbushes. That supply has been dependent upon a dam, the catchment area of which is the actual townsite. A few people in the town run horses, so the Dumpling Gully Dam is probably not the best type of catchment to be found.

Mr Laurance: Which dam?

Mr EVANS: It is the one that runs adjacent to the swimming pool at Greenbushes.

Mr Laurance: Dumpling Gully?

Mr EVANS: Yes, Dumpling Gully. The water from the streets sweeps down through the catchment into the storage itself and has become quite unacceptable. Most people in the town use rain water tanks for domestic use. At times I have seen samples of the water from the town. It is often discoloured and unfit for human consumption. The town has a filtration plant which ostensibly takes care of the minimum health aspect, but if a malfunction were to occur it would create a major problem for the town.

The water supply has a distinct odour which is unacceptable by health standards, and the water is certainly not palatable. The odour is attributed to an algae that grows on the floor of the dam and this releases the pathogem which causes the odour.

Copper sulphate has been added to the water in an endeavour to break down the food on which the algae depends. However, it has not resolved the problem of the overall attractiveness of that water and the position remains unresolved. Several suggestions have been made to augment the Greenbushes water supply. One has been to bring water from the storage dam at Bridgetown which is some nine miles away. However, there is some difficulty because the wall of the dam cannot be extended much further. It has been tried, but an engineering problem arose and the wall could not stand expansion. It appears that a new dam would need to be constructed. That would not be a difficult problem because in close proximity to the Bridgetown dam are two streams from which supplies are available and there is one in the Balingup area.

The question of the Balingup water supply has become manifest this year. Previously it has been unsatisfactory and, because of the dry conditions in 1981, the salinity level has risen and an alternative supply must be found. It has been suggested that this could be augmented from the Greenbushes dam. It is considered unsatisfactory by the residents in the town and the shire council, and to utilise it as a supplementary source for Balingup does not seem to be the answer. Greenbushes Tin N.L. has co-operated with the shire and it is prepared to make water available from one or perhaps two of the mining sites that are no longer in use, but have filled with water over the ensuing years.

It would have been preferable to allow the Balingup supply to drain almost completely and, having disposed of the saline water, to allow it to refill using the water from Greenbushes which could have been obtained from the existing source at Bridgetown. It is not a satisfactory position from anyone's point of view and just how long the existing situation will prevail is not clear.

It is true that the mining industry is in a depressed state and that the world metal prices are lower than they probably should be, but this matter will resolve itself in time. The future outlook of Greenbushes as a mining centre is optimistic;

there is no concern about its future, but a water supply is required.

I would be interested if the Minister could give an indication of his department's intention to resolve this problem. I would also appreciate it if he would advise how long the existing arrangements will continue in relation to the treatment of the Greenbushes water supply with copper sulphate and chlorine because it is a short-term expedient. I, and those people depending on this water supply, would be interested to hear the Minister's comments.

Point of Order

Mr DAVIES: On a point of order, Mr Chairman, we are not correctly discussing this item. As I interpret the Standing Orders, once a clause or item is postponed, it cannot be dealt with until all the remaining Estimates have been completed. I am referring to Standing Order No. 306(5)(d).

Mr Rushton: I have already sought this advice and was informed that these Standing Orders have been amended.

Mr DAVIES: If it has been amended, I have been trapped.

The CHAIRMAN: The Standing Order to which you refer has been deleted.

Mr DAVIES: It is my understanding that, in accordance with the Standing Order, the Estimates become part of a Bill and the various sections are considered as clauses, and the order laid down for our dealing with Bills under Standing Order No. 274 is clauses as printed, postponed clauses, proposed new clauses, schedules, etc.

It appears that there might be a double cover on postponing Estimates for the reason that they form part of the Bill and therefore become a clause.

Mr Evans: That has been the practice in the past.

The CHAIRMAN: Order! In response to the point of order raised by the member for Victoria Park I indicate that that has been the practice in the past, but Standing Orders only recently were amended. The other point the member for Victoria Park raises is that his Standing Orders have not been corrected even though they have been amended.

The Speaker made an announcement to the House that members' Standing Orders would not be corrected because there was to be a new reprint of the total Standing Orders.

I trust I have satisfied the member for Victoria Park in regard to his inquiries and I advise that we are operating within the Standing Orders, as amended.

Mr DAVIES: I accept the fact the Standing Orders have been amended. What about the point I raised in relation to Standing Order No. 274 wherein the order of proceedings is set out.

The CHAIRMAN: That also has been changed.

Mr DAVIES: I have been caught on the two points.

The CHAIRMAN: You have not been caught.

Committee Resumed

Mr MENSAROS: The question raised by the member for Gosnells is well known to the department. However, he must take into consideration that in relation to the water supply in Denham there is no local source for potable water. The Denham water supply receives the highest Government subsidy in this State. When one considers that water rates and water charges for this water supply are treated in the same way as are other water supplies, one realises it stands to reason that the Government must take into consideration the amount of money available in each Budget for this and similar requests. It cannot give high priority to the extention of a most expensive service which was introduced by the Brand Government to satisfy the desperate need of already residents in that area. Demands for extending services from tourists' or other persons' points of view are submitted from all parts of the State and the Government has to place a priority on them within the available resources.

From the point of view of the envisaged hotel development, I heard one comment only about that. My understanding is that a preliminary inquiry has been made at departmental level, but no firm request has been made, let alone any decision by the department.

As to the comments of the member for Warren, this matter has been considered for quite some time. If my memory serves me correctly, there has been correspondence between the member and me and/or the department. I know that the matter of the Greenbushes water supply is under consideration. The engineering division of the department has not come up with a solution, but we have made allowances in the Budget to make studies in a step towards resolving the problem. The latest concern is known well—it is shared—and I hope that we will come up with recommendations in the not-too-distant future which then can be considered. Of course, funds would have to be requested for the scheme to be implemented.

Division 40 put and passed.

Mr O'CONNOR: I move—

That postponed Divisions 45 to 49 be now taken.

Motion put and passed.

Division 45: Public Health, $59 357 000—

Mr HODGE: I preface my remarks by protesting strongly about having to debate this important matter at 1.00 a.m.

Mr Carr: Without warning.

Mr Davies: They cannot run the business of the Assembly.

Mr HODGE: It certainly is not in the best interests of my health, or the health of any other members, to be here at this hour of the morning debating important matters relating to health. It is ironical that we are debating health at this hour of the morning—a most unhealthy hour to be sitting in the Parliament. We are behaving like a bunch of idiots at 1.00 a.m., when we should be in bed. We are due back here at 10.45 in the morning.

Mr Pearce: And *Hansard* will be here hours after we have gone. It is disgusting!

Mr HODGE: Because the Government is prepared to sit here regardless of the time, I will make all the remarks I want to make on this division of the Estimates, and I will not curtail my remarks in any way because of the lateness of the hour.

Mr Tonkin: They are just trying to scare you off and shut you up. The Minister for Health is scared!

Mr HODGE: I wish to raise a number of issues relating to the administration of the Public Health Department and the Government's ability to administer that department properly. Firstly, there is the question of the Government's non-performance in the registration of a number of paramedical professions.

The first one involves the Government's non-performance and its failure to keep its undertaking that it would register speech therapists, or speech pathologists, as they seem to prefer to be called. This matter has quite a long history, and I will refer to a deal of correspondence relating to it.

Mr Bryce: Take your time, and be thorough.

Mr HODGE: In March 1981, the Australian Association of Speech and Hearing wrote to the Minister for Health and asked him when he would do something about bringing in legislation to register speech therapists, as apparently he had promised to do.

Mr Davies: When is he going to employ a few?

Mr HODGE: Apparently the Minister replied to the letter from the association in May 1981; I will quote a paragraph from the Minister's letter—

Mr Bryce: Quote the lot. Do not take him out of context.

Mr HODGE: The letter was addressed to the President of the Australian Association of Speech and Hearing, and part of it read as follows—

> The Government had hoped to present a Bill to Parliament this year but whether this can be achieved will depend on other priorities in the legislative programme. I regret I am unable to give a date when the proposal will be presented to Parliament.

The Minister gave them the brush-off at that attempt. They wrote to the Minister again on 1 July 1981, and I quote from the letter to the Minister as follows—

> Dear Mr Young,
>
> Thank you for your letter of 1st May 1981. We are, naturally, disappointed that registration for our profession is again at the bottom of the legislative pile. We consider it an important matter. The number of speech pathologists in Western Australia is growing rapidly and we are no longer able to protect the community—and our professional standards—by the traditional "network". We can supply you with evidence of unqualified people working in the field—more of them each year. Clearly some form of registration is badly needed.

The Minister for Health replied in August 1981 as follows—

> Dear Mrs Pinerua,
>
> I acknowledge your letter of July 1, 1981 regarding registration of members of your profession and must express my disappointment at the tone.
>
> A minister has little control over the order of business in the Parliament and my earlier advice to you regarding priorities in the legislative programme was by way of information that, despite the best intentions, it might not be possible to include the subject Bill during the current session. It is essential that the programme remains flexible and it is pointless to give a date for presentation too far in the future.

If the Minister has little control over the order of business of the Parliament, I wonder who is in charge? Who does have some control? It seems a strange statement for the Minister for Health to make; I would appreciate clarification from him

as to just who is running the legislative programme in the field of health if it is not he.

Nevertheless, it seemed that some action was to ensue, because later another member of the same association wrote to her local member of Parliament; that local member happened to be the member for Cottesloe and the then Chief Secretary (Mr Hassell). The association inquired what was to happen about speech pathologists; I will quote the letter written by the member for Cottesloe as follows—

> I refer to your letter dated 11 August, 1981, in regard to legislation for the registration of Speech Pathologists.
>
> The Hon. Acting Minister for Health has indicated to me that the Speech Therapists Registration Bill, 1981 has been prepared and is currently undergoing minor amendments by the Parliamentary Counsel.
>
> The Minister has expressed his concern at your belief that this legislation is not proceeding, and has asked me to assure you that this is not the case, and that the Bill will be presented to Parliament when the present legislative programme permits.

So we have a contradiction between the Minister for Health on one hand saying that he could not control the legislative programme or give any undertakings about when the Bill would be introduced, and another Minister of the Crown saying that, definitely, it was coming in, and that there was no truth in the rumour that it was not ready—the Bill was well under way, and was being drafted by the Parliamentary Counsel.

At the end of this parliamentary session at the end of 1982, the Bill still has not emerged. We have seen no sign of it.

As far as I am concerned, no satisfactory explanation has been offered to the association or the public for the Government's failure and, indeed, the Minister's failure to introduce that obviously necessary legislation to regulate the profession of speech therapists or speech pathologists.

As the president of the association pointed out, at the present moment any person can call himself a "speech therapist" and can hold himself out as being a qualified person, and that is not a very satisfactory situation.

The Government has been messing around with this for at least a couple of years and despite all the correspondence and the assurance from the member for Cottesloe, nothing has happened and the Bill has not seen the light of day. That is not an isolated incident. A number of other instances of this nature can be cited in relation to various other paramedical associations.

The next matter to which I shall refer concerns the Australian Dental Technicians Association, which also has made a number of representations to the Minister and the Government about legislation to register dental technicians. Internal Government committees have inquired into this and much discussion has taken place on it, but again, despite the fact that this has dragged on for several years, no action has been taken by the Government, no legislation has been introduced, and we still have a very unsatisfactory position in this State in respect of dental technicians.

Dental technicians are in a position similar to that of speech therapists; that is, it appears any person, regardless of whether or not he is qualified, can hold himself out to be a dental technician and describe himself as such.

From time to time we also have the ridiculous position of members of the Police Force apprehending and prosecuting dental technicians for alleged breaches of the Dental Act; that is, they have dared to make removable dentures for members of the public who have dealt directly with them—the technicians—rather than go through a dentist.

Every so often someone prompts the Police Force to send out a policeman to pose as a person who needs new dentures. If the technician agrees to make and fit dentures without going through a dentist, he is prosecuted for breaching the Act.

We should follow the lead taken in Tasmania and New South Wales which have legislated in this area. In the case of Tasmania, this occurred many years ago and, in the case of New South Wales, legislation was enacted more recently. We should legislate to provide an avenue for dental technicians to deal directly with the public in respect of removable dentures. We should do away with the ridiculous position which exists in this State at the moment where, if dental technicians deal directly with the public, they risk being prosecuted by the police.

A further paramedical group which has had some experiences with this Government is the chiropodists. They are also known by a more modern name these days; they describe themselves as "podiatrists". Both names appear to be in use currently and they are interchangeable. There is a long history of inactivity in this area also.

The Commissioner of Public Health wrote to the Australian Podiatry Association as far back as 26 June 1981. He said that discussions had taken place about a number of changes to the Chiropodists Act and he outlined the changes

which were being proposed and asked the opinion of the association on those changes.

The Australian Podiatry Association was very much in agreement with the changes. It had been lobbying for them for some time, so it was very pleased to accept them in total; on 3 August 1981, the association replied to Dr McNulty, the Commissioner of Public Health, agreeing with the eight amendments proposed in his letter.

I shall read an extract from Dr McNulty's letter which was addressed to the Secretary, Australian Podiatry Association. It reads as follows—

> Dear Sir,
>
> You are advised that, following a request from the Chiropodists Registration Board to amend the Chiropodists Act, the Hon. Minister is being requested to approve of the Act being amended accordingly.

So in June 1981, the Commissioner of Public Health was talking about the Minister being requested to amend the Chiropodists Act, but again we have the same story. It is now November 1982 and no amendments have been introduced.

I have asked the Minister for Health a number of questions as to why the amendments have not seen the light of day. In an amazing answer to question 1754 of 20 October, in which I asked why the Government had not introduced the legislation, the Minister said—

> The Government did not give the Bill priority and, due to the heavy legislative drafting programme of the Parliamentary Counsel, a suitable draft Bill cannot be completed in the short time remaining in this session.

The Deputy Premier replied to a query from the President of the Australian Podiatry Association and referred also to the pressure of the legislative programme during the current session as being the reason that the Bill could not be introduced. Of course, all members know that until very recently this has been the slackest and slowest legislative programme for many a long day in the Parliament.

Mr Laurance: That is not so.

Mr HODGE: Does not the Minister recall that several weeks ago we went home early, we had nights off, and the notice paper was as thin as one had seen it for a long time?

Mr Laurance: We have dealt with more Bills than have been dealt with for many years.

Mr HODGE: Members cannot deny that early in the session very few Bills were on the notice paper and we went home early.

Mr Rushton: That was because there was no opposition. The Bills went through more quickly.

Mr HODGE: The Deputy Premier should not talk rubbish! We all know the Government has not had any legislation, yet the Deputy Premier and the Minister have written letters to the President of the Australian Podiatry Association deliberately misleading him. However, I sent the association copies of the notice paper so that it knows the Deputy Premier and the Minister were not telling the truth. The association knows the Minister for Health was not telling the truth when he talked about a heavy work load. What absolute tripe!

Mr Old: We certainly have a build-up now!

Mr HODGE: The Minister for Health had 16 months to prepare a Bill, but he could not prepare one in time, because of the heavy work load!

Mr Clarko: You are never satisfied. You complain when we go home early and you complain when we stay here late!

Mr Carr: Perhaps if you were a little more balanced in your legislative programme and did more work earlier in the session, we would not have to sit until this ridiculous hour later in the session.

Mr HODGE: If the legislative programme had been handled better, we could have had a steady work load throughout the session instead of the slack period at the beginning, then sitting here till this ridiculous hour now. The Minister for Health has not been in his seat for the last 10 minutes taking an interest in the comments I have made.

Mr Young: I have heard every word you have uttered and you are insisting I be a masochist by listening to what you have to say. It is bad enough to have to listen to you without your insisting that we pay rapt attention to every word you utter. You may be a sadist, but I am not a masochist. Let me tell you something about that legislative programme, my friend. The fact that you people like to let Bills pass through the Chamber in two minutes without any attention whatsoever, does not mean that it does not take two months for the Crown Law Department to draft the legislation. You don't know what you are talking about. Your mates said you would talk for two hours and they went to the bar, out of their minds.

Mr HODGE: If the Minister for Health has finished that undignified outburst—

Mr Young: At least I have proved I have been listening to all the junk you have been uttering.

Mr HODGE: The Minister for Health has indicated that he has not shown the slightest bit of interest in the debate so far and has spent a good deal of the time out of his chair, not listening to

what I have had to say. Because I challenged him, he has abused me.

Mr Young: I'll bet you used to pull the wings off flies when you were young.

Mr HODGE: Whenever one gets too close to the truth, the Minister for Health resorts to personal abuse.

Mr Young: Look at all your mates behind you; they are giggling their heads off.

Mr HODGE: I have outlined three areas in which this Government has been incredibly slack, has misled these groups, and, in some cases, has told them outright untruths. As I said earlier, the Deputy Premier wrote to the Australian Podiatry Association on 14 October and said, "Unfortunately, the pressure of the legislative programme for the current session of Parliament precludes the introduction of a Bill to amend the Act this year." That is very close to telling an outright untruth. This association is under no illusions as to the real position. It understands what this Government thinks about members of the association and where they rate in overall importance in the Government's eyes.

The dental technicians are in the same position, having been fobbed off with promises about registration that have not been kept. They, too, are fed up with this Government's not keeping its word about registering dental technicians. There is no reason that a Bill to bring this about could not have been introduced early in the session. The Government has known about the problem for some time; negotiations and investigations have been going on for years.

Mr Young: We set up a committee with these people and it got to the stage where they refused to listen to the terms of reference. They wanted to talk about only those things that interested them. They didn't want to talk about an educative programme, but only about things they wanted to talk about. You can be misled, but I will not be.

Mr HODGE: I would prefer it if the Minister did not make his speech sitting in his seat, but got up at the appropriate time and replied to my comments. We are supposed to have debates in which one member makes his points and another replies to them later. However, the Minister sits there and replies by interjection; he tries to shout me down.

The DEPUTY CHAIRMAN (Mr Watt): Order! I suggest to the member for Melville that if he continues to make provocative remarks he can expect to get some sort of response. If he chooses to address his remarks to the Chair, I will afford him some protection from interjections.

Mr HODGE: I have addressed my remarks this evening almost exclusively to the Chair, seeing that the Minister has shown little interest and has not been in his seat for a good portion of the debate.

The DEPUTY CHAIRMAN: Order! I just suggested to the member that he should not make that sort of provocative statement.

Mr HODGE: It was not provocative.

The DEPUTY CHAIRMAN: In my view it was.

Mr HODGE: In my view it was not.

The DEPUTY CHAIRMAN: I ask the member to address his remarks to the Chair.

Mr HODGE: This has been a good demonstration of the point I made earlier. It is a most inappropriate way to be debating important matters. We should not be debating important matters at this time of the night, when everyone is tired, irritable, and short-tempered. I have not been provocative. The Minister for Health is irritable and tired and should be home in bed. He is not too bright at the best of times.

Mr Young: You are giving a fair illustration of the fact that you are fair game.

Mr HODGE: The Government could have introduced Bills early in the session to cover the problems facing podiatrists, dental technicians, and speech therapists; however, it failed to do so. The Bills could have been debated in a leisurely and calm manner, and by now those organisations would have the protection they require. Indeed, an enhanced protection would have been provided to members of the public if all three of those areas were operating under legislation.

The Minister has not offered any good excuses in letters, in answers to questions, or in speeches he has made sitting in his seat. I would appreciate it if he were prepared to rise in his place when I resume my seat and give a calm and rational explanation for the reason he has failed to act in these three areas. I would appreciate it if he would do so without resorting to personal abuse.

Item 7: Senior Citizens Services—

Mr CARR: Funds allocated to home help services and the like appeared previously in the miscellaneous section of the Treasury vote, but they are now allocated under this section of the Budget. I wish to refer particularly to the Geraldton Emergency Home Help Service, which receives an allocation under this item; however, the remarks I make apply equally to the Perth Emergency Housekeeper Service and one or two similar organisations in the city.

The grant to the Geraldton Emergency Home Help Service has been increased from $2 500 to $3 500. I am disappointed that we should be considering such a small sum of money to assist this organisation, especially when it is considered that half the sum of money is Federal money matched by the State. I should declare an interest in this association in that I am its chairman, although it is a fairly minor position in a sense. This organisation must spend an inordinate amount of time raising money to provide its services; it runs cake stalls and street appeals and appeals to all sorts of organisations for donations—to service clubs, the shire council, the Lotteries Commission, and the like. It receives very good support from, and is highly regarded by, the Geraldton community.

It does a lot of good work providing a replacement in homes when a housewife may not be available for one reason or another. It assists elderly people suffering with ongoing frailty who are no longer as active as they were in their younger days. The people from the organisation do the cooking and housework for many people and a handyman is on the staff to carry out minor repairs and gardening work.

The leader of the organisation is its director, Miss Jany de Wit, who has been its soul and inspiration in the eight or 10 years it has been in operation. It was she who pioneered a course at the technical college in Geraldton to train people who wanted to join the organisation so that they could help people.

I am on my feet at this hour of the morning because recently I have become aware that a lot more help is being offered to similar organisations by Governments in other States. I will give the example of the New South Wales Government, not because I want to make a point about its being a better Government than this one, but because the director of the association recently made a visit to Sydney as a sort of study tour, at her own expense, to study home help services in that State. She found that the home help service in New South Wales receives far more State and Federal Government assistance than the Geraldton Emergency Home Help Service receives from this Government on a *per capita* basis. She found that the source of funds provided to the New South Wales organisation is made up of the following percentages: Federal Government funds equal 37 per cent of its budget; State Government funds equal 37 per cent; fees from clients for services rendered equal 25 per cent; and sundry income equals the other one per cent. The comparative figures for the Geraldton Emergency Home Help Service are: Federal Government grant, 4.4 per cent; State Government 4.4 per cent.

A total of 8.8 per cent of that organisation's budget is made up from Government funds, whereas the New South Wales organisation has 74 per cent of its funds made up from Government sources. The amount received by the Geraldton organisation from fees charged to its clients makes up 79.3 per cent, and sundries such as amounts earned from cake stalls, etc., make up 11.9 per cent. It may not seem relevant to refer to percentages, but when Jany de Wit went to New South Wales she discovered that the level of wages paid and charges levied in that State are roughly comparable with those charged and paid by the Geraldton service. However, the percentages are vastly different. This makes clear the point that it is the extra Government assistance that makes the difference.

Mr Young: Can you tell us what the total budget of the Geraldton organisation is? I do not have the figures with me.

Mr CARR: Last year the contribution by the Government was $2 500, and this year it will be $3 500. By far the biggest items in the organisation's budget are the contributions by the State and Federal Governments. One contribution comes from the Geraldton Town Council and is $500 this year. The Lotteries Commission provided last year $1 000, and cake stalls, and so forth, made up the rest of sundries. Off the top of my head I would say the $3 500 and the matching contribution from the Federal Government would represent half the organisation's budget.

Mr Young: I thought you said the amount contributed by the Commonwealth was 4.4 per cent, and the amount contributed by the State was 4.4 per cent, making up a total of 8.8 per cent of the budget. It sounds like a decimal point has been shifted.

Mr CARR: The figure I quoted represents the amounts received from outside sources. I guess that to work out the total budget one would have to do the sums on a 4.4 per cent increase related to the $2 500 provided last year by the State Government. I am sorry that I do not have the exact figures with me.

While Mrs de Wit was in New South Wales she visited the Fairfield branch of the home help service in that State. She was directed to that branch on the basis of its being similar in size to the Geraldton organisation in terms of the number of recipients of help, and the number of workers actually going out in the field to help in houses.

Mrs de Wit found that that organisation had a totally different administrative basis from the Geraldton organisation; it had two full-time staff

in the office who were fully paid, and two part-time supervisors and a full time director being paid. In total there were five administrative positions in this comparable organisation, whereas the Geraldton organisation has two part-time staff, one of whom is the office secretary who is paid to work 20 hours a week, but who in reality works 35 hours a week. Clearly she is a voluntary worker; she is committed to the ideals of the organisation and works virtually half of the time she spends at the organisation for no remuneration.

The director of the Geraldton organisation receives no wages at all. Recently she went on to the age pension, and receives out-of-pocket expenses for petrol and the like from the organisation. Virtually, her job is carried out on a voluntary basis.

If we compare the Geraldton organisation with the similar sized organisation in Fairfield, New South Wales, we can see that the administrative difference is dramatic. Quite clearly that relates to the difference in the level of Government funding.

The scheme in Geraldton is successful because many dedicated people are involved in it, who believe that the service they provide is more important than material rewards.

I pay tribute to the people concerned; the town of Geraldton is fortunate to have such people making the sorts of contributions they do. It is just not fair and reasonable that because these people are dedicated they should be expected to perform their functions for free. That situation is not good enough in other States, and I do not see why it should be good enough in Western Australia.

As well as the Geraldton organisation having a similar administrative requirement as the Fairfield organisation, the time of that administration is taken up much more with fund-raising activities as a result of the difficulties I have outlined. I accept the State has budgetary problems, and it would be difficult at this stage to find money for the scheme, but the lack of State Government funds is made worse because any State funds provided are matched by Federal Government funds; any increase provided by the State will be matched by the Commonwealth, which means a double benefit to the organisation.

I believe that home help organisations should be given priority; they are the types of organisations that in the long run save the Government money. The main effect of home help organisations is that people who would normally spend their time in hospital—at quite considerable cost to the Government, and therefore to the community—are able to stay in their homes for longer than otherwise would be the case. This is a tremendous saving to the community, as well as being so much better for the health and welfare of the people concerned. I suggest we are really on the wrong track if we do not treat this matter with a much higher priority than we have to date.

The statistics in regard to our population suggest that it is aging, and that in the not-too-distant future we will have a much greater percentage of aged people in the population. Therefore an increasing number of aged people will find themselves becoming frail and requiring the type of assistance to which I have referred this morning.

In passing, I will refer to a disappointing aspect of this matter in terms of funding. I do not blame the State Government for what has happened; however, the $500 that I mentioned comes from the Geraldton Town Council was thought at one stage to be eligible for a matching Federal grant on the basis that the Federal Government matches local authority funds for municipal home help services. But because the Geraldton service is not a part of the council's services, the Federal funds are not available. I do not blame the State Government; all the same this aspect is disappointing. I realise that at this stage of the year further allocations cannot be made through the Budget, but I ask the Minister, and the Government as a whole, to be aware that I am not happy that the organisation is not receiving as much help as it should be. Perhaps a note could be left in members' minds to indicate at a future time that this organisation is deserving of extra assistance.

Mr YOUNG: I am aware of the Geraldton home help service. Previously I have spoken to Mrs de Wit, and have received brief representations from the organisation. I am aware of the members' interest in this body.

I was particularly disappointed that the Commonwealth Government, in response to a recent submission by me on behalf of the organisation, did not agree that the contribution by the Geraldton Town Council was appropriate to allow matching Commonwealth funds to be provided.

I indicate to the member for Geraldton that this is the first year that funding for Geraldton Emergency Home Help Service has been attached to my portfolio. I agree that the present situation is not good and I will look into the question of this organisation's funding with a view to future budgetary considerations. I am aware of the good work that organisation does.

Division 45 put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr Nanovich.

BILLS (4): RETURNED

1. Waterways Conservation Amendment Bill.
2. City of Perth Parking Facilities Amendment Bill.
3. Stamp Amendment Bill (No. 5).
4. Education Amendment Bill.

Bills returned from the Council without amendment.

STATE FORESTS: REVOCATION OF DEDICATION

Assembly's Resolution: Council's Concurrence

Message from the Council received and read notifying that it had concurred in the Assembly's resolution.

ELECTORAL AMENDMENT BILL (No. 2)

Receipt and First Reading

Bill recieved from the Council; and, on motion by Mr Rushton (Deputy Premier), read a first time.

House adjourned at 1.44 a.m. (Thursday).

QUESTIONS ON NOTICE

HOUSING: INDUSTRIAL AND COMMERCIAL EMPLOYEES' HOUSING AUTHORITY

Operations

1965. Mr SODEMAN, to the Minister for Housing:

(1) Further to question without notice of 13 October, concerning the Industrial and Commercial Employees' Housing Authority, will he detail the reason for the disproportionately high rental increases which came into effect on 1 November, in the north west in particular, and also in Kalgoorlie/Kambalda?

(2) As some leases are currently in the process of being renewed for a three year term, can he give the projected percentage annual increase in rentals for the term of the new lease?

(3) What is the date lessees were advised of the increases?

(4) Has the authority held discussions with employer groups or lessees prior to 1 November increases being announced?

(5) What is the current local market rental for similar homes in each of the four areas listed in section 9 of question 608 of 13 October 1982?

(6) Has the authority made any assessment of the impact of the rental increases in terms of continuing occupancy, and future demand for this category of housing?

(7) What is the result of such an assessment, if carried out?

Mr SHALDERS replied:

(1) Rentals are assessed to recover operating outgoings. The rates effective from 1 November 1982 are based on economic rental factors.

The reason for the high rental increase is mainly due to the authority's having to pay higher debt servicing charges than before. The interest rates applicable to semi-Government borrowings have increased substantially over the past years. The latter type of borrowing makes up the majority of the authority's external loan capital. The cost of administration has also increased.

(2) No. Rental levels are reviewed on the 1 November each year as specified in the deed of lease.

(3) 29/30 September 1982.

(4) No, however the authority's board is made up of representatives from industry and commerce.

(5) In the areas where this information is readily available the authority's rental is below market rental. For instance Karratha and Kalgoorlie rents are below those generally charged by the private sector for comparable housing.

(6) Yes.

(7) No houses have been returned to the authority as a result of the rental increase.

TVW ENTERPRISES LTD.

Tent: Price

1968. Mr JAMIESON, to the Premier:

(1) What was the price paid by the Government for the purchase of the exhibition tent from TVW Channel 7 for use by the international congress of bio-chemists earlier this year?

(2) (a) Has the Government retained this tent; or
(b) if not, for what price was it sold?

Mr O'CONNOR replied:

(1) $55 000.

(2) (a) Yes;
(b) not applicable.

PAINTERS' REGISTRATION ACT

Review

1969. Mr DAVIES, to the Minister representing the Minister for Labour and Industry:

Referring to question 2207 of 1981 regarding the Painters' Registration Act, can the Minister say—

(a) whether the review is complete;
(b) what action is proposed if the review is complete?

Mr YOUNG replied:

(a) and (b) As this matter now comes within the portfolio of the Minister for Consumer Affairs, I will forward to him a copy of the question for an appropriate reply.

LAND: NATIONAL PARKS

Beaches: Access

1970. Mr BARNETT, to the Minister for Lands:

(1) Is it possible for professional fishermen to have access to beaches through national parks?
(2) Is there a permit for such entry?
(3) What is the fee for such a permit?
(4) How does one obtain such a permit?
(5) Is a separate permit required for each national park?
(6) Is there unrestricted access through national parks when they abut an open fishery?

Mr LAURANCE replied:

(1) Yes, commercial fishing purposes in Cape Arid National Park, Cape LeGrand National Park, and Stokes National Park in the Esperance region, and Leeuwin Naturaliste National Park. Additionally a special license is available to salmon fishermen to use the beach in the Walpole Nornalup National Park.
(2) Yes, for use in the Esperance region.
(3) $10 for each park per year.
(4) By application to National Parks Authority, Hackett Drive, Nedlands. Explanatory information and a copy of application form available to Esperance coast fisherman are tabled herewith.
(5) No, the one licence will cover all three Esperance region National Parks if that is sought by the applicant.
(6) No.

The form was tabled (see paper No. 567).

FISHERIES

Dillon Bay

1971. Mr BARNETT, to the Minister for Fisheries and Wildlife:

(1) Is it a fact that a wreck in Dillbin Bay is causing concern to professional fishermen in that area?
(2) What is the name of the wreck, and how long has it been there?
(3) What efforts have been made to remove it?

Mr OLD replied:

(1) to (3) I believe the member's question relates to Dillon Bay, east of Albany. I am having inquiries made and will advise the member as soon as possible.

CONSERVATION AND THE ENVIRONMENT

Ribbon Weed

1972. Mr BARNETT, to the Minister for Conservation and the Environment:

(1) Has there been a noticeable effect on ribbon weed in Princess Royal and Oyster Harbours?
(2) When was this effect first noticed?
(3) What areas of the harbour are showing the most marked effects of death of ribbon weed?
(4) How much of the sea bed has been—
(a) denuded;
(b) affected?
(5) What source of pollution seems to be causing the problem?

Mr LAURANCE replied:

(1) Yes.
(2) Evidence of some deterioration was found during Department of Conservation and Environment investigation of water quality in 1978-79.

(3) and (4) Mapping of the seagrass beds is in progress, but no definitive results are yet available.
(5) Not known.

EDUCATION: DEPARTMENT

Building: Rent

1973. Mr PEARCE, to the Minister for Education:

(1) What is the annual rental paid for the Education Department building?
(2) What component of this rental is for—
  (a) interest;
  (b) repayment of capital;
  (c) annual costs?
(3) What interest rate is being paid?
(4) Will ownership of the building revert to the Education Department or the Public Works Department at any stage under the terms of the lease?
(5) If so, when?

Mr CLARKO replied:

(1) Approximately $2.24 million per annum.
(2) (a) and (b) In the first year approximately $2 million for interest and $240 000 for repayment of capital;
  (c) annual costs for air-conditioning, maintenance, cleaning, and gardening are additional and being met by the Public Works Department and the Education Department.
(3) 9.8 per cent per annum.
(4) Ownership of the building reverts to the Government at the expiration of the lease.
(5) 30 June 2005.

EDUCATION: UNIVERSITY OF WA

No. 2 Account

1974. Mr PEARCE, to the Minister for Education:

(1) What is the University of Western Australia's No. 2 account?
(2) How much does it contain at present?
(3) Where does this money come from?
(4) What is it used for?

Mr CLARKO replied:

(1) Other revenue not restricted in its use by the provisions of—
  (i) the Commonwealth States grants (tertiary education) assistance legislation; or
  (ii) specific trusts or benefactions.
(2) As at 31 December 1981, the date of the latest audited accounts, the unappropriated balance was $5 523 408.
(3) Source of funds—
  (i) income derived from the provisions of the University Endowment Act 1904;
  (ii) charges for services rendered, including hire of facilities and library special borrower fees;
  (iii) investment of funds, including the unappropriated balance of the account and general appropriations prior to expenditure.
(4) For 1982 the senate agreed to depart from previous policy to reserve No. 2 account for non-recurrent purposes and directed that the total income of the account be committed to cover the budget deficit of expenditure over the recurrent grant provided by the Commonwealth Government for general teaching and research activity of the university.

  The balance of the account is being invested to produce income against future uncertainty in Commonwealth funding and for such special expenditure that the senate may deem to be essential in the interests of the university.

EDUCATION

Ocean Reef High School

1975. Mr PEARCE, to the Minister for Education:

(1) How many year 8 and year 9 will be going into the Ocean Reef High School in 1983?
(2) How much of the school will be completed at the commencement of the 1983 school year?
(3) When does he anticipate the completion of the canteen facilities?
(4) Will the toilet facilities be adequate for the number of children attending the school?
(5) Are the access roads to the school adequate to meet the needs of the parents taking their children to school?
(6) Given the facts that the students attending the school will be coming from Mullaloo, Heathridge and Beldon, has the provision of buses to take the children to school been investigated?
(7) When will the high school reach total completion?

Mr CLARKO replied:

(1) 200+.
(2) Main teaching block.
(3) February 1983.
(4) Yes.
(5) By the time school opens in 1983, the road system will be adequate.
(6) Yes.
(7) Stages 1 and 2 are expected to be complete by the end of 1983.

WITTENOOM
Asbestos Tailings: Removal

1976. Mr BRIAN BURKE, to the Minister for Housing:

How much money has been expended by the following departments in removing and covering asbestos tailings in Wittenoom to a standard similar to that carried out by the Shire of West Pilbara and local residents—

(a) State Housing Commission;
(b) Government Employees' Housing Authority?

Mr SHALDERS replied:

(a) State Housing Commission—$2 080;
(b) Government Employees' Housing Authority—nil.

WITTENOOM
Asbestos Tailings: Financial Assistance

1977. Mr BRIAN BURKE, to the Minister for the North West:

Since August 1979, how much financial help has been given to the residents of Wittenoom, either directly or by expenditure by Government departments, to assist in their efforts in the removal and covering of asbestos tailings in the townsite?

Mr MacKINNON replied:

As this question requires extensive research a reply in the form of a letter will be forwarded to the member in due course.

WITTENOOM
Electricity Supplies

1978. Mr BRIAN BURKE, to the Minister for Fuel and Energy:

(1) Since February 1981, how many properties in Wittenoom have been connected to the electricity supply?
(2) Since February 1981, how many times has the name of the receiver of electricity been changed?
(3) Since February 1981, how many times has power connection been refused either through direct connection or name change of receiver?

Mr P. V. JONES replied:

(1) Nil.
(2) 24.
(3) One.

GOVERNMENT CONTRACT
Carpet

1979. Mr BRIAN BURKE, to the Minister for Works:

Further to question 1927 concerning carpet contract ADQ 3427, could he advise why the tender which won, was in excess of the 10 per cent local preference rule?

Mr MENSAROS replied:

The lowest tender received was $13 650 and, after allowing for the 10 per cent local preference on carpet content only, the adjusted figure was $14 924 compared with $15 089 for the lowest tender using a local product. In view of the small difference of $165, the tender of $15 089 for the local product was accepted.

HEALTH: POISONS
Act: Offence

1980. Mr BRIAN BURKE, to the Minister for Health:

(1) With respect to the answer to part (5) of question without notice 603 of 13 October 1982, concerning the sale of poison in an allegedly improperly labelled container, have the proceedings yet been commenced?
(2) If so, what stage has been reached and when is it expected the matter will be heard?
(3) If the matter has already been finalised, what was the result?

Mr YOUNG replied:

(1) No.

(2) Some difficulty is being experienced in identification of the company involved. Action is proceeding and it is expected the case will come to court about March 1983.

(3) Not applicable.

HOUSING

Wittenoom

1981. Mr BRIAN BURKE, to the Minister for Housing:

(1) How much maintenance has been carried out on State housing and Government employee housing in Wittenoom since November 1979?

(2) Are the buildings being maintained to a standard acceptable elsewhere in Western Australia?

Mr SHALDERS replied:

(1) State Housing Commission—$3 334.14.
Government Employees' Housing Authority—$490.00.
There are currently four job orders for work to be done but final costs are not available.

(2) Yes—in respect to those occupied.

EDUCATION: HIGH SCHOOLS

Bentley and Como

1982. Mr GRAYDEN, to the Minister for Education:

(1) What was the exact wording of written or published assurances given to Como Senior High School Parents and Citizens' Association regarding the provision of adequate accommodation and teaching facilities to cope with the expected additional students from the Bentley High School, when it was announced in 1981 that Bentley High School was to be converted to a senior college?

(2) Is it a fact, as alleged by the Como Senior High School Parents and Citizens' Association in a letter dated 4 November and addressed to the Minister for Education, that—

(a) apart from some minor alterations and allocation of transportable classrooms and a long overdue maintenance at this school, nothing has been done to fulfil these undertakings;

(b) at a meeting with the Minister for Education in July 1982, and subsequent meetings with the Education planning branch, verbal undertakings were given that tenders would be called for the new library building and administration block upgrading by the end of 1982, with buildings to commence early 1983, and completion mid-1983?

(3) Has there been any change in the timing of finance allocated to this school?

(4) What is the current timetable of scheduled improvements to the school and in particular—

(a) the planned completion date of stage 1 (library and administration block);

(b) the funding years and completion dates of stages 2 and 3?

Mr CLARKO replied:

(1) The Government's announcement of the creation of the senior colleges in April 1981 made no specific reference to improvements or upgradings to Como Senior High. In subsequent correspondence to the principal, the then Hon. Minister for Education, wrote as follows—

> I appreciate that your enrolments will be restored to levels which have been experienced in previous years because of enlargement of your catchment area from 1982. Where there may have been a reluctance in the past to effect improvements of a minor and major nature to the school facilities, this situation is now changed.
>
> I have asked that consideration be given to the needs of your school, within funding restrictions and in relation to the actual growth which will occur.

(2) (a) and (b) Necessary works to accommodate students in 1982 were undertaken at the earliest possible date. Planning for the permanent extensions has been proceeding and liaison with the school and the parents and citizens association has been held at all stages. Earlier in 1982 it was anticipated that stage 1 of the new works would be able to be accomplished by third term of 1983. However, with delays, completion is now expected by the end of 1983.

(3) No.

(4) (a) Answered in (2) above;
(b) planning for future works is currently proceeding, in anticipation of funding being available to commence in 1983-84.

CONSERVATION AND THE ENVIRONMENT: LESCHENAULT INLET

Laporte Australia Ltd.: Land Purchase

1983. Mr HODGE, to the Minister for Resources Development:

(1) What is the estimated cost of acquiring the additional 316 hectares of the Leschenault peninsula for the disposal of industrial waste from the Laporte titanium factory at Australind?
(2) Who will be meeting the cost of this purchase?
(3) What is the Government's preferred long term strategy for the disposal of Laporte's waste?
(4) What is the estimated annual cost of this waste disposal system?
(5) How many persons will be employed on waste disposal?
(6) Who will be meeting the costs for disposal of Laporte's liquid waste?
(7) Has the Government also developed a strategy for the safe disposal of the solid waste from the Laporte factory which includes such items as Moore filter frames, which are radioactive?
(8) Will the Government be seeking submissions from the public on its proposed strategy for the disposal of effluent from the Laporte plant?
(9) What period will be available for public submissions on the recently tabled report on waste disposal from Laporte?
(10) To whom should such submissions be made?
(11) Will he make available to me copies of all the technical reports referred to in the report of the Laporte factory effluent disposal committee?

Mr P. V. JONES replied:

(1) As the Government will shortly be negotiating the purchase of the land with the owners, it is not prepared to release the information requested.
(2) The State.
(3) The Government does not have a preferred long-term strategy, as this will depend on advice received from the Environmental Protection Authority and others, following consideration of the report.
(4) The costs of the alternatives are detailed in the report.
(5) This will depend on the disposal method selected.
(6) Cost sharing arrangements are being negotiated with the company.
(7) Solid wast in the effluent is expected to continue to be disposed of on land. The Moore filter frames are being disposed of, and are expected to continue to be disposed of on the plant site under conditions set by the Radiological Council.
(8) Government, through the Committee, will be meeting with interested groups to explain the committee's work more fully, and will be prepared to consider submissions on the options presented.
(9) No specific deadline has been set at this stage.
(10) Public response is being co-ordinated by the chairman of the Laporte effluent disposal committee.
(11) Copies of technical reports are being held in the Public Works Department library, and will be available on request.

MINERAL SANDS

Minninup

1984. Mr HODGE, to the Minister for Health:

(1) What special precautions will be taken to prevent radioactive contamination of the roadside verges if mineral sands operations are permitted at Minninup?
(2) Has the Radiological Council surveyed the Minninup area to ensure that the operator meets the requirements of the code of practice on radiation protection in the mining and processing of mineral sands with respect to the disposal of tailings and the rehabilitation of mine sites?

Mr YOUNG replied:

(1) The company has been advised that observance of the provisions of the code of practice on radiation protection in the mining and processing of mineral sands is a condition of its licence.

(2) The Radiological Council has not surveyed the Minninup area but has advised the company that it wishes to carry out such a survey before mining operations commence.

CONSERVATION AND THE ENVIRONMENT: LESCHENAULT INLET

Laporte Australia Ltd.: Radioactive Filters

1985. Mr HODGE, to the Minister for Health:

(1) Is he aware that the Laporte factory effluent disposal report on disposal options states that the State Radiological Council recommended that the radioactive Moore filter frames be incinerated and the ashes disposed of in the liquid effluent?

(2) Is incineration still the recommended method of disposing of these radioactive Moore filters?

(3) Is he aware of strong opposition from the Harvey Shire Council, the Leschenault Inlet Management Authority, the Laporte company and some waste disposal authorities to this proposal?

(4) Is he aware that the Australian Radiation Laboratories, in their report (ARL/TR037) on radiation problems at the Laporte factory, state that "quite high levels of radioactivity have accumulated in these filter frames"?

(5) In view of the above, is it really safe or desirable to dispose of this radioactive waste in the ocean or in the sand dunes of the Leschenault peninsula?

(6) Is he aware that the Australian radiation laboratories in the abovementioned report found that radium could be transported into the aquifers and into the Leschenault Inlet via soluble thorium sulphate complexes?

(7) In answer to question 1256 of 25 August 1982, he confirmed that radium 228 levels in the Laporte effluent were between 5.2 and 10.8 becquerels per litre and that most of the radium was in the solid form: would it not therefore be prudent to filter this radioactive effluent and dispose of this hazardous waste in a properly controlled tailings dam rather than in the ocean or in an unconfined aquifer?

(8) Have studies been carried out on fish and shellfish, other than crabs, caught in the Leschenault Inlet, with a view to determining whether they have concentrated radium 228 in their flesh, skeletons or shells?

(9) In view of the concern and the lack of a complete picture of the source of radioactivity in the inlet, will he request the Radiological Council to reconsider its proposal for the safe disposal of radioactive waste from the Laporte factory?

Mr YOUNG replied:

(1) to (9) The question requires considerable research and an answer, in writing, will be provided to the member as soon as possible.

MINING

Tin: Greenbushes

1986. Mr HODGE, to the Minister for Health:

Will he now make available the results of the Radiological Council's recent study of the possible radiation hazards at the Greenbushes tin mine?

Mr YOUNG replied:

A survey at the mine site showed no radiation levels to mine employees exceeding the international commission on radiological protection recommendations.

Samples of the process products have been analysed for radioactive content and the results are being assessed currently.

MINERAL SANDS

Wonnerup

1987. Mr HODGE, to the Minister for Health:

Can he now tell me what action is being taken to remove the radioactive mineral sands tailings from residential land at Wonnerup?

Mr YOUNG replied:

No action is being taken at the moment. The legal position is still not clear, but I hope to be in a position to answer questions posed by the Shire of Busselton shortly.

1988. *This question was postponed.*

GRAVEL PIT

Helena Valley

1989. Mr GRAYDEN, to the Minister for Transport:

(1) Is it the intention of the Department of Main Roads to dispose of the disused gravel pit adjoining Ridge Hill Road, Helena Valley?

(2) If so—

(a) how and when is the sale to be effected;

(b) will the position of landowners who have had traditional rights of access and egress from their properties to Ridge Hill Road via the old Perth-Lesmurdie railway line, be preserved?

Mr RUSHTON replied:

(1) and (2) Consideration has been given to the disposal of the land but no firm decision has yet been reached. The position of landowners will be taken into consideration in reaching a decision.

STOCK: SHEEP

Products

1990. Mr EVANS, to the Minister for Agriculture:

(1) Excluding wool, what is the full range of products derived from sheep which are exported from Western Australia?

(2) On present values, what would be the estimated worth of the total products from one sheep slaughtered in Western Australia?

Mr OLD replied:

(1) Excluding wool, export products derived directly from Western Australian sheep are live sheep, carcases, sides, bone in cuts, offals, gall, casings, meatmeal, bloodmeal, skins and tallow.

(2) No estimate of the worth of total products from one sheep slaughtered in Western Australia is available. Estimates would depend on class of sheep and fluctuations due to seasonal conditions and prevailing market prices for the various commodities.

MEAT: LAMB MARKETING BOARD

Throughput

1991. Mr EVANS, to the Minister for Agriculture:

(1) What was the total number of lambs handled by the WA Lamb Marketing Board in each of the past two years?

(2) What was the estimated numbers which the lamb board forecast prior to the commencement of each of those two years?

Mr OLD replied:

(1)	1980-81	1 497 207
	1981-82	1 113 341.
(2)	1980-81	1.5 million
	1981-82	1.3 million.

STOCK: SHEEP

Export

1992. Mr EVANS, to the Minister for Agriculture:

How many sheep were exported alive in—

(a) 1981; and
(b) 1982 (to date),

from (i) Western Australia;
(ii) Australia?

Mr OLD replied:

(a) and (b)

	(i) Western Australia	(ii) Australia
1981	2 963 193	5 796 710
1982 (to September 30)	2 273 219	4 146 070

These statistics were supplied by the Australian Meat and Livestock Corporation.

LAND: NATIONAL PARKS

Class "A"

1993. Mr EVANS, to the Minister for Lands:

Can the National Parks Authority recommend that an area of Class "A" national park be made available to adjoining landholders?

Mr LAURANCE replied:

Yes. The National Parks Authority may recommend to the Department of Lands and Surveys the relinquishment of part of a Class "A" national park vested in the authority and should that be agreed, parliamentary approval through a Reserves Bill would be needed.

1994. *This question was postponed.*

LAND AMENDMENT BILL (No. 3)

Consultation and Easements

1995. Mr EVANS, to the Minister for Lands:

(1) Referring to the answer to question 1845 of 27 October 1982 relating to easement rights on Crown lands, would he please state, with regard to the availability of the option of "creation of an easement" by whom is it "known to be considered a firm advantage"?

(2) Referring to the answer to question 1852 of 28 October 1982, what section of the Land Amendment Bill includes the provision that consultation with the vestee must take place?

(3) In the event of consent in writing not being given, what steps will be taken to provide access?

(4) Who will be the arbiter when and if consultations break down?

(5) Further to the answer to question 1855 of 28 October, would he please list those reserves which are under his control?

(6) Who will be responsible for examining proposals for easements across reserves which are under the control of the Minister?

(7) What criteria will be used to determine that the purpose of the reserve "will not be unduly affected"?

(8) What will be his attitude if the management of a reserve under his control is unduly affected?

Mr LAURANCE replied:

(1) As indicated in my second reading speech to the Bill, the Government considers it to be a firm advantage. Furthermore, discussions with service authorities and parties in whom reserves are vested have indicated firmly that the ability to create easements and thereby substantially retain the character of a reserve is far more preferable to making excisions from reserves or costly deviations around them.

(2) Section 134B(2)(c) requires consent of the vestee and consultation is clearly a prerequisite to consent.

(3) In these circumstances the department would be faced with the same position that now exists and any further step would have to be considered on the merits of the case in question.

(4) Dependent on the nature of tenure involved and the importance of the access required, it could be that Cabinet would be the ultimate arbiter and would deal with the matter in the terms of (3) above.

(5) All Crown Land and reserves are ultimately under my control. It is not feasible to submit a comprehensive list of those lands under my direct control as Minister for Lands (i.e. unvested reserves) or under my direct control through my other portfolios.

(6) The head of the respective department.

(7) Each proposal would be assessed purely on the basis of its compatibility with the reserve purpose. The great variety of circumstances that might exist makes it impossible to be any more definitive as to criteria.

(8) My attitude would be much the same as it would be in relation to any such proposal under currently existing conditions, namely, that the proposal would have to be considered on its merits and either rejected or accepted subject to appropriate conditions. If, after the grant of an easement, it was found to have undue effect, resolution of the problem would be taken up with the grantee in accordance with the terms of the grant of easement.

STATE FORESTS: FORESTS DEPARTMENT

Retrenchments

1996. Mr EVANS, to the Minister for Forests:

(1) Is it intended to reduce the number of Forests Department employees in the south-west?

(2) If "Yes"—

(a) how many employees will be retrenched;

(b) from what centres will they be retrenched and how many from each centre;

(c) from when will retrenchments become effective;

(d) what is the reason for this reduction in employees?

Mr LAURANCE replied:

(1) No.

(2) (a) to (d) Answered by (1).

FUEL AND ENERGY: ELECTRICITY

Power Poles

1997. Mr WATT, to the Minister for Fuel and Energy:

(1) In respect of the power pole replacement programme in the lower great southern, could he give a report on the progress to date, and plans for its completion?

(2) What opportunities have, or are likely to be offered to businesses within the region in the supply of the reinforcing materials being used?

Mr P. V. JONES replied:

(1) The power pole maintenance programme in the lower great southern is a pole reinforcement programme, rather than a replacement programme, and is carried out continuously throughout the region as priorities dictate.

At present 3 554 distribution poles have been reinforced in the Two Peoples Bay, Mount Barker, Cranbrook, Broomehill and Tambellup areas.

Three crews are presently involved in the programme, and are currently working on the Broomehill-Gnowangerup 3-phase line, and the West Tambellup and Muir Highway Mount Barker single phase spurs.

(2) The supply of 16 000 steels utilised in the reinforcing programme has been supplied by steel fabrication shops in Albany, and a recent tender for the supply of 10 000 steels was let to Kosters of Albany.

Bitumastic coating of the steels is also being carried out by a local Albany firm.

HOUSING: ABORIGINES

Dispersement Policy

1998. Mr WILSON, to the Minister for Housing:

(1) Can he confirm that the State Housing Commission allocates Commonwealth/State housing accommodation to eligible Aboriginal applicants on the basis of a dispersement of policy?

(2) If "Yes", how is this policy applied in allocating the following categories of accommodation to eligible Aboriginal applicants—

(a) apartments;

(b) townhouses;

(c) duplexes;

(d) single detached houses?

Mr SHALDERS replied:

(1) Allocations of Commonwealth/State rental units to eligible Aboriginal applicants by the State Housing Commission is based on the same criteria as for all other applicants.

(2) (a) to (d) Answered by (1).

SEWERAGE

Non-connections

1999. Mr WILSON, to the Minister for Water Resources:

(1) What is the Metropolitan Water Authority's assessment of the number of properties in the metropolitan area which have access to sewerage but which are not connected to the system?

(2) What surveys, if any, have been carried out to ascertain the reasons for non-connections?

(3) What have these surveys shown to be the major reason for non-connection?

Mr MENSAROS replied:

(1) Approximately 32 000.

(2) None.

(3) Not applicable.

HOUSING: PENSIONERS

Removal Costs

2000. Mr WILSON, to the Minister for Housing:

In cases where single pensioners or pensioner couples under-occupying family accommodation agree to transfer to a pensioner unit, what removal costs does the State Housing Commission assist with?

Mr SHALDERS replied:

The transfer of an existing telephone service from the old address to the new.

Removal costs of furniture and belongings.

POLICE: VANDALISM

Mirrabooka

2001. Mr WILSON, to the Minister for Police and Prisons:

(1) What additional measures are proposed by the police to deal with the upsurge of vandalism and violence over the past six months or so in the residential area in the vicinity of the leisure facilities at the Mirrabooka town centre?

(2) If these measures do not include boosting police strength at the Nollamara Police Station, why not?

(3) What sort of patrols will be maintained in the area after the Nollamara Police Station closes for the night and from where will these patrols be operated?

Mr HASSELL replied:

(1) One constable has been supplied to Nollamara Police Station. Additional patrols from Warwick divisional base, combined operations, 79 division and the special patrol from Perth are giving attention to the area.

(2) Answered by (1).

(3) Nollamara police maintain a two-man patrol throughout the night and are supported by patrols as stated in (1) above.

HOUSING: LAND

Bunbury

2002. Mr WILSON, to the Minister for Housing:

(1) Can he confirm the following details of land purchased by the State Housing Commission in the Bunbury area—

(a) parts of lots 296 and 297 east of Minninup Road in 1961 for $44 000;

(b) lots 298 and 299 before 1969 for $210 000;

(c) parts of location 1135 and parts of lots 301 to 306 in 1971 for $939 000;

(d) the remainder of lots 301 to 306 in 1971 for $297 000;

(e) lots 307 to 312 in 1966 for $41 000;

(f) location 497 in 1966 for $16 450?

(2) What is the area of each of these land holdings and of any other land holdings of the commission in the Bunbury region?

(3) Can he confirm that a subdivision into 300 lots was approved for lots 298 and 299 two years ago but has not proceeded to development?

(4) If "Yes" to (3), why has the subdivision not proceeded?

(5) What is the commission's overall policy regarding the purchase, development and/or sale of these land holdings?

(6) What future development and/or purchase proposals are currently under consideration?

Mr SHALDERS replied:

(1) to (6) The information sought will take some tine to collate and therefore I will reply to the question by letter.

HOUSING

Maintenance

2003. Mr WILSON, to the Minister for Housing:

(1) Is the State Housing Commission now requiring tenants to carry out or pay for some maintenance items themselves?

(2) (a) Does this constitute a change in the commission's policy;

(b) when was this change introduced;

(c) what is the basis for the adoption of the change in policy?

(3) What items of maintenance are affected by this change in policy?

(4) Does the new policy apply to all tenants including age pensioners and women who are sole supporting parents?

Mr SHALDERS replied:

(1) No, SHC policy has always been to encourage tenants to improve the property they occupy and where possible attend to minor maintenance themselves.

Where repairs or repeated replacements occur and are considered to be beyond fair wear and tear, charges are made to tenants. These charges are subject to appeal.

(2) (a) No;
(b) and (c) not applicable.

(3) and (4) Not applicable.

EDUCATION: PRE-SCHOOL

Centre: Edale

2004. Mr WILSON, to the Minister for Education:

(1) Has a decision been made regarding the handing back of the Edale pre-primary centre in Balga to the City of Stirling and the concentration of pre-primary classes at Westminster primary school?

(2) If "Yes", what is the nature of the decision?

(3) What building alterations and additional facilities, if any, will be necessitated by this decision at Westminster primary school?

(4) What will be the cost of these alterations and additional facilities?

(5) What is the total amount allocated in the 1982-83 Budget for handing back pre-school centres being used as pre-primary centres?

Mr CLARKO replied:

(1) Yes, and an announcement was made prior to the receipt of this question.

(2) Pre-primary classes currently held at the Edale pre-primary centre will not be relocated to the nearby Westminster Junior Primary School in 1983.
(I have authorised today a Press release announcing this decision.)

(3) and (4) Not applicable.

(5) There is no such allocation, but there is an allocation of $100 000 for establishing new and replacement pre-primary centres.

HOUSING

South-west

2005. Mr WILSON, to the Minister for Housing:

How many units of State Housing Commission accommodation of the following types have been built in Bunbury, Collie, Narrogin, Pinjarra and Busselton, in each of the past five years:—

(a) two-bedroomed duplexes;

(b) three-bedroomed duplexes;

(c) two-bedroomed single detached houses;

(d) three-bedroomed single detached houses;

(e) four-bedroomed single detached houses?

Mr SHALDERS replied:

The number of units built for the State Housing Commission in each of the past five years for the specific towns referred to are—

	2 BR Dup (a)		3 BR Dup (b)		2 BR SDH (c)		3 BR SDH (d)		4 BR SDH (e)	
	C/S	A/H	C/S	A/H	C/S	A/H	C/S	A/H	C/S	A/H
Bunbury										
1977-78	—	—	—	—	—	—	8	—	4	—
1978-79	—	—	—	—	—	—	9	—	—	—
1979-80	—	—	—	—	—	—	12	—	—	—
1980-81	—	—	—	—	—	—	5	4	—	2
1981-82	—	—	—	—	13	—	3	—	—	—
Busselton										
1977-78	2	—	2	—	—	—	8	—	3	—
1978-79	—	—	—	—	—	—	—	—	—	—
1979-80	2	—	—	—	—	1	3	—	—	—
1980-81	—	—	—	—	—	—	—	—	—	—
1981-82	2	—	—	—	—	—	2	—	—	—
Collie										
1977-78	—	—	—	—	—	—	—	—	—	—
1978-79	—	—	—	—	—	—	2	—	—	—
1979-80	—	—	—	—	—	—	—	—	—	—
1980-81	—	—	—	—	—	—	—	—	—	2
1981-82	4	—	—	—	—	—	10	—	—	—
Narrogin										
1977-78	2	—	—	—	—	—	1	—	—	—
1978-79	—	—	—	—	—	—	—	—	—	—
1979-80	—	—	—	—	—	—	3	—	—	—
1980-81	—	—	—	—	—	—	—	—	—	—
1981-82	—	—	—	—	—	—	—	—	—	5
Pinjarra										
1977-78	4	—	—	—	—	—	2	—	1	—
1978-79	—	—	—	—	—	—	—	—	—	—
1979-80	2	—	—	—	—	—	2	2	—	—
1980-81	—	—	—	—	—	—	2	—	—	—
1981-82	—	—	—	—	—	—	—	1	—	1

Legend

C/S—Commonwealth/State housing agreement
A/H—Aboriginal housing scheme

EDUCATION: HIGH SCHOOL

Morley

2006. Mr WILSON, to the Minister for Education:

(1) Referring to his advice by letter of 29 July 1982 that the schools' design and investigation branch of the Public Works Department was at that stage

investigating the provision of a cooling system for the library at the Morley Senior High School and that a detailed report and recommendation would be available shortly, has the detailed report and recommendation since become available?

(2) If "Yes", what was the recommendation arising from the report and what action is proposed in the 1982-83 financial year to overcome problems associated with the use of the library in summer months?

Mr CLARKO replied:

(1) Yes.

(2) Public Works Department has recommended that an evaporative cooling system to all areas of the library be provided together with associated building, electrical and plumbing works. An estimated cost of $55 000 has been indicated by the Public Works Department for the current standards and specifications to be applied to school libraries.

The recommendation by the Public Works Department is currently being reviewed by the Education Department.

FUEL AND ENERGY: GAS

North-West Shelf: Flare Towers

2007. Mr HARMAN, to the Minister for Resources Development:

(1) With regard to the construction of flare towers for the North West Gas project, is it a fact that the design work has been placed with a firm outside Western Australia?

(2) If so, what are the details?

(3) What is the approximate value of the design work?

(4) Why was this work not allocated to Western Australian firms?

Mr P. V. JONES replied:

(1) I am advised that the contract for the design, supply and erection of the treatment plant vent and flare structures for the north-west gas development project has been let to Eglo Engineering (Services) Limited. This firm is not currently established in Western Australia.

(2) Four tenders were received, including three from firms established in Western Australia.

(3) The design is an integral part of the overall contract for the supply and erection of the structures. The individual costing of the design work is therefore part of the overall bid price.

(4) I have established with Woodside that the tender prices from Western Australian tenderers were considerably higher than the price from the successful tenderer.

QUESTIONS WITHOUT NOTICE

EMPLOYMENT AND UNEMPLOYMENT

Government Initiatives

773. Mr BRIAN BURKE, to the Premier:

Although this question is in six parts, it is about a matter of which the Premier has had plenty to say publicly. I ask the Premier—

(1) Is he aware that in the past 12 months no full-time jobs have been created in Western Australia and that, in fact 1 300 full-time jobs were lost?

(2) Could the Premier explain his statement that Western Australia's job creation today remains the best in Australia when Western Australia's male work force has been reduced by 1 000?

(3) Does the Premier know that the Queensland Government increased its full-time work force by 8 600 and that, in fact, Queensland was the only State to record any increase?

(4) Could the Premier explain the loss of 300 full-time jobs for females?

(5) Can he explain why 3 600 part-time/full-time jobs for young people were lost?

(6) Is the Premier aware that Western Australia has the highest proportion of work force in part-time employment?

Mr O'CONNOR replied:

(1) to (6) If the Leader of the Opposition genuinely wanted an answer to his question, he would have put it on notice. He is coming up with questions of this kind in an effort to try to embarrass the Government and obviously is not really interested in getting answers to them. If he puts the question on notice, I will be quite happy to answer it. From the information I have, the details he has given are not accurate.

FIRE: STATION

Perth

774. Mr TRETHOWAN, to the Minister for Works:

(1) What is the current use of the old fire station in Murray Street, Perth?
(2) Is the building classified by the National Trust?
(3) Is any change likely in the future use of the building?

Mr MENSAROS replied:

(1) The old fire station has been vacant since the new fire station opened.
(2) The building's facade has been classified by the National Trust and also is contained in the register of the national estate.
(3) The Fire Brigades Board currently is considering the future use of the site.

GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES

Boards: Appointees

775. Mr DAVIES, to the Premier:

In view of the fact that in answer to question 1936 on Thursday last, the Premier told me the Government's policy was generally that no person over the age of 70 years would be appointed to a board or a committee, can he tell me why the Government has appointed Mr Harry Dettman—who, according to *Who's Who*, will turn 75 in January next year—to the position of chairman of an advisory committee associated with the doling out of proceeds from the Instant Lottery?

Mr O'CONNOR replied:

I did state that, generally, we did not appoint people who were over the age of 70 years. However, if I recollect correctly, the board to which Mr Dettman was appointed should have been appointed some time ago.

Mr Davies: No, it is the one announced in today's newspaper.

Mr O'CONNOR: It was the advisory committee. Offhand, I cannot provide the detail requested. In certain circumstances, people over the age of 70 years are appointed.

Mr Davies: What about 75 year-olds?

Mr O'CONNOR: Generally speaking, such people are not appointed to boards; however, in some circumstances they may be appointed. The Minister responsible for this area is in another place, and if the member for Victoria Park wants an answer to his question, I will be happy to refer the matter to the Minister.

SEWERAGE

Main: Subsidence

776. Mr COURT, to the Minister for Water Resources:

Could the Minister inform the House about the accuracy or otherwise of last night's television report regarding the caving-in of a main sewer, and the union's work ban on the repair of that sewer?

Mr MENSAROS replied:

The television report came about because the union concerned asked the television people to come out and photograph a small hole in the ground, implying all sorts of health hazards were involved. Nothing could be further from the truth. When main sewers are constructed, they are embedded in cement and, according to normal practice, the timber formwork is left in the ground. In due course, the timber formwork rots, or is eaten by termites and, as the sand settles, minor subsidence of the ground occurs. That is precisely what happened in this case; indeed, it happens fairly often. However, the flow in of the main sewer was not affected. So, it is absolute nonsense to talk about there being health hazards, or danger.

The member for Nedlands also asked about industrial disputation regarding the necessary maintenance and repair work. This matter goes back to March of this year when, in line with the Opposition's oft-requested improvements in efficiency of the authority, it was decided that instead of working six shifts to accomplish the yearly clearing of the main sewer, only five shifts would be worked. The job was to be done during time of low flow, to enable the men to clear the sand and silt from the bottom of the main pipe.

The union, of course, took offence at this decision because it resulted in a loss of overtime to some of its members, and it submitted a claim for a loading. The Metropolitan Water Authority was quite happy to pay the requested loading, provided it was paid only to those workers who participated in the job. However, the claim was for everyone—the driver who was waiting above in his truck, the person standing on top of the manhole, and all the rest of them.

This request was not granted and subsequently a decision was made on the matter by the Industrial Commission.

The present situation is that the authority is quite happy to pay a 25 per cent loading to the people working in the sewer; however, it is not prepared to pay the loading to others, because past experience has been that once a loading is granted, in due course it is taken to be part of the normal wage and within a short time again, another loading is requested. I am sure members opposite, who are always asking for the implementation of efficiencies within the authority, would agree such a situation could not be tolerated.

HOUSING

Statutory Reserve Deposits

777. Mr WILSON, to the Minister for Housing:

I refer to today's Press report of the Federal Government's decision to back down from its Budget promise to inject into the banks for home lending, $300 million from Reserve Bank statutory reserve deposits and ask—

(1) Is he satisfied with the Federal Treasurer's statements justifying the decision and particularly indications now that not enough people are applying for the available loans?

(2) What action has this Government taken to make known its views to the Federal Government?

Mr SHALDERS replied:

(1) and (2) I am not aware of any statements by the Federal Treasurer and I certainly have not seen—

Mr Carr: It has been the main news story for the last two days.

Mr Davies: It was the lead story on the news last night, and it was on the midnight news.

Mr SHALDERS: I am sorry; I left home this morning at seven o'clock and went straight to my office. I am not aware of that statement.

Mr Davies: It was on the midnight news, and it is in today's *The West Australian.*

Mr SHALDERS: I have not read this morning's newspaper. However, I am quite happy to have the matter examined, and report back to the member.

ELECTORAL

Proportional Representation

778. Mr STEPHENS, to the Premier:

(1) Is the Premier aware of the election result in South Australia, which demonstrated the benefits of the proportional representation system?

(2) Will he provide ample and early opportunity for a resumption of the debate on the motion on the notice paper relating to proportional representation?

Mr O'CONNOR replied:

(1) and (2) I conferred last night with the honourable member and indicated that today I would consult with the Opposition in connection with private members' business to ascertain if and when we would proceed with those matters. I have received from the member for Morley a document relating to this matter and I am presently perusing it. Within the next day or so, I will work out how best to handle private members' business for the remainder of the session. It is my intention, within reason, to provide some time to those matters, provided we stick to the schedule. I should have made an assessment of the matter within the next day or so.

EDUCATION: HIGH SCHOOLS

Driver Education: Pilot Scheme

779. Mr CARR, to the Minister for Education:

With reference to the driver education scheme I refer the Minister to his answer to my question without notice 586 of 12 October in which he said he saw as desirable the implementation of some form of pilot scheme which would apply to, say, five separate high schools. The Minister said the matter was awaiting consideration by a meeting between officers of the Education Department and of the National Safety Council of Western Australia Inc. I ask—

(1) Has that meeting taken place?

(2) If "Yes" is the Minister able to report to the House any progress on this subject, particularly in so far as which schools are to be the subject of the pilot scheme, when the scheme is likely to start, and what will be the funding arrangements?

Mr CLARKO replied:

(1) and (2) Although I cannot recall the specific words I used in my answer of 12 October, I did indicate I received a representation from the Minister for Police and Prisons to whom I proposed that a meeting take place between officers of the Education Department and other nominated people, principally from the National Safety Council of Western Australia Inc. In my letter I suggested it would be appropriate to consider the implementation next year of some form of pilot scheme and that, say, five high schools would be appropriate. I have not received a reply to that proposal; no doubt the matter is proceeding. However, until I have received a response, I cannot provide the member with a specific reply to his question.

Mr Carr: So no meeting has been held?

STATE FORESTS: FORESTS DEPARTMENT

Retrenchments

780. Mr EVANS, to the Minister for Forests:

My question arises from his answer to question 1996 of today in which I asked whether it was intended to reduce the number of Forests Department employees in the south-west, to which the Minister replied, "No". I now further ask—

(1) Is it a fact that, last week, three men at Nannup received notice, and that subsequently those notices were withdrawn?

(2) Have Forests Department employees at Nannup been given to understand a number of employees will be retrenched by Christmas and, if so, can the Minister give a categorical assurance these retrenchments will not take place?

Mr LAURANCE replied:

(1) and (2) I have some knowledge of the matter to which the member for Warren refers. Apparently three people on the staff at Nannup have resigned, for various reasons. The resignations were not in connection with the notices issued, of which the member spoke. In fact, there will be no further retrenchments; so the answer I gave to question 1996 on today's notice paper is factual, and that will be the position.

MINISTER OF THE CROWN

Technology Portfolio

781. Mr TRETHOWAN, to the Minister for Industrial, Commercial and Regional Development:

(1) Did he see the report in *The Australian* of today announcing the appointment of Mr Lynn Arnold as the Minister for Education and Minister for Technology in the Bannon Cabinet?

(2) If so, is the Western Australian Government considering the creation of a Minister for technology?

(3) If not, why not?

Mr MacKINNON replied:

(1) Yes, I did see the announcement of the appointment of Mr Arnold in South Australia.

(2) No.

(3) The reasons we are not considering implementing a Ministry of technology are several and varied; but the overriding reason is that the name of the Ministry is not important. What is important is Government action.

As the member would know, the Government has taken many initiatives in the area of high technology industry.

Mr Bryce: Trailing South Australia in every respect. Even your own Liberal colleagues over there have shown you a clean pair of heels.

Mr MacKINNON: Those initiatives include the formation of the Systems Research Institute of Australia, the technology review group—

Opposition members interjected.

The SPEAKER: The Deputy Leader of the Opposition will cease interjecting.

Mr MacKINNON: —and the announcement of the development of the technology park.

Mr Bryce interjected.

The SPEAKER: I asked the Deputy Leader of the Opposition specifically not to interject. He probably did not hear me, so I will restate my request that he cease interjecting.

Mr Bryce: Yes, Mr Speaker, of course.

Mr MacKINNON: In addition, many other proposals are under consideration, including an innovations centre, the formation of a genetic engineering institute, and the technology information centre.

Consequent on all these activities, we have been reviewing the Government's role in relation to high technology industry to see if we can co-ordinate those activities better, bearing in mind that the tertiary institutions are involved as well. To that end, recently we sent a senior officer of the Industrial, Commercial and Regional Development Department to South Australia, Victoria, and New South Wales to see what is happening in those States, and to report to us with some advice.

I have had meetings recently with the chairman of the technology review group, to that end; and I hope to be able to have meetings with other interested groups in the near future.

I hope also that when members of the Opposition make statements about ministries of technology, they will be what they were reported as being in today's paper under the heading "Labor cautions on policy costs", and give us some idea, as they have never done previously, of how much it would cost and what they would do in the area, rather than postulate policy for the purposes of the group that they might be addressing at the time.

HOSPITAL: ROYAL PERTH

Mt. Lawley Annexe

782. Mr HODGE, to the Minister for Health:

(1) Can he advise the House to what future use the Government is planning to put the now disused Mt. Lawley annexe of Royal Perth Hospital?

(2) Can he confirm that consideration is being given to handing the annexe to the Alcohol and Drug Authority?

Mr YOUNG replied:

(1) I cannot advise the member for Melville of the future use of the Mt. Lawley annexe because that would have to be determined after a lot more thought than I have given the situation at this stage. Royal Perth Hospital may want to have an input in that discussion.

(2) I know a number of people have been making tentative inquiries of both the Hospital and Allied Services Department and Royal Perth Hospital about what might happen to the Mt. Lawley annexe. One of the suggestions that has been discussed is whether the Alcohol and Drug Authority could have any use for the annexe. Certainly no determination has been made in respect of any of those questions; and no submission has been put to me in any formal manner.

MINING

Charges and Royalties: Suspension

783. Mr GRILL, to the Minister for Mines:

(1) Is he aware that a number of mining operations in Western Australia, including at least three base metal operations, are undergoing extreme financial problems, and are having some difficulty in carrying on?

(2) Is he aware that at least one of the mines is in danger of closing, with a consequent loss of jobs and other detrimental effects?

(3) Is the Government prepared to give consideration to deferring or suspending Government charges or royalty payments so as to ensure that the operations are able to carry on?

(4) If not, what other ameliorative action would the Government be prepared to take or to consider?

Mr P. V. JONES replied:

(1) to (4) I can say only that at present no approach has been made to the Government, to my knowledge, to provide any relief by way of suspension of royalties, assistance with Government charges, or anything of that nature. The last request made of the Government related to assistance for Agnew Clough Ltd. and Teutonic Bore, which have received assistance. At present, to my knowledge, no requests have been made.

If the member has specific examples of difficulties being experienced, perhaps he would like to let me know. He asks whether I am aware that one specific industry is in danger of closing with some loss of jobs; and I am unable to comment whether that is true. All I can say is that the Government has received no specific approach. If the member informed me—

Mr Grill: I do not want to name the company publicly, but certainly I will talk to you about it.

Mr P. V. JONES: If the member does so, we will consider the matter and let him know.

POLICE: DIXON INQUIRY

Tabling

784. Mr PARKER, to the Minister for Police and Prisons:

I refer to a recent Press article which indicated that Mr Oliver Dixon has presented to the Minister his second report concerning investigations into the Police Force, which report, I understand, relates to inquiries into the financial affairs of a certain police inspector. Is it his intention to table that report in the House before we rise, or to make it public in some other way?

Mr HASSELL replied:

The report will be tabled tomorrow.

LIQUOR: TAVERNS

Siting

785. Mr PEARCE, to the Minister for Education:

Does he believe it is desirable for taverns to be sited next to schools in town planning developments—

Speaker's Ruling

The SPEAKER: Order! The member for Gosnells is not at liberty to ask for an opinion of the Minister; and I therefore must rule that question out of order.

Questions (without notice) Resumed

Mr PEARCE: I will rephrase the question in a way that will meet with your approval, Sir. It is as follows—

Is it Government policy to allow taverns to be sited next to schools in developments; and, if so, is it Government practice for the Education Department or the Minister for Education to be informed if such a proposition is being considered?

Mr CLARKO replied:

It would be appropriate for the member to address the question to the Minister for Town Planning.

Mr Tonkin: It is education!

Mr CLARKO: I do not believe it is worth my making any comment further than that.

TECHNOLOGY PARK

Location

786. Mr DAVIES, to the Minister for Industrial, Commercial and Regional Development:

Had I received the call earlier, I might have saved him from answering a Dorothy Dix question that he was asked about technology. I ask—

What progress has been made in defining the area of land to be occupied by the technology park? This follows a question I asked about six weeks ago; and it reflects the concern of the people who hope to live in the area soon, but are doubtful as to where they might live because of the Government's lack of activity in the defining of the technology park area.

Mr MacKINNON replied:

There is little doubt about the area involved. It will be situated on land opposite WAIT and I believe the member for Victoria Park is quite clear as to the delineation of the area. If he is not, I am quite happy to send him a map.

Mr Davies: You didn't have a map last time I asked you.

Mr MacKINNON: The Urban Lands Council has performed some preliminary design work to provide an indication of the area available. From memory, I believe the area outlined originally was approximately nine hectares, which allowed for a buffer zone for residential housing between the gazetted area, as well as a buffer zone for the housing existing already in the area.

That is now in the process of being submitted to the Perth City Council and the South Perth City Council, bearing in mind the latter's boundary is at Kent Street. That rezoning application is in the course of being processed.

Cabinet also looked at the overall design and agreed to an area being set aside for domestic purposes and for the technology park. Approximately four hectares is to be set aside in the residential area as optional technology park; so, if successful, we have a third stage to go into rather than our leaving the whole area as residential housing.

However, the design of that is only in the preliminary stages to enable us to proceed with the rezoning of the area and hopefully, as soon as that is completed, the Urban Lands Council and the board will be able to announce that we are proceeding with the development of the technology park.

PRISONS: PRISONERS

Transfer Interstate

787. Mr CARR, to the Minister for Police and Prisons:

My question refers to an article in this morning's issue of *The West Australian* headed "Moves on gaol switch" which refers to legislation in New South Wales under which, in certain circumstances, prisoners in one State will be able to transfer to another State. It says that agreement has been reached between the States for all States to pass corresponding legislation. I ask—

Is the article correct to the extent that we will be introducing that sort of legislation in Western Australia and when is it likely that legislation would be introduced?

Mr HASSELL replied:

My recollection of this matter is that the work on developing the uniform legislation was taken through the Attorneys General. It is progressing in some jurisdictions. In our own jurisdiction it was referred to me recently and is now being studied by my department with a view to our carrying it forward.

Mr Carr: When will it be ready?

Mr HASSELL: Presumably, in the normal course of events, we would be in a position to carry it forward to the legislative stage next year.

TECHNOLOGY

Government Performance

788. Mr BRYCE, to the Minister for Industrial, Commercial and Regional Development:

I apologise for the fact that the question is not a Dorothy Dixer and ask—

(1) In respect of the Government's reputation for lack of achievement in the field of high technology in this State, is the Minister aware that so much time by himself and his department has been spent reviewing, analysing, assessing, and measuring concepts for development in this area that it is becoming apparent to people involved in the electronics industry that he and his department are suffering from a bad dose of "paralysis of analysis"?

(2) Is the Minister aware that electronic firms in this State are being tempted to relocate their activities in South Australia?

Mr O'Connor: That would have been before Saturday!

Mr BRYCE: I can assure the Premier that gap will widen. Lynn Arnold will prove to be the most outstandingly successful Minister for Technology in Australia.

Several members interjected.

The SPEAKER: Order!

Mr BRYCE: To continue—

(3) In the light of the Minister's answer to a previous question, would he indicate the cost to the taxpayers of this State as a result of the Government's creating an additional Government department by splitting the Resources Development Department and establishing the Industrial, Commercial and Regional Development Department?

Mr MacKINNON replied:

(1) I am sure the people in Western Australia who are involved in the high technology area will be interested to hear the comments of the Deputy Leader of the Opposition. I am sure all the people who have benefited from the work of the Systems Research Institute of Australia, which has now established successfully in South Australia and intends to set up elsewhere, will be very interested to hear the comment by the Deputy Leader of the Opposition about this Government's "lack of achievement".

Mr Bryce: We are trailing the field.

Mr MacKINNON: I am sure the many interested people who have contacted us already—people from WAIT, the University of WA, and Murdoch University—would be pleased to hear that the Deputy Leader of the Opposition has referred to lack of achievement in the establishment of the technology park. I am sure they will also be interested to read, as has been outlined previously in ALP policies, the great number of restrictions that party, if it ever became Government, would impose on the introduction of new technology in this State. That is hardly an encouragement to the high technology industry which the Deputy Leader of the Opposition so vocally professes to support.

(2) Yes, I am aware of that, because we are in regular contact with most of those firms in Western Australia and they have expressed that situation to me. I merely outline to the Deputy Leader of the Opposition that I believe South Australia's experiment will be a failure, because of its lack of ability to marshal all the tertiary institutions in that State to support the concept, because it is too closely aligned with the South Australian Institute of Technology, and it is far too large. It will prove to be an enormous waste of taxpayers' funds. I would like the Deputy Leader of the Opposition to name the companies which have gone to that park, other than Amdel, a South Australian Government corporation.

The SPEAKER: Order! Would the Minister wind up his answer?

Mr MacKINNON: Yes, Sir. To continue with part (2) of the answer, the Premier indicated that certainly—

The SPEAKER: Order! Will the Minister resume his seat? It is obvious the Minister still has a reasonable amount of infor-

mation to present to the House in answer to the question he has been asked. I do not want to deny him the right to answer the question fully. The Minister for Mines has a correction to make to an answer he gave. It is now well past 6.15 p.m. I apologise for having allowed the last question, but I did so prior to 6.15 p.m. In all the circumstances, I shall leave the Chair until 7.30 p.m.

Questions (without notice) Resumed

Mr MacKINNON: As I was saying before the suspension, in answer to the Deputy Leader of the Opposition, I am aware that firms in Western Australia have sought to relocate in South Australia, but I am sure in view of what the Premier has said since last Saturday that any of those firms seriously considering the move will have given the idea away.

Mr Bryce: The gap will be widened.

Mr MacKINNON: To continue—

That move has been welcomed by all the people to whom I have spoken in Western Australia who have anything to do with industry. I ask the Deputy Leader of the Opposition to advise us what his party would do if it were in Government, which is highly unlikely. Would it or would it not leave these responsibilities as they are?

Mr Bryce: How much did it cost?

Mr MacKINNON: If the member puts that question on the notice paper I will be able to give him an answer.

Mr Bryce: You just don't know the answer.

Mr MacKINNON: The best the Deputy Leader of the Opposition can do is answer a question with a question; he is not willing to tell us what the policy of his party would be if it were in government.

ALUMINA REFINERIES: WORSLEY

Environmental Safeguards

789. Mr Mensaros (for Mr P. V. JONES):

With respect to the reply to question on notice 1948, asked by the member for Yilgarn-Dundas on 4 November 1982, the Minister is now advised that part (2) of the reply was partly incorrect.

In his reply he advised the member that none of the areas of mineral interest to the Worsley joint venture was located within Forests Department management priority areas, although he indicated that some of the areas within the blue picture frame area were within State forest.

He is now advised that the area of State forest known as the Duncan management priority area does extend into the area of the Worsley agreement over which the Worsley joint venturers have claims for other minerals.