

Legislative Council

Tuesday, 19 October 1982

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

QUESTIONS

Questions were taken at this stage.

INDUSTRIAL ARBITRATION AMENDMENT BILL (No. 2)

Third Reading

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [4.56 p.m.]: I move—

That the Bill be now read a third time.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [4.57 p.m.]: I oppose the third reading of this Bill. I do so because of the manner in which it was handled in both the second reading and Committee stages. In my opinion, the Bill should have been examined at least by a Select Committee. I took that view during the second reading and Committee stages, and since then I have had the opportunity to read the interim report of the Senate Select Committee inquiring into two Bills introduced in the House of Representatives—the Conciliation and Arbitration Amendment Bill 1982, and the Commonwealth Employees (Voluntary Membership of Unions) Bill 1982.

I want to comment on the composition of that Select Committee, and its terms of reference because they are important and should be recorded in *Hansard*. Some of the interim findings and the submissions put to the committee by the Government of Western Australia also are important and should be recorded. I will then make some general comments about the matter.

Normally, one would not go to these lengths, but I do so because of the similarity of the two Bills which were referred to the Select Committee by the Senate, and also because of the composition of the committee, its terms of reference and findings, and more importantly, the submission made by the Western Australian Government. Before I refer to that submission, which is signed by the Premier, I make it clear that this document was not obtained illegally. It was obtained from the secretary of the Senate Select Committee. I understand that the Select Committee's final report will be available in about a week's time. One would have thought that because of the similarity of the legislation, the Government of Western

Australia would have seen fit to wait at least until that report was made available.

I refer now to the interim report which says—

Terms of Reference

1.1 On 25 March 1982 the then Minister for Industrial Relations, the Hon. R. I. Viner, M.P., introduced into the House of Representatives the Conciliation and Arbitration Amendment Bill 1982 and the Commonwealth Employees (Voluntary Membership of Unions) Bill 1982. The Bills were read a third time in the House of Representatives on 22 April 1982 and subsequently introduced into the Senate on 27 April 1982.

On 5 May 1982 the Senate resolved, as an amendment to the motion, 'That these Bills be now read a second time', as follows:

That:

- (a) the Conciliation and Arbitration Amendment Bill 1982 and the Commonwealth Employees (Voluntary Membership of Unions) Bill 1982 be referred to a Select Committee;
- (b) the Select Committee report to the Senate by the first sitting day in September 1982;

We know that because of the reaction to this committee, the date has been extended. It continues—

- (c) in considering the Bills, the Committee give particular consideration to
 - (i) the desirability or otherwise of encouraging the development of industry-based unions in Australia, and the best methods of providing changes in the structure of Australian Trade Union organization.
 - (ii) whether the provision of 'voluntary unionism' and the removal of power to award preference to unionists will contribute to industrial peace and an improvement of the industrial relations climate, and
 - (iii) whether the right of employers to stand-down employees as a result of industrial action without reference to the Conciliation and Arbitration Commission is consistent with modern industrial practices, and will contribute to industrial peace;
- (d) the Committee consists of seven Senators, as follows:
 - (i) three to be nominated by the Leader of the Government in the Senate,

- (ii) two to be nominated by the Leader of the Opposition in the Senate,

And this is very important—

- (iii) one to be nominated by the Leader of the Australian Democrats, and
- (iv) an independent Senator;
- (e) the Committee proceed to the despatch of business notwithstanding that all members have not been duly nominated and appointed and notwithstanding any vacancy;
- (f) the Chairman of the Committee be appointed by and from the members of the Committee;
- (g) the Chairman of the Committee may from time to time appoint another member of the Committee to be the Deputy Chairman of the Committee, and that the member so appointed act as Chairman of the Committee at any time when there is no Chairman or the Chairman is not present at a meeting of the Committee;
- (h) in the event of an equality of voting the Chairman, or the Deputy-Chairman when acting as Chairman, have a casting vote;
- (i) two members of the Committee be necessary to constitute a meeting of the Committee for the exercise of its powers;
- (j) the Committee have power to send for and examine persons, papers and records, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations it may deem fit;
- (k) the Committee be provided with all necessary staff, facilities and resources, and be empowered to appoint persons with specialist knowledge for the purposes of the Committee with the approval of the President;
- (l) the Committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily *Hansard* be published of such proceedings as take place in public;

I realise this is fairly lengthy, but we are dealing here with very important legislation, the effect of which the Government is not fully aware. The document continues—

- (m) except where the Committee otherwise decides, its hearing of evidence be open to the public; and
- (n) the foregoing provisions of this Resolution, so far as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.

The interim report is certainly no minority report and I am fairly sure that when the committee report is brought down, it will prove the value of investigations into these very important changes to the method by which our society functions. That is really what we are talking about. The membership of the committee is as follows—

Senator Brian Harradine (Ind., Tasmania)
Chairman

Senator J. N. Button (A.L.P., Victoria)

Senator D. J. Hamer, D.S.C. (L.P., Victoria)

Senator J.A. Mulvihill (A.L.P., New South Wales)

Senator J. R. Siddons (A.D., Victoria)

Senator M. S. Walters (L.P., Tasmania)

Senator the Rt. Hon. R. G. Withers (L.P., Western Australia)

The secretary of the committee is Mr Wiber. You would agree with me, Mr President, that the committee is not made up of political lightweights. In fact, it is made up of people skilled in law.

The Hon. R. G. Pike: I am not game to make that interjection about a lightweight again, Des.

The Hon. D. K. DANS: Yes, be careful. These committee members really understood what the investigation was all about. To continue—

The Committee held its first meeting on 20 May 1982 and elected Senator Brian Harradine as Chairman. A program of activities and timetable was discussed and agreed to, bearing in mind the time constraints imposed upon the Committee by its terms of reference.

The Committee advertised widely in the national press in late May 1982 inviting interested persons and organizations to make written submissions. The Committee also wrote to approximately 300 individuals and organizations thought likely to be interested in the reference. These included all organizations of employees and employers registered under the Conciliation and Arbitration Act 1904, the ACTU and its State branches, the Confederation of Australian Industry and its affiliated members, major Commonwealth statutory authorities, State governments, Commonwealth and State conciliation and arbitration authorities and In-

dustrial Registrars and major companies. The Committee also sought and obtained written and verbal evidence from the Department of Employment and Industrial Relations and the Attorney-General's Department.

You would have to agree, Mr President, and members would have to agree, that no matter what the outcome, no-one could find fault with that procedure. It goes on—

The Committee set 25 June 1982 as its due date for submissions. However, given the problems of meeting such a short timetable incurred by many organizations, and to enable as wide a coverage of the terms of reference as possible, the Committee allowed extensions and has continued to receive submissions throughout the course of its inquiry.

In response to advertisements and written requests the Committee had received 70 submissions as at 26 August 1982, a list of which appears in Appendix 1. In addition, the Committee received correspondence from employee and employer organizations endorsing the submissions made by either the ACTU or CAI. The Committee held five public hearings in Sydney, Melbourne and Canberra, at which 42 witnesses representing 28 organizations gave evidence. A list of those persons who gave evidence appears in Appendix 2. The Committee is most appreciative of the time and effort of so many people in providing submissions and thanks those people who appeared before the Committee for their assistance in the Committee's work.

To assist the Committee in its consideration of the Bills, Mr Richard Tracey, Senior Lecturer in Law, University of Melbourne, was appointed as adviser to the Committee.

Again I point out to the House the importance of this Senate Select Committee. If members cast their minds back, they will recall that when I spoke during the adjournment debate the other night, I said that this is a House of Review, and if we took similar action in regard to the legislation before us, it would indicate to the whole community the importance we place on it. To continue—

We are grateful to the staff of Hansard for their exceptional assistance in providing proof copies of the Committee *Hansard* for our consideration. Limited stocks of the uncorrected proof *Hansards* of the Committee's proceedings are available from the Secretariat. Although it is normal practice not to encourage access to proof *Hansards* until

final printing, the Committee believes that the evidence contained in them should be made available as soon as possible.

A very commendable course of action. It goes on—

The final corrected copies of the *Hansard* will not be available for a number of weeks, and it is thought that the evidence should be made available as soon as possible to interested persons and organizations.

They are very fine objectives, and again I stress it illustrates the correct way to deal with legislation such as this. The paper reads—

The Committee, for a number of reasons, is unable to present a Final Report to the Senate on the philosophical arguments relating to, and the practical ramifications of, the concepts of industry-based unions, the removal of the power from the Conciliation and Arbitration Commission to award preference, 'voluntary unionism', and the right of employers to stand-down employees without reference to the Commission. The principal provisions of the Bills referred to the Committee relate to these matters.

First, to do justice to the wealth of public evidence received by it, the Committee requires more time than has been allotted to it under its terms of reference to ensure that this evidence is adequately acknowledged in a Final Report.

So important was this committee, Mr President, that *Hansard* took 1 382 pages of evidence, all of which was made available in proof form. The last 280 pages became available only on 17 August 1982. Not only was this committee set up quite correctly and composed of experienced members, not only did it determine to call for the widest possible participation from all sections of the public, not only did it decide to hold its committee meetings in public, but also it went to the extent of providing a daily *Hansard* proof of proceedings. That is rather extraordinary, and it is because the whole committee—and not just one or two of its members—knew the importance of the legislation and the possible effects of its findings. To continue—

Secondly, the importance and complexity of the issues, and the time and effort required by employer and employee groups and others to formulate submissions has meant that many were not able to meet the deadline the Committee set for the receipt of submissions, namely 25 June 1982. Indeed, the majority of the submissions have been received since that deadline, and some organizations are

still seeking to make submissions to the Committee.

I understand from my inquiries that the response was overwhelming and that is one of the reasons that the deadline of 1 September could not be met. It goes on—

A great many of the submissions received by the Committee which address the philosophical and practical ramifications of the subjects in the Committee's terms of reference have involved much research, have been thoughtfully prepared, and raise issues which need to be fully canvassed in a Final Report. In its consideration of the Bills the Committee received submissions and evidence from major employer and union groups which raise questions going to the heart of the Australian system of conciliation and arbitration.

I am aware that I cannot debate that matter again, but that was the sum total of my submission during the second reading debate. What the State Government intends to do here goes to the very heart of the Conciliation and Arbitration Act of the Commonwealth because we are all aware that, under the Constitution, the State has only the residue of power. To continue—

Together, the sum total of submissions and the oral evidence provide a unique and substantial body of opinion and knowledge which will require further consideration if the Committee is to (a) adequately carry out the task the Senate has given it, and (b) properly acknowledge the interest and effort of those in the industrial relations community who have taken the trouble to assist the Committee.

Despite the absence of a comprehensive Final Report, the Committee is nevertheless able to form a clear opinion that the Government's stated objectives for the proposed legislation cannot be achieved while the legislation remains in its present form.

Whether I agree or disagree with the Bill the Government has before the House at this present time, I would make the same observation: The Bill will not achieve the objectives it seeks. The report goes on—

This is because the Committee received evidence from Mr A. J. Macken (see Appendix 3) which suggested that significant deficiencies exist in the Conciliation and Arbitration Amendment Bill 1982 as it is presently drafted. He submitted that the proposed new section 4B would have a wider op-

eration that that envisaged by the Government.

That is what the Government is saying here: Some of the provisions are not open to the wide interpretation which some of the groups involved believe they are.

The report continues—

He was concerned that it would inhibit the ability of the Commission to deal with industrial dispute . . .

There is no doubt in my mind that the legislation before this Parliament will have exactly the same effect upon the Industrial Commission of this State. To continue—

. . . and would deprive the Industrial Division of the Federal Court of Australia of part of its present jurisdiction pursuant to sections 140, 141, and 143 of the Act. In addition, he submitted that there was an inconsistency between the proposed section 4B and the proposed section 144A introduced by the Bill. See also Chapter 3, Appendix 4—Opinion provided by the adviser to the Committee, Mr R. R. S. Tracey, Appendix 5—The Committee's Questions to the Attorney-General, and Appendix 6—The Attorney-General's Response to the Committee's Questions.

In order to underline the significance of these two pieces of legislation, because one is very much the same as the other, I quote the following passage—

Significant legal issues having been raised, the Committee sought the assistance of the Department of Employment and Industrial Relations and the Attorney-General's Department in respect of this evidence. The evidence of the Department of Employment and Industrial Relations was not helpful on these matters, and the evidence of the Attorney-General's Department was even less helpful. The legal doubts that had been raised were not dispelled by the answers provided by these Departments to the Committee's questions. Subsequently the Committee directed specific written questions to the Attorney-General (see Appendix 5). The responses by the Attorney-General are regarded as being particularly unhelpful, indicating an unwillingness or an inability to answer a number of doubts raised in the evidence relating to the legal ramifications and practical consequences of the Bills.

Any Parliament, whether it be this State Parliament or the Federal Parliament, should examine Bills, particularly a Bill of this nature, in detail. In the course of examining the industrial legislation we are debating now, the legal ramifi-

cations and practical consequences of the Bill must be taken into account. This Bill is sadly remiss in those areas. To continue—

The Committee considers that significant deficiencies appear to exist in the legislation so that even if the purposes for which the legislation was formulated were acceptable to the Senate, it could introduce into the Conciliation and Arbitration Act 1904 inherent inconsistencies and further, could produce a number of consequences which could negate certain purposes for which it was drafted.

The Bill before the House will do exactly that. One would have thought the Minister handling the Bill would have put my fears to rest on that score, but, of course, that did not occur. To continue—

The majority of witnesses (including those representing many of the employer groups) expressed the opinion that the major purposes which the Conciliation and Arbitration Amendment Bill 1982 and the Commonwealth Employees (Voluntary Membership of Unions) Bill 1982 are meant to achieve would, in a variety of ways, further disturb the currently unsettled industrial relations climate and would not contribute to industrial peace. The Committee has formed no concluded view on these submissions but, because of their significance in relation to the Committee's terms of reference, wishes to note them at this stage and advise the Senate that it requires further time to evaluate the complex issues which are involved.

I turn now to "Protection of Non-unionists" and quote as follows—

The new section 144A which is proposed in the Bill makes it an actionable wrong for an employer to employ or promote a union member in preference to a non-unionist by reason of the membership and non-membership respectively. Such a provision would seem to be in direct conflict with the proposed section 4B which specifically denies the Act any application to such matters.

That relates to the Federal Act and, of course, the State Act has some relevance to it.

The submission of this State Government to the Senate Committee was 3½ pages long and addressed itself to only two of the three pertinent points. One would have thought that, in view of the fact that the Government intended—it must have had this intention—to introduce the legislation presently before the Chamber, the Premier, his advisers, or this committee would have put on their thinking caps and made a much more sub-

stantial and detailed representation than in fact was made.

In discussing this document with people independent of Parliament, the opinion was expressed that, "It looks like a ninth grade essay." That is an indictment of the Government. I, certainly as Premier or even in my present position, would not like to put my signature to something which was described as a "ninth grade essay". One must ask oneself how dinkum is this Government which introduces legislation which may or may not achieve the objectives it sets out to achieve and which, in my opinion, will end up in a whirlpool situation? On the one hand this State Government publicly talks about introducing legislation complementary to the Federal Act, but, on the other hand, it issues a document comprising only 3½ pages. The covering letter sent with the document reads as follows—

Dear Senator Harradine,

I refer to your letter forwarded in May 1982 advising that the Senate has referred to your Committee the Conciliation and Arbitration Amendment Bill 1982 and the Commonwealth Employees (Voluntary Membership of Unions) Bill 1982 for consideration and report.

In response to your invitation for some input from the Western Australian Government on the subject matter of the inquiry, I attach a copy of a submission which sets out our policy on these matters.

I regret the delay in meeting the 25th June deadline nominated in your letter, and I trust that the attached papers will be of assistance in your Committee's consideration of these Government measures.

Firstly, the Premier's submission was addressed to the desirability or otherwise of encouraging the development of industry-based unions in Australia and the best methods of changing the structure of Australian trade union organisations. That was not the question which was asked, but I will not be pedantic. This is what is set out as being the policy of the Western Australian Government—

The Industrial Arbitration Act 1979 provides for amalgamation of unions and for the formation of associations of unions. However, there are no provisions currently in the Act which specifically encourage the creation of industry unions, nor are there any provisions which prevent such unions from being registered.

Nevertheless, the State Government believes that an industry union structure pres-

ents the best way for the objects of the Industrial Arbitration Act to be met.

It is very difficult to follow the Premier here, because, on the one hand, he is reacting to a Senate inquiry which deals with the Commonwealth Conciliation and Arbitration Act and, on the other hand, in the second paragraph, the Premier refers to the Industrial Arbitration Act, which is a Western Australian Act. Of course, the Premier was asked to react to the Commonwealth Act which at that time was before the Senate committee. To continue—

This view was put forward by the Western Australian Government when it intervened in two recent cases before the W.A. Industrial Commission.

In April 1982, the State Government intervened in the proposed amalgamation of the Hospital Employees' Union, Miscellaneous Workers' Union, Cleaners' and Caretakers' Union and Pre-School Teachers' and Associates' Union. Under section 30 of the Act the Government intervened in the public interest since it is responsible for the protection and development of interests of the community in general.

The State Government stressed to the W.A. Industrial Commission its preference for a structure of trade unions based on industry unions as opposed to the present predominance of occupational-based unions which exist in the Western Australian system.

He was not even asked to comment on those matters. To continue—

However, the Government opposed the application on the grounds that it would not form a genuine industry union which would best meet the objects of the Act. The Government felt that the proposed new union would cover a host of occupational groupings across many different industries which would not, per se, improve the operations of Western Australia's industrial relations system.

On the one hand this Government is saying we should have industry unions, but, on the other hand, it is saying, "The unions' views of industry unions are not ours and we will lay down the ground rules as to what kinds of industry unions we will have and you and the Senate committee had better take notice of what we are saying." The Premier does not add a footnote to the effect, "I do not know what that has to do with your inquiry", but he should have. To continue—

During that same month, the Government through the Attorney General, also intervened in proceedings before the W.A. Industrial Commission relating to an application by nine Western Australian unions to form the Mining Unions Association of Western Australia. Once again, the intervention was on the grounds of public interest under section 30 of the Act. Section 67 of the W.A. Industrial Arbitration Act was deliberately worded to avoid the formation of such massive associations. It provides only for the registration of associations relating to a specific industry whereas the above application would result in the formation of an association of unions covering the whole mining industry which is made up of numerous industries which differ widely in the production, refining, transporting and market conditions. The State Government, in the public interest, would only support associations for all unions connected with specific industries such as iron ore.

I discussed that matter with a senior industrial relations adviser of one of the large mining companies. We cannot have it both ways; on the one hand a statement is made about a conglomeration of unions which cuts across industry and, on the other hand, it is said, "This would be too big, because it involves all mining" and the Premier thinks it should apply only to iron ore mining.

It was only a loose association; it was not intended to form a giant union, but rather an association which had common interests. One would have thought that would have been a very good idea. I am aware employers had conflicting opinions; but if we examine this association and bear in mind the fact that the Confederation of Western Australian Industry (Inc.)—a similar kind of organisation—represents the interests of a much wider group of people, we wonder why we are in such a mess. I really do not know what this had to do with the Senate inquiry. I want members to understand that this major submission from the Government of Western Australia is only 3½ pages long. The covering letter spells out the Government's policy as follows—

The State Government believes that the formation of genuine industry unions should be encouraged as a means of simplifying the present industrial relations system.

I am staggered by that statement. To continue—

The definition of the industry groupings is considered to be crucial and this is a matter which can be sorted out by employers, unions and the Government.

If that were true, it would be possible to sort out all the ramifications of this Bill in the same manner. If we did not want to be confined only to those three groups, we could do what the Commonwealth Government has done; that is, set up a committee.

I have voiced my opinion that a committee should be set up outside the parliamentary system and the industrial relations field so that a very clear view could be taken without any preconceived notion. The document continues—

However, it is generally accepted that an industry union would cover employees within its particular industry irrespective of their craft, occupation, location, employer etc., with each industry union comprising unskilled, semi-skilled, trade, clerical, technical and professional groups.

I do not know what the legal adviser thought when he received this statement from the Government because in just 1¼ pages the Government has contradicted itself three times. The document continues—

By reducing the complexity of the present structure, industry unions would facilitate a better understanding, reduce the cost of the industrial relations process through time savings and therefore make the system more acceptable and trusted.

I am not denying that, but what kind of an industry union is it? Later the submission uses the word "genuine". Who will define "genuine"? Every member in this Chamber now has heard three views on what an industry union should be. With that kind of thinking on record, we look absolutely scatty. The document continues—

In particular the following reasons could be put forward in arguing in favour of the introduction of industry unions:—

This is good. The document continues—

- (a) Employers in one industry would only have to deal with one union, with the result that complexity and negotiating with different unions over the same matter would be reduced. Industry unions could also be expected to lead to more orderly bargaining and day-to-day relationships between employers and unions.

Nobody would argue with that, but I must most vehemently argue that the Government should not lay down which industry union it will be and apply the conditions which apply to the Confederation of Western Australian Industry, the Chamber of Mines, or the Metal Industries As-

sociation, and not represent miners right across the board. I have no quarrel with the Confederation of Western Australian Industry, the Metal Industries Association or the Chamber of Mines. The document continues—

- (b) By reducing the number of unions and forming one union for each industry, the number of demarcation disputes should be greatly reduced.

Here again, the State Government is at variance with what was stated on the first page. When the officers had their morning tea they must have had a great laugh about this. The document continues—

- (c) Various employer organisations have already indicated their desire for industry unions to be encouraged.
- (d) The Jackson Committee of Enquiry into the manufacturing industry and the Myers Committee of Enquiry into technological change in Australia supported the move that "union organisations' arrangements should be industry-based".

Yet there was opposition to the mining industry not having a union. The argument then was that we could not have deep-miners combined with open-cut miners or coalminers combined with nickel miners. Come on! The document continues—

In conclusion the Western Australian Government supports the introduction of industry unions and therefore, fully supports the Commonwealth Government's Conciliation and Arbitration Amendment Bill (No. 1 of 1982) which encourages the formation of industry unions. While a change to industry unions cannot be achieved overnight, the Western Australian Government believes that the first step should be to arouse wide interest in the idea and the second step to encourage an experimental initial move in a selected industry and then move, one industry at a time.

I agree with that, but in view of the conflicting statements that have been made in the first two pages of this document, and in view of the Bill which is now before this Chamber, it has rather a hollow ring. This was the Government's policy. It skipped one question—the most important one—and did not bother looking at it. The document continues—

Whether the right of employers to stand down employees as a result of industrial action without reference to the Conciliation and Arbitration Commission is consistent

with modern industrial practices and will contribute to industrial peace.

The Government skipped the question of voluntary agreements. If this matter had been uppermost in the Government's mind, one would have thought it would have directed attention to this vital issue and would have had a book of information on it. When the Minister for Labour and Industry replied to this matter he had nothing to say. That was the case in the second reading debate and the Committee stage.

One does not have to look very far to find the reasons for a Bill such as this being before the House. Many people in the industrial relations field in this State are confused; even the most enlightened observer would wonder where he was. I will keep this document. I rarely keep documents, but this one will be regarded as a gem in some places. It is a gem; it is what the Premier wrote on behalf of his Government. The document continues—

Breakdown and standdown clauses have a long history in awards of Western Australian Industrial Tribunals. As early as 1932 the State Metal Trades Award provided that "the employer shall be entitled to deduct payment for any day or portion of a day upon which the worker cannot be usefully employed because of a strike by the union . . . or through the breakdown of . . . machinery, or any stoppage of work by any cause which the employer cannot reasonably prevent".

So far so good. No-one could argue with that as it is quite true. The document continues—

The Western Australian Industrial Commission, under the Industrial Arbitration Act, 1979, and tribunals which operated under the preceding legislation, have not been and were not fettered in the manner in which they adjudicated on disputes over standdowns. Thus a dispute over the insertion of a standdown clause into a particular award would be decided by the Commission under its general powers; specifically Section 23 which provides in part that "the Commission has cognizance of and authority to enquire into any industrial matter and may make an award, order or declaration relating to any such matter".

The Government has not addressed itself to the questions the committee asked. It is strange that this submission was made to the committee prior to the introduction of the legislation which is now before the Parliament. The document continues—

There are many awards of the Western Australian Industrial Commission which in-

corporate standdown provisions. The form of the particular clause does however vary as would be expected where particular disputes are decided on their merits by the Commission.

Most of the breakdown and standdown clauses in awards of the Western Australian Industrial Commission do however follow the format of the early Metal Trades Award referred to above.

Some standdown clauses are not applicable to 'any portion of a day' but only where the strike or breakdown exceeds a certain number of hours. This type of clause may cause some difficulty in as much as persons covered by the award may cease work for part of a day and still be entitled to payment.

Other standdown clauses are restrictive on the prerogative of the employer in only allowing for non-payment of wages 'where the worker cannot be usefully employed because of any strike by the union'. Machinery breakdowns or 'other causes' would not be covered in such an instance. Other awards may require these 'non-strike' stoppages to be agreed to by both unions and employers or, where disagreement occurs, by a Board of Reference.

I would have thought the Select Committee would have ruled on that. The matter under review was the Conciliation and Arbitration Act and not the Act which is governed by the Industrial Commission of Western Australia. The document continues—

Quickly and easily invoked standdown clauses will prevent the situation where, following a strike by other strategically placed employees, an employer can find himself having to pay workers who cannot be gainfully employed. Standdown clauses may therefore operate to deter strategically placed employees from striking where it is known to the striking union that the affected employer may invoke standdown provisions against other workers.

That is pitiful. The document continues—

Investigations conducted by the Department of Labour and Industry as part of the current review of the Industrial Arbitration Act have revealed instances where the free choice of individuals, with respect to union membership, is being compromised.

The Government refers to union membership. I doubt whether the committee will take note of this document. I do not think it will examine it; its legal advisers will put it to one side for the good

of our State so that we are not universally branded as nongs. The document continues—

Therefore, as certain parties within the industrial relations system are seeking to avoid or ignore their obligations under the Act, the Western Australian Government is proposing to amend the Act to further protect the rights of individuals in this area.

It is still not addressing itself to the question. The document continues—

The provision of voluntary unionism and the removal of power to award preference may, in the short term,—

I want the House to listen to this because it is the punch line. The document continues—

—provide an excuse for certain sections of the trade union movement to exercise industrial and political muscle, and may be seen by those unions as an attack upon the union movement generally. However the rights of the individual must be seen as paramount.

What is meant by "short term" and "political muscle"? The Government has gone a lot further than the removal of the preference clause. Preference clauses are not the beginning and end of everything. The Bill before this House goes further than that and does some things that eminent legal opinions pinpoint in the Senate interim report. Surprisingly enough, the unions have been joined by people from every section of industry.

I take issue with what the Premier said in this morning's Press. He said the only opposition to the Bill was from the media, the unions, and the Confederation of Western Australian Industry. I have seen no retraction in the Press from the confederation, nor from the mines and metals people nor from other groups which have not been quite so publicly vocal. Perhaps even at that stage the Government was not *au fait* with the effects of the legislation.

Perhaps I failed badly to get the message across; perhaps the Minister failed to understand me. It is no good playing with a hand grenade and pulling the pin out and then wondering why one gets blown to smithereens.

The Hon. Robert Hetherington: The Minister's got a sticky finger; that's his trouble.

The Hon. D. K. DANS: If all else fails, read the instructions!

The Hon. I. G. Medcalf: That is only if you hold the spring down.

The Hon. D. K. DANS: So they say, but on this occasion the Minister has taken his finger off the spring.

The Hon. G. E. Masters: He has got it on the pulse.

The Hon. D. K. DANS: I do not think he has it on the pulse. He might think so. I understand under the Standing Orders I cannot debate other matters. I have seen the survey and I have seen a similar survey; but they are not in same street. The Minister was out by 10 per cent. It was not 70 per cent, it was 83 per cent.

The Hon. G. E. Masters: There were two; one was 70 per cent and the other was 83 per cent.

The Hon. D. K. DANS: Has the Minister the other one?

The Hon. G. E. Masters: Of course I have. I have it here.

The Hon. D. K. DANS: I have it in my office. It is a most amazing document, and it does not come up with the answer the Minister has suggested. The document continues—

The Government of Western Australia regards voluntary unionism as an important component of responsible unionism. A union should have to "sell" itself to potential members rather than be allowed to force itself upon them. Furthermore the democratic control of unions may in itself be promoted through voluntary unionism in that persons volunteering to join a union would be more favourably disposed to take an active interest in union affairs.

The thinking behind the 3½ page document submitted to a Senate inquiry, is clearly ridiculous. It indicates the depth of the investigation and the surveys Mr Masters mentioned in respect of this Bill. The Government deserves all it will get.

Quite clearly, and to use the Premier's terms, very definitely this type of legislation needs the widest possible investigation. The best way to do that is to have some form of inquiry and if the Government does not have enough time to set up an inquiry it should appoint a Select Committee that may be turned into an Honorary Royal Commission. I am sure an inquiry would have revealed a result similar to that which the interim report of the Federal Select Committee has revealed. This is illustrated by the public utterances of people who are far removed from the trade union movement. The Bill is not a document for industrial peace nor is it a document for voluntary unionism. I can advise people how to dodge that situation with little effort should they seek my advice, notwithstanding some recent court cases. The union movement will regard this legislation in the same way as it regards the preference clause—as I said earlier it is not the beginning and end of things, because it is almost inoperable.

Had the Government conducted a proper survey and a proper inquiry and given the people of this State the democratic right to put forward their views, held its committee meetings in public, and published a daily *Hansard*—even if it were in proof form—to be made available to the public, we would not be in the position we are in today. The Government stands condemned on this score. It did not even consider the rights of the individual and whether he should or should not belong to a union, but it has attacked the very core of not only the Industrial Commission of Western Australia but also those laws made pursuant to the industrial power of the Commonwealth of Australia.

The very basis of our economic well-being revolves around three simple points: (a) We need unions to operate, we will not operate without unions; (b) we need employers; and (c) more importantly, we need an umpire. The umpire must lay down the ground rules for minimum rates and say to both employers and unions, "If you cannot measure up to the minimum conditions, you should not be here." It should say to employers and unions, "Do not get into this system". I am referring to the rights of individuals.

It is important to remember that when a former Prime Minister of this country decided to take the Commonwealth out of the arbitration scene not only did he lose the election, but also he lost his own seat.

When this Act is proclaimed, if the Government is sincere in making it operate, the proof of the pudding will be in the eating. It will not be a question of human rights but a question of whether the system continues to operate; and unless the Government is quick to implement a system to replace it, chaos will reign. If the Government believes that because of the economic climate this will not happen, it has not done its homework. I warn the Government that the outcome of this legislation will be on its head.

We on this side of the House certainly do not support the third reading of this Bill.

THE HON. GARRY KELLY (South Metropolitan) [5.50 p.m.]: This Bill should not be read a third time for a number of very important reasons. Firstly, the tenor of the Bill is of a punitive nature. The legislation calls for the imposition of massive fines for breaches of the measure when it becomes an Act. In the past it has been my observation that penalties have not produced industrial peace or good industrial relations.

The quaint concept of appeals that has been enshrined in this legislation in proposed new section

45 is another reason that the Bill should not be read a third time. I cannot think of any proposal that would be more calculated to exacerbate an industrial dispute. If in a dispute a union appeals against a decision made by the commission and that appeal does not stay the effect of the order, I cannot see the point of having an appeal provision in the first place because most appeals stay the effect of the court order so that the eggs are not scrambled before the appeal is heard. Under this Bill we will have appeals that are not appeals and unions will go through the motions of lodging appeals which will have no effect in reality.

Another horrendous provision in the Bill refers to the onus of proof on the employer. The imposition of this provision was referred to by Mr Bob Duffield in *The Western Mail* when he referred to industrial misfits—people who could not fit into the system for what he considered were not conscience reasons. The Government removed conscience provisions from this Act when it was amended in 1979. Before 1979 people who wanted to opt out of membership of a union could pay the equivalent of union dues to an approved charity of their choice. That was not a means of defusing people who did not want to belong to unions because of personal beliefs I do not know what is. That provision provided a way out for them and it was an acceptable course in the industrial relations scene. I will never understand why it was removed.

However, the provision has been removed and we now have the situation where a person can simply not pay union dues but can still derive the same benefits as those who belong to unions.

THE PRESIDENT: Order! I remind the honourable member that in the third reading stage of a Bill a member is not allowed to revive arguments used in the second reading stage. I will allow the honourable member to continue on the understanding that he gives fresh information as to why the Bill should not be read a third time.

The Hon. GARRY KELLY: Bob Duffield, in his column on Saturday, said we will have both employers and unions in the hands of industrial misfits—people who cannot or will not fit into the system or into the parameters of the Act—who will cause a stir and cause disruption.

Far from simplifying the legislation, a proposition which the Government put forward in its rather flimsy submission to the Select Committee inquiring into the Federal legislation this year, these amendments in fact complicate it. The people who will not fit into the system will allege discrimination, and unions or employers will have to prove they were not discriminating against those persons. Because of the complexity,

of the Bill the potential for protracted litigation is definitely present and in the current economic climate I do not think the unions can afford to go to court to obtain an interpretation of the Act. The provisions which make it more difficult for them to collect union dues mean the union movement would be spending scarce reserves on expensive legal advice.

People will not want to prove the Act because of the severe legal costs which, in this present economic climate, would be an additional financial burden they would not want. We have a severe downturn in the State economy, the national economy and, of course, in world-wide economic activity and the last thing employers want is to be faced with legislation that will cause them to spend money to defend themselves or to try to prove a point in a court of law. At the present time, unlike the appeal provisions in this Bill, if a person wants to prove a point, in a court of law the unsuccessful party can appeal against a decision.

Another reason the Bill should not be read a third time is the Government's attitude to consultation. The Minister's attitude to consultation with interested parties is little short of incredible. He was quoted on the ABC news today as saying that he will have further talks with those persons concerned but he will not make any changes to the legislation. What is the point of interested parties getting together? By "interested parties" I assume we have representatives of employers and unions in this State who would suggest to the Minister proposals which would result in amendments to the Bill in this place. However, the Minister has said the Government will not entertain any changes, so what is the point of further talks?

The Minister said consultations took place before the legislation was brought into this House but apparently the Government took no notice of the proposals put forward and continued to produce its own legislation from its own vision of industrial relations as it believes they should operate, and to hell with what employer groups and unions thought. Suppose the parties agree to come together and discuss the matter with the Minister; what will they discuss, given the fact that the Minister has pre-empted that the Government will not change the Bill? Will they talk about who won the Caulfield Cup, or who will win the Melbourne Cup?

As I understand it, the purpose of consultation is for different parties to put forward their points of view and for the Government to take account of those views when drafting legislation. The Government did not do this when the Bill was drafted and the Minister has said he will not do it

now. What is the point of having these talks? There does not seem to be any rhyme or reason for the Government's attitude in this regard.

The Premier was reported this morning as saying that the people to whom he had talked did not oppose the Bill. Only a few groups were opposing the Bill—the TLC, of course, the Confederation of Western Australian Industry, and the media. I do not often quote or cite *The West Australian* as an ally of the labour movement, but in this case it is on the side of the angels. So the Confederation of Western Australian Industry, the TLC, and both *The West Australian* and *The Western Mail* have come out against this legislation.

Sitting suspended from 6.01 to 7.30 p.m.

The Hon. GARRY KELLY: As I was saying before the tea suspension, one of the reasons this Bill should not be read a third time is the Government's attitude to the opposition to the Bill. On the ABC news this morning, the Premier said he had not run across any opposition amongst the people to whom he had been speaking. The Premier must have a very small circle of acquaintances, because if one looks at the opposition to the Bill and the quarters from which it is coming, it must be said that the opposition cuts right across the spectrum of the shades of opinion involved in industrial relations, ranging from the Confederation of WA Industry through the mines and metals group, the construction contractors, and the TLC to, as I said before the suspension, the Press. It is not often that *The West Australian* supports the labour movement—the Labor Party in particular and the labour movement in general; but in this case the editorial comment on the Bill in *The West Australian* was quite scathing.

With all that opposition, the Government cannot claim to be in step and that everyone else is out of step. We have heard about the parents watching their son in a band marching down the street, when little Johnny was the only one out of step, and Mum said to Dad, "Oh, look at everyone else. They are out of step. Our Johnny is the only one in step." In this case, I would say that the Government considers it is the only body in step, and everyone else is out of step. Surely, with such breadth of opposition, the Government should reconsider its position on this legislation.

If the Minister is serious about having talks with the interested parties, he should listen to what they have to say and, for God's sake, act on at least some of their suggestions. Quite simply, the amendments that have been made are not acceptable to the industrial relations fraternity.

At present we have a system in which the parameters are laid down. The participants understand the ground rules. It has been said already that, without effective unions, the industrial arbitration system, as it has grown up in this State, simply would not work. That reason alone is enough for us not to give the Bill a third reading.

The document before us is a recipe for industrial disaster. It ensures that the Western Australian Industrial Commission will be reduced to a shadow of its former self. The Industrial Commission is supposed to be an agent for solving industrial disputes, reducing their number, and, when they do occur, reducing their length. This legislation will hinder the Industrial Commission's ability to solve disputes by throwing up roadblocks to considered debate and discussion between the parties.

The Hon. G. E. Masters: Have you read the Bill?

The Hon. GARRY KELLY: I have read the Bill.

The Hon. Robert Hetherington: Have you?

The Hon. G. E. Masters: I was not talking to you.

The Hon. GARRY KELLY: If the Minister considers the debate during the Committee stage, he will find that the amendments inhibit the ability of the Industrial Commission to solve disputes and to act as an independent body, because certain areas of the jurisdiction of the commission have been removed.

The President has informed me that I cannot rehash the material of the previous debate, so I will not go into the question of managerial prerogative; but that area alone means that the commission's ability to solve disputes expeditiously, to hear arguments from the various sides, and to make a decision which will be accepted by the industrial relations community, has been reduced severely.

This Bill is simply a recipe for further industrial conflict, at one stage removed from the original dispute. After the dispute has occurred, we will have the situation in which, because of the things that the commission now cannot do, we will have increased litigation. Disputes will be exacerbated; and the dispute-solving process will be slowed down.

I urge the House to reject this Bill, and not to read it a third time.

THE HON. ROBERT HETHERINGTON (East Metropolitan) [7.36 p.m.]: I will not delay the House unduly, but I want to place on record my opposition to the Bill. We should not read it a

third time. We should reject it, because it has very little merit whatever.

I speak as one who believes in individual freedom; I speak as one who believes in industrial law and order; I speak as one who believes in social justice; but it seems to me that this Bill, as it has come out of the Committee, will do nothing to forward any of these things.

I found the Bill obnoxious when it faced its second reading stage. I had hoped that in the Committee stage the Government, which had made a great fanfare in various places, although of course it said very little about anything in this place, might have made significant amendments and changes to the Bill. It did make some cosmetic changes; it did one or two things that improved the Bill, particularly as far as minors were concerned. I suppose we must be grateful for this; but it is little enough to be grateful about.

For the rest, the total Bill as it emerged from the Committee takes us one more step along the road towards authoritarianism; and this is quite serious. We are about to go into an even more severe economic depression. It is a time when we will need the greatest tolerance, understanding, and good humour; it is a time when we need consensus; it is a time when we need people who are prepared to listen to each other and join with each other in making common and hard decisions.

Already the Federal Government is talking about part-time jobs and cutting wages. Already the smell of the depression is about us. This Bill, if it becomes an Act, will exacerbate all the unfortunate things that may come out of this.

With the things that have been happening outside this Parliament, I had thought that the Minister, in moving the third reading of the Bill, might have told us of the developments that have occurred. I thought he might have told us about the negotiations and the talks that have been taking place. He might have told us why the Government has seen fit not to withdraw the Bill at this stage, or postpone the third reading, in order to have some kind of meaningful discussion with the employers and with the representatives of the unions.

Even while we were out at tea, the spokesman for the Confederation of WA Industry was reported as still criticising this measure as showing no merit. As I was returning to the Chamber, Mr Peter Cook, the Secretary of the Trades and Labor Council, found no more merit in the Bill than he found some weeks ago.

We have been told that more negotiations on the Bill will take place; but I wonder why. I wonder if the Minister can tell me, when he replies,

why the Premier is prepared to make noises as if he might concede something one day, but the Minister is prepared to concede nothing. He is prepared to accept nothing; he is prepared to listen to nobody. His is a closed mind.

The Hon. D. K. Dans: Closed shop!

The Hon. ROBERT HETHERINGTON: Yes, it is a closed shop.

I know that, in modern industrial relations, a great deal of concern has been expressed for some years by many people about the so-called power of the unions. The concern has not been about the power to bring employers to their knees, but the power to disrupt the economy, particularly in respect of the power workers, the transport workers, and various other unions which, if they strike, can dislocate the whole economy. Many people have wondered what we can do about this. Had the Minister examined the situation, I might have thought that he was serious about the proposition. Of course, had he examined this quite important question, I would not have expected to get very much that was intelligent from him. Whenever the Minister has spoken on industrial matters in this House since I have been a member—even when he was over there as the Government Whip—he has talked to us as if he understood nothing about industrial relations. He talked to us as if the people who were unemployed were unemployed through their own fault. He has never shown any real understanding of macro-economics of any kind.

In this Bill, the Government does not look at the totality of the situation. It concentrates on narrow issues. At various times, the Hon. Peter Wells referred to members on this side of the House as “parroting”. Members on the other side have parroted to us the question of the right to work, and the right of the individual; but these rights have to be seen in the total context of a total society, of a total economic situation, at a time when our economy is declining, at a time when our economy is going downhill, at a time when there is a possibility of a world depression.

The Hon. D. K. Dans: It is here now.

The Hon. ROBERT HETHERINGTON: It seems to me that we are on the way.

I have said before in this House, and I should tell the Minister again because even now it cannot be too late, that since the capitalist system has been operating, there was a major depression in 1840; there was a major depression in 1890; there was a major depression in 1930; and then came Lord Keynes, and we were not going to have any more. The 1970s came, and we thought, “Perhaps we will not have another”; but all we did was

postpone it; and the signs are that we are moving into another major depression. There are various ways of dealing with this; but certainly when economies move into major depressions and people are without work, people are frightened, people are facing financial difficulties, and people are facing housing difficulties because of their employment situation, one can do two things with drastic legislation. One can crush the people utterly, or one can push them to the brink of revolution!

I know that if the Hon. David Wordsworth was sitting on the front bench, he would make a remark to me about how stupid I was being and “What has that got to do with this?”. Perhaps he will do it even now; but it has something to do with this Bill.

In the past when we have been dealing with industrial problems we have been so smug and self-satisfied, and when people concentrate on narrow issues without looking at the whole world problem and our economy, they can find themselves in most unfortunate situations. This Bill may—

The Hon. A. A. Lewis: At last you are getting to the Bill.

The Hon. ROBERT HETHERINGTON: Really I have not got far from it at any stage. This Bill should not be read a third time because the Bill that has come out of the Committee is not one that will be of very much use to anyone wanting to maintain industrial peace in our society. If this Bill is read a third time, is bludgeoned through another place, and becomes an Act, it may be that it will crush the unions; it may be that it will discipline the work force; but this is nothing I would look forward to. The Bill is undesirable.

I believe in freedom and in the maximisation of freedom. I am a Benthamite who believes in the greatest good for the greatest number of people. I believe that sometimes, in order to get the greatest good for the greatest number of people, we have to balance freedoms. After all, we do that whenever we resume land and take from people their birthright and their houses because it is in the interest of the majority. I believe in consensus and democracy; I believe in industrial democracy; and I believe this Bill should never have been read a first time. Certainly it behoves this House to reject it out of hand at the third reading.

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [7.47 p.m.]: Obviously I am bound to make some comment on the expressed views of members of the Opposition, and if they will let me go on and get this Bill through—

The Hon. Robert Hetherington: You will use your numbers.

The Hon. G. E. MASTERS: Of course; I have no hesitation in saying that. For a start Opposition members have to understand that we live in changing times, and these changing times are expressed out there in the workplace. It is obvious that members of the Opposition do not get out into the workplace and so do not understand that times are changing.

The Hon. Garry Kelly: And you do?

The Hon. G. E. MASTERS: Members opposite live in their cocoons and do not understand what we are trying to do with this legislation. The Government was bound to react to reported activities and examples presented to it by the public and revealing what was happening in the workplace.

The Hon. Garry Kelly: How many?

The Hon. G. E. MASTERS: If the honourable member does not know I suggest he should go out and talk to people in the workplace. Quite obviously this Government or any other Government could not condone and accept those activities.

The Hon. Robert Hetherington interjected.

The PRESIDENT: Order!

The Hon. G. E. MASTERS: Mr Hetherington has had his say.

The Government has not deviated from its policies. We have had a clear policy with which we will progress and continue to go to the public. Our policies represent a basic freedom for people and a basic right they should have in this country.

Members opposite often speak about ILO conventions, yet obviously from their opposition to this legislation they fail to support those conventions. The European High Court has handed down a decision which has influenced the direction of European Governments on these issues. If the Opposition does not like that decision—and apparently it does not—it is flying in the face of reality once more. We are talking about the United Nations Declaration of Human Rights, again something which is basic to our philosophy and again apparently something the Opposition does not like. The Gallup polls available to the Government and the Opposition very obviously—

The Hon. Robert Hetherington: Based on loaded questions.

The Hon. G. E. MASTERS: They are not loaded questions. They are loaded only when the results do not suit the Opposition. Opposition members cannot face reality. Members opposite cannot twist figures that time and time again are the same. Previously I mentioned 73 per cent, but

earlier the Leader of the Opposition mentioned 83 per cent, which is a very pleasing correction. The Government is looking at world trends and is understanding that times are changing. It is about time Opposition members got off their backsides and did the same. We heard the Hon. Des Dans talking about the Harradine Committee. I think it was Winston Churchill who made the famous statement, when describing a committee, "A camel is a horse designed by a committee." I guess what we are saying is that once we put things into the hands of a committee, in many cases they are lost and nothing is achieved.

The Hon. D. K. Dans: By that statement you prove yourself to be an anti-democrat. I think 300 people gave evidence to that committee.

The PRESIDENT: Order!

The Hon. D. K. Dans: You are a very stupid man.

The PRESIDENT: Order!

The Hon. G. E. MASTERS: Mr Dans mentioned that the Government made a submission to the Harradine committee, and he criticised it for doing so.

The Hon. D. K. Dans: What a submission!

The Hon. G. E. MASTERS: What a great interest the ALP in this State showed in that committee, considering the effect the report of the committee will have on the trade union movement. I have here an indication of the ALP submission to the Harradine committee—a blank page. The ALP submitted absolutely nothing; it could not be bothered presenting a submission, yet it criticised the Government for doing so.

The Hon. D. K. Dans: If you cannot debate honestly, do not debate at all. You are telling lies.

Withdrawal of Remark

The PRESIDENT: Order! I ask the Leader of the Opposition to withdraw that statement.

The Hon. D. K. Dans: I withdraw it.

Debate Resumed

The Hon. G. E. MASTERS: The Opposition is not very genuine if it can criticise this Government yet fail to make a submission itself on a matter of very great importance to it.

The Hon. D. K. Dans: Did you hear what I said? The Opposition was not invited to make a submission. Read what I said in *Hansard*.

The Hon. G. E. MASTERS: The Leader of the Opposition said that the public were invited to make submissions. I guess the Opposition would consider that this matter was important enough

and that the Opposition would be as concerned enough to put forward a submission. If the Leader of the Opposition and his party presented a submission, I invite him to table it in this House so that we may all look at it. We know very well that he and his party did not bother to present a submission, yet he dared to criticise the Government for presenting a submission to that committee. We know the ACTU forwarded a submission, and I imagine that was on behalf of the trade union movement in Australia and the TLC in this State. I suppose it was on behalf of the Labor Party in this place.

The Hon. D. K. Dans: I will speak on the adjournment tonight.

The PRESIDENT: Order!

The Hon. G. E. MASTERS: If the Leader of the Opposition can table a submission from the Labor Party I will apologise. However, I suggest no such submission exists.

The Hon. D. K. Dans: I have said there was no submission; we were not invited.

The Hon. G. E. MASTERS: Only Western Australia and Victoria presented submissions.

The Hon. Garry Kelly: It would not take long to read WA's submission.

The Hon. G. E. MASTERS: Here is the ALP submission—a blank page.

The Hon. Des Dans spoke about amalgamations and asked, "Why would the Government oppose the getting together of four unions, including the water supply union and the Pre-school Teachers' and Associates Union?" When we talk about amalgamations we talk about a balance of some commonality.

Several members interjected.

The Hon. G. E. MASTERS: I do not know why the Opposition is getting worried; I am merely expressing my view.

The Hon. D. K. Dans: If you do that, do it clearly. Amalgamations and industrial unions are two different things.

The Hon. G. E. MASTERS: We know why this amalgamation is going forward. Mr Owen Salmon and Mr McGinty are behind it. They are the two power boys, the people who select members opposite. They are the power boys in the trade union movement in this State at the moment in the trade union movement and they are pushing forward the amalgamation to strengthen their own stand.

The Federal ALP conference held recently made a number of recommendations which are interesting and which should help us understand

why this Government is progressing with this legislation. At that Federal ALP conference the delegates spoke about closed shops and the following comment was made—

"All contracts made by the Australian government, or by authorities of the Australian government, will be required to provide for preference to unionist."

We know the context of the word "preference"—it means compulsion. If a Labor Party were in power we would see compulsory unionism in the work force. It went on to indicate—

The ALP has retained its commitment to abolish the Upper House.

Sorry, I did not mean to read that one!

The Hon. Robert Hetherington: Very funny.

The Hon. G. E. MASTERS: On page 5 we find the following—

An ALP Government would consider—

The Hon. Robert Hetherington: Are you talking about a State or Federal Government?

The Hon. G. E. MASTERS: Federal; I will get to the State in a minute, although the State ALP has the same policy. I repeat that I am explaining why we are proceeding with this legislation. To continue with the quote—

An ALP Government would consider

"the repeal of all penal provisions directed at unions and union members";

So no penalties would be provided at all if a Labor Government gained power.

The Hon. D. K. Dans: That is good.

The Hon. G. E. MASTERS: To continue quoting—

"the provision of a limited immunity for unions, their officials and members against common law actions in tort brought in respect of industrial action."

The Hon. Robert Hetherington: That is right.

The Hon. G. E. MASTERS: Is that good?

The Hon. Robert Hetherington: Yes.

The Hon. G. E. MASTERS: To continue quoting—

An ALP Government would recognise "the rights of unions to regulate their own affairs in a democratic way free from Government and judicial interference . . ."

And further on—

"Unions would be exempted from the provisions of the Trade Practices Act."

This means that if a Labor Government were in office and a trade union were to take industrial action, it would be above the law. I hope members of the public fully understand that.

The Hon. Garry Kelly: A different field of law.

The Hon. G. E. MASTERS: And the member has the audacity to occupy that seat!

I draw the attention of members to the ALP's green book on industrial relations.

The Hon. D. K. Dans: Don't be so silly.

The Hon. G. E. MASTERS: The green paper. It is the Opposition's policy to be followed by Labor members.

The Hon. Robert Hetherington: No, it is not.

The Hon. G. E. MASTERS: Mr Dans said it was policy.

The Hon. Robert Hetherington: You don't know what a green paper is. Get it right.

The Hon. G. E. MASTERS: Let me read what Mr Dans had to say.

The Hon. Robert Hetherington: But you are wrong again.

The Hon. G. E. MASTERS: Why is the member getting upset?

The Hon. Robert Hetherington: You should speak the truth.

The Hon. G. E. MASTERS: On page 6 the following is found—

Specifically Labor will:

Broaden the definition of 'industrial matter' to give jurisdiction to the Arbitration Commission to deal with any matter which gives rise to industrial dispute.

The Hon. Garry Kelly: Common sense.

The Hon. G. E. MASTERS: So members opposite agree with that. I am glad to have this recorded in *Hansard*.

To continue—

- (ii) Enhance the jurisdiction of the Arbitration Commission to enable it to deal with all who stand in an employee relationship with their employer.

What the Opposition is really getting at is that it would broaden the term "employee" to include owner-drivers and subcontractors, etc.—people in business for themselves, self-employed people. Does the Opposition deny that?

The Hon. D. K. Dans: No, Mr Masters!

The Hon. G. E. MASTERS: Is that what the Opposition is talking about? Would the Opposition include all those people under the term

"employee" and force them to become members of unions?

The Hon. Robert Hetherington: He has just denied it, so you might as well retract your statement.

The Hon. G. E. MASTERS: I would like to hear the Opposition's attitude loud and clear. Does the Opposition deny that?

The Hon. D. K. Dans: That was the intention of it!

The PRESIDENT: Order! I ask the Leader of the Opposition to cease his interjections and I ask the Minister to direct his comments to the Chair, not to individual members.

The Hon. D. K. Dans: Stick to the third reading debate, Mr Masters.

The Hon. G. E. MASTERS: I am giving the Government's reasons for bringing forward this legislation. It will be a long time in the future when the ALP, if ever it comes to power, will be able to do that which it wants to do. We must understand exactly what it proposes; that is, to include owner-drivers and subcontractors as people who must belong to unions. The Labor Party would affect the work force in that way to expand union powers and to give unions immunity, if one likes to use that term, from the law. At page 16 of Mr Dans' green book, reference is made to the rights of unions and employers. He says this—

These rights will be insulated from such legislation as the Fuel, Energy & Power Resources Act, the Essential Foodstuffs & Commodities Act, the Police Act, the Government Agreements Act and the State Energy Commission Act.

Again that is going above the law.

The Hon. Garry Kelly: No.

The Hon. Robert Hetherington: No, you have to legislate.

The Hon. G. E. MASTERS: Opposition members should tell me.

The Hon. D. K. Dans: He's a fool.

The Hon. G. E. MASTERS: At page 19 of his green paper—

The Hon. Robert Hetherington: It is change the law, not be above the law.

The Hon. G. E. MASTERS: —it is stated—

Labor recognises that the International Labour Organisation is a model for the tripartite approach . . .

The paper goes on and then states—

Where ILO Conventions have been ratified by Australia, State legislation will be encouraged to give effect to these conventions.

Mr Dans made reference to an ILO convention which this Bill is designed to work with.

The Hon. Robert Hetherington: It doesn't, you know.

The Hon. G. E. MASTERS: The Opposition says in a green paper that it supports an ILO convention, but in this House apparently the Opposition does not. I point out again that this legislation has been considered carefully—

The Hon. Robert Hetherington: I am sure it has!

The Hon. G. E. MASTERS: It has not been rushed through; it is an important piece of legislation to protect the rights of individuals.

The Hon. Robert Hetherington: Nonsense.

The Hon. G. E. MASTERS: It conforms with international standards.

The Hon. Robert Hetherington: Nonsense.

The Hon. G. E. MASTERS: We condemn the Opposition for opposing it, and I ask the House to support its third reading.

Question put and a division taken with the following result—

Ayes 20

Hon. N. E. Baxter	Hon. N. F. Moore
Hon. V. J. Ferry	Hon. Neil Oliver
Hon. Tom Knight	Hon. P. G. Pandal
Hon. A. A. Lewis	Hon. W. M. Piesse
Hon. P. H. Lockyer	Hon. R. G. Pike
Hon. G. C. MacKinnon	Hon. I. G. Pratt
Hon. G. E. Masters	Hon. P. H. Wells
Hon. Tom McNeil	Hon. R. J. L. Williams
Hon. Neil McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. Margaret McAleer

(Teller)

Noes 9

Hon. J. M. Berinson	Hon. Garry Kelly
Hon. J. M. Brown	Hon. R. T. Leeson
Hon. D. K. Dans	Hon. Tom Stephens
Hon. Lyla Elliott	Hon. Fred McKenzie
Hon. Robert Hetherington	

(Teller)

Question thus passed.

Bill read a third time and transmitted to the Assembly.

CANCER COUNCIL OF WESTERN AUSTRALIA ACT REPEAL BILL

Second Reading

Debate resumed from 22 September.

THE HON. LYLA ELLIOTT (North-East Metropolitan) [8.08 p.m.]: We have been asked by the Government to agree to this move to change the status of the Cancer Council of WA

from a statutory body to an independent and incorporated body. While the Opposition has decided not to oppose the Bill, I will raise a number of questions because the Bill does not relate to a small organisation; it relates to an organisation with assets of more than \$3 million. Also, it is an organisation involved in an extremely important area of health.

As members would know, cancer is second only to heart disease as the major killer in this country. In his second reading speech the Minister gave us little information to justify this Bill. Of his two main points, the first seemed to be that the council is now so well off that it does not need more help from the Government; therefore, no reason exists for it to be accountable to the Government for its financial transactions or investments. I believe more is involved in matters such as this; it is not merely a matter of how well the books are kept or how successful certain business transactions have been.

I refer to two aspects of the council's affairs. Firstly, in regard to the funds collected, whether from public or Government sources, are those funds used in the best interests of cancer victims? Secondly, should the State and Federal Governments do more in the fight against this dreadful disease?

I will trace a little of the history of the council. In 1955 steps were taken in this State to establish a voluntary body known as the Anti-Cancer Council of WA with the object of improving the facilities and techniques for diagnosis and treatment of cancer. That council was registered as a charitable organisation, and a cancer appeal committee was formed to help the council to raise funds. The ultimate objective of the council in its appeal for funds was the establishment of an institute for the treatment and research of cancer. Its immediate objective was to acquire a linear accelerator and accommodation for it to be part of the cancer institute. The committee raised over \$100 000 for the linear accelerator and the institute. In 1958, the Hon. Emil Nulsen, the Minister for Health in the Hawke Labor Government, said the "response to appeal for funds was magnificent and it indicates clearly the public is anxious to have the institute established for purposes of further research".

In that year the Hawke Government introduced a Bill to establish a statutory body with the functions of co-ordinating, stimulating, promoting and subsidising research into the cause, diagnosis, prevention and treatment of cancer and allied conditions, and with power to establish and maintain cancer institutes to give effect to its functions. The Minister of the time said that the

whole object of the Bill was "to set up an organisation which can, with statutory authority and ability, administer the large sum of money contributed by the public for equipment to fight cancer and provide research into the control of cancer". He said further, "Such a statutory body as this Bill visualises will have the confidence of the people and the future support of the public."

It seems he was right. Obviously, in addition to Government funding over the past 20 years, the council has enjoyed quite a deal of support from the public, to the extent that it has been able to build up assets of more than \$3 million. In 1980-81 it received \$143 522 in donations, and \$633 303 in bequests and legacies, in addition to other income. Mr Young, the present Minister for Health, in reply to a question from a member in another place, said that although the Cancer Council was established as an independent, statutory body—in the public eye—it was commonly seen as a Government department, a view which had a restricting effect on its fund raising. I find the Minister's view hard to accept in light of the figures I have just quoted. Of course, his view is contrary to the view that Emil Nulsen expressed in 1958, a view which I have quoted. However, I will not labour that point.

I will raise two matters in respect of the council's functioning. One concerns the establishment of an institute, and the other the expenditure of funds.

Public funds were raised for the express purpose of establishing an institute to provide treatment for cancer victims and research into the disease. Such an institute was established in 1960 and was called the Western Australian Institute of Radiotherapy. Two acres of land were leased to the institute in an area between Winthrop Avenue and the Perth Chest Hospital in Hollywood to build and install an accelerator.

I understand 32 beds were made available in the chest hospital for cancer patients and 24 beds were made available at Tresillian for indigent patients. This was to be the basis of the treatment and research facilities referred to in the Act and for which the public subscribed.

The subsequent events are well known. As a result of a battle between the Cancer Council and Dr John Holt over the Tronado machine, the functions of the institute were transferred to the Sir Charles Gairdner Hospital in 1975.

It appears from the Minister's answer to my question on 29 September 1982 that no beds have been set aside especially for cancer patients in any of the teaching hospitals, including Sir Charles

Gairdner Hospital. What has become of the institute to which the public subscribed?

Investigations I have made in other States reveal that in three States—New South Wales, Victoria, and Tasmania—cancer councils are statutory bodies. In addition, cancer institutes operate in two major States—New South Wales and Victoria.

The Cancer Institute of Victoria, which was established in the 1950s, has 135 inpatient beds and 16 beds for day patients. It has a 12-bed hostel for country people who need to travel to the city for treatment. That is funded by the Government. For the last financial year—1981-82—funding of over \$20 million was provided for the Cancer Institute of Victoria.

New South Wales has a special unit, the Prince of Wales Hospital, for investigation and treatment where research, clinical investigation and nursing management are undertaken. The last annual report available from our library is for the year 1979-80 and it shows that the number of admissions for the year was 738.

It is a tragedy that the Cancer Council in this State did not retain the Western Australian Institute of Radiotherapy and proceed with the clinical trials of the Tronado machine.

The Hon. R. G. Pike: What is your question so far? Is it what became of the institute? Am I correct in saying that is your question?

The Hon. LYLA ELLIOTT: Yes. The purpose of the original Act of 1958, amongst other things, was to establish a cancer institute. In 1960 an institute was set up, but because of the political battle between Dr Holt and the Cancer Council, the council transferred the functions of the institute to Sir Charles Gairdner Hospital.

The Hon. R. G. Pike: I put it to you that is the answer to your question. I am trying to be helpful.

The Hon. LYLA ELLIOTT: My question is: Has the Cancer Council fulfilled the purpose of the Act by closing the institute, because the public subscribed funds for the purpose of establishing the institute? The sum of \$100 000 was subscribed for this purpose and we do not have an institute. We do not even have special beds set aside for cancer patients in any of the teaching hospitals. The Cancer Council has a great deal of money but has not set up an institute as was intended in the first place.

The two major States of Australia have special institutes—Victoria and New South Wales—and the funding for the Victorian institute was over \$20 million last financial year.

It is a great tragedy that the Cancer Council here did not retain the Western Australian Institute of Radiotherapy and proceed with the clinical trials of the Tronado machine seven years ago. We have wasted all that time and just think how much further advanced we would have been today in our knowledge of the value of the machine and the type of treatment involved in that equipment.

I was interested also to compare the budget of the New South Wales Cancer Council for the year 1979-80, the last one available in our library, with the last one available for the WA council for 1980-81. Although I am comparing that budget with the year 1979-80 I do not think the difference in figures for one year is all that great.

What I did note was what appears to be a high proportion of the Western Australian council's funds was spent under the heading of "Management and General"—or, I suppose, administration—compared with that of New South Wales.

In this State a total of \$559 113 was spent in 1980-81 and of that, \$209 142 was spent on "Management and General" as against \$349 971 which was spent on "Medical Expenses". Under that heading, everything spent on education, research, patient welfare, registries, equipment purchase, etc. was included. On the other hand, from the New South Wales report, it appeared a much smaller proportion of the total expenditure was spent on administration.

The Hon. R. G. Pike: Is your question in regard to that comparison?

The Hon. LYLA ELLIOTT: I am referring to the fact that the figure for "Management and General" is high when it is compared with what was spent under the heading "Medical Expenses" which included education, research, patient welfare, etc. A much smaller proportion was spent on administration in New South Wales.

Of the figure of \$916 692, the sum of \$204 227 was attributed to administration as against \$238 820 for research grants, \$67 346 for professional education and \$211 317 for public education, there were other items.

If we add to this another \$500 000 spent by the special unit, most of which went on research and associated projects, we note that the expenditure on the medical side was much higher than on the administration side.

If we leave aside the special unit, we note that in Western Australia 37 per cent of the expenditure was spent on administration, compared with 22 per cent in New South Wales.

The Hon. R. G. Pike: Your question is why the disparity? Is that correct?

The Hon. LYLA ELLIOTT: It seems rather high when we compare it to medical expenses, patient welfare, research, etc. When we note the figures, it seems to me that a large amount is spent on administration in this State. The council may have a good answer to this, I do not know. However, when we compare the figures with the other State, it raises in my mind the question as to whether there should be an adjustment of priorities.

Another point I wish to raise is: Is the Government doing enough in this important field? The Minister has underlined the fact that this year the Government has not provided any funds to the Cancer Council. I would like to know what exactly the Government is contributing. We do not have an institute here, yet the Victorian Government contributes \$20 million to the Cancer Institute of Victoria. What is our Government contributing towards research and care?

I am aware of the very fine hospice service which has been set up by the Cancer Council in association with the Silver Chain Nursing Association, with the assistance of the Department of Hospital and Allied Services.

The Hon. R. G. Pike: A very good one and the Government subsidises that, of course.

The Hon. LYLA ELLIOTT: I would like to congratulate all concerned; it is a worth while and needed service. It is certainly costing the Government something. However, compared with other States it would not amount to a great deal in dollars and cents.

In addition to the care and treatment of cancer patients, the Government has a much greater role to play in the area of prevention. It has been estimated that something like 80 per cent of cancers are caused by environmental factors. While individuals may be able to control certain of these—for example, smoking, drinking alcohol, and diet—there are many other areas where the Government has a responsibility to be ever-vigilant.

Many thousands of chemical compounds are being released into the environment and the work place and it has been stated that they have never been adequately tested for carcinogenic effects.

I wonder how many epidemiological studies have been carried out in this State by the Public Health Department or other Government departments to check the effects of industrial chemicals and other environmental hazards on the health of workers. Where there are known dangers associated with some chemical or other substance, how

much care is taken to protect workers? I was at a meeting of the Australian Railways Union at Midland recently and discussion arose about a substance which is sprayed in a maintenance pit at the Midland Workshops. I understand a man gets into the pit and sprays the engines. One union member present at the meeting raised the fact that he had seen in a magazine an article which dealt with the dangers of the substance being used in the pit.

The article he read referred to the carcinogenic properties of that substance. He raised some doubts as to whether the men should be handling it in such a way before the matter had been properly investigated. The meeting decided that a proper investigation should be carried out before the men continued to use that particular substance.

The point I make is that it should not be left to people working in the various industries to find out these things by a chance reading of a magazine article; it is too important for that. Any substance or chemical which is to be used in an industry should be investigated thoroughly by the appropriate department of the Government, or the management of the firm concerned before it is let loose on the workers and they are subjected to the hazards involved.

Studies in the United States have shown that cancer mortality rates are higher among people living in industrialised areas, particularly near petrochemical plants, than among the rest of the community. I wonder what sort of studies if any have been conducted among the population at Kwinana. Have any figures been collected relating to illness or death in the vicinity of that area and a comparison made with the morbidity and mortality rates applying elsewhere in the State?

How sure can we be of assurances given by the Minister for Health about such issues as the handling of monazite, and other matters which are raised from time to time? Recently, I asked my secretary to look through the Public Health Department Press cutting file held in the Parliamentary Library and to mark Press stories relating to the hazards of industrial and agricultural chemicals. As members will see from the two files I have in front of me, she found a great many such articles. I do not intend to refer to them all; however, I would like quickly to pick out some which I believe are quite serious, and which support my contention that we need greater investigation and action on the part of the Government in such areas.

The first article to which I refer appeared in *The West Australian* of 8 October this year under

the heading, "Clout passes health test". In part, the article states as follows—

A SHEEP-delousing agent which became contaminated with the chemical heptachlor has been cleared as a health risk by agriculture and health authorities.

Heptachlor has been suspected of being a cancer-causing agent in humans.

That is just one example of a carcinogenic substance. An article in the *Sunday Independent* of 19 September 1982 carried the heading "Wittenoom fights back". I am reminded of all the tragic cases about which we read of the victims of mesothelioma and the terrible things that happened to people who once worked and lived in Wittenoom as a result of the asbestos industry, and how long it was before the Government acted on knowledge, which apparently was in existence for many years, of the dangers of this industry to the people associated with it.

The Hon. G. C. MacKinnon: Would you also like to elaborate on how totally unsuccessful the Government was in getting people to move out of the high risk area?

The Hon. LYLA ELLIOTT: I would prefer to elaborate on how mean the Government was in respect of supporting these people. I would be more impressed by the Government's attitude if it were prepared to offer compensation for these people, and to fight for a better deal for the victims of this disease.

Another article appeared in *The West Australian* of 27 August this year under the heading "AWU: 24D levels justify anxiety". The article states as follows—

PROTECTION for workers at Chemical Industries Pty Ltd in Kwinana was inadequate, the WA secretary of the Australian Workers' Union, Mr Gil Barr, said yesterday.

The union had been worried for a long time that the production of 24D and 245T exposed workers to health hazards, he said.

Results of tests on some of the workers proved that the union's concern was well founded.

"The Government should play a stronger hand to force the company to give its workers absolute protection," he said.

The results of tests on 13 workers employed by Chemical Industries were given in the Legislative Assembly on Wednesday. At least one in each of the six tests showed a high level of 24D.

Here is a union which has had to take up the case on behalf of the workers. Why is the Government not active in these areas?

An article which appeared in the *Daily News* of 25 August 1982 under the heading "Young admits Bunbury link" states as follows—

Radioactive bags of monazite have been shipped out of Bunbury—though the Minister for Health, Mr Young, told Parliament earlier this year it was not.

Mr Young yesterday admitted monazite had been shipped out of the port after being questioned by the Opposition spokesman on health, Mr Barry Hodge.

We know the battle which went on to get the Government to admit what was happening. We know monazite is a health hazard.

On the same subject, the *Daily News* of 20 August 1982 under the heading "Admit some risk, says expert" states as follows—

A radiation scientist says the WA Government should have admitted some risk existed in the mineral sands town of Capel.

The *Daily News* of 17 August this year in an article under the heading "N-Safety code delayed" contains the following statement—

Long-awaited radiation safety laws are not likely to be considered by Parliament this year.

The Attorney-General Mr Medcalf, said today the new laws would not be ready for "several more weeks."

He said preparation had been "expedited," but it was a "voluminous task."

Perhaps in that case, the Government is doing something; however, it is taking a very long time to get something done.

The *Daily News* of 30 July 1982 under the heading "No new checks for workers" contains the following statement—

Workers who leave their jobs at a Kwinana chemical plant will not be given further health checks.

This is despite urine tests that have shown high chemical readings.

The Minister for Health, Mr Young, said yesterday further testing was not necessary for men who left the firm, Chemical Industries (Kwinana) Pty Ltd, because the chemicals 24D and 245T were quickly eliminated from the body.

The article goes on to state—

The company has been pouring water contaminated with the chemicals into an open disposal pit for a number of years.

In October last year, nearly 4 000 litres of 245T, contaminated with the dangerous by-product dioxin, was rejected by the NSW Health Commission.

On a similar subject, under the heading "Kwinana 24D level jumps" the *Daily News* of 23 July contains the following statement—

Pollution of underground water near a Kwinana chemical plant increased seven-fold in a one-month period this year.

Tests were done on water near Chemical Industries (Kwinana) Pty Ltd by the Public Works Department in March and April.

The sampling followed a 10-month period when no samples were taken, because the department was short-staffed.

Levels of 24D, an active constituent of the defoliant Agent Orange, were found in April to be 1540 times the standards set for drinking water by the National Health and Medical Research Council—seven times higher than a month earlier.

Numerous other articles could be quoted in support of what I am saying; I chose those simply to give an example of the sorts of health problems which could be created by slackness on the part of Governments and by employers who are not prepared to introduce proper safety measures. The Government should be more active in the field of prevention in this area.

I refer also to the numerous herbicides and pesticides which not only are applied in voluminous quantities in agriculture but also are freely available on supermarket shelves. How much testing has been carried out on the carcinogenic properties of these chemicals?

Not a week goes by when we do not hear of someone's friend or relative who has been found to have this dreaded disease. So, it is essential that Governments both Federal and State do not merely hand over to independent bodies responsibility for an extremely important area of health and leave the fund raising and research to these bodies alone; the Government has a duty to ensure it makes the utmost contribution to the fight against this killer disease.

The Hon. R. G. Pike: Do you support the Bill?

The Hon. LYLA ELLIOTT: With those remarks, the Opposition supports the Bill.

THE HON. G. C. MacKINNON (South-West) [8.42 p.m.]: I wish to add my support to the Bill. This is another measure relating to which I am

marginally disappointed in the Minister's second reading speech. However, I am gravely disappointed in the Opposition's approach to the matter; its members seem to have made no effort to make the necessary inquiries to ensure they present valid arguments. We have heard in this Chamber some quite unsubstantiated claims about the possibility of certain substances causing cancer; to the best of my knowledge, none of these claims has been substantially proved.

One such allegation was made in respect of the mineral sands industry. It was claimed that the Government had to be pushed to do anything. Firstly, monazite export licences are issued by the Federal Government. I can remember moving bags of monazite before I came to Parliament—and, I assure members that was a long time ago. Monazite has always been in the soil in this area; the fact that it has been extracted from the soil does not alter the fact that it is to be found around Capel. Indeed, the beaches in the Dunsborough area contain large quantities of black sand. I am sure that you, Mr Deputy President (the Hon. V. J. Ferry), would have seen quantities of black sand—from which the ilmenite is extracted—piled up on the beaches after storms. To imply the Government is covering up these sorts of things is absurd.

The only purpose served by all the talk on this issue has been to alarm unduly families in the Capel area. The company and everyone else involved have been working co-operatively on the matter; indeed, they have gone beyond the point of reasonable co-operation—to ensure that wherever they find overburden, it is removed and replaced. As members well know, anybody in the town who wanted a hole filled simply asked the company for some fill from the mine.

The soil was taken from one area, and the sand was washed out of it and moved to another area. No consideration was ever given to this point. People now say that it is frightening and the sand should be moved. It will be moved; there is no argument about that at all. That has nothing to do with this piece of legislation.

The Hon. N. E. Baxter: Nothing at all.

The Hon. Lyla Elliott: Yes it has.

The Hon. G. C. MacKINNON: The council was there to educate the people.

The Hon. Lyla Elliott: If there was no cancer you would not have the Cancer Council.

The Hon. Garry Kelly: Prevention is better than cure, isn't it?

The Hon. G. C. MacKINNON: Very few people in the world are prepared to make the

claim that they know what causes cancer. Scientists are prepared to say, "At the end of certain experiments, the subject rat"—or whatever it might be—"has shown signs of carcinoma". That is as far as they will go. No-one with a scientific background would be as adamant as Miss Elliott on this point. It has nothing to do with this piece of legislation.

The Hon. Lyla Elliott: That is your opinion.

The Hon. G. C. MacKINNON: As I say, the Cancer Council was set up by a Labor Government, with the co-operation of the Liberal Party and that of successive Governments, to educate the public and to raise money for a variety of purposes.

The Hon. Norman Baxter, a former Minister for Health, would have more knowledge about this matter, but I believe the Tronado machine was ordered by a former Premier and set up by the hospital. It was discarded by the hospital and not by the Cancer Council.

The Hon. Garry Kelly: No, by the National Health and Medical Research Council.

The Hon. G. C. MacKINNON: No it was not, Mr Kelly, and I really think that the honourable member ought to have a talk with the Hon. Joe Berinson, who would probably advise him to do a little research on these matters. The machine was referred to the National Health and Medical Research Council for advice. That council is a body set up under the auspices of the Federal and State departments of health. It advises State and Federal bodies equally and free-handedly in an extremely competent and scientific manner.

The Hon. Lyla Elliott: Do you deny that the Cancer Council transferred the functions of the institute to the Sir Charles Gairdner Hospital in 1975?

The Hon. G. C. MacKINNON: I am not saying that at all.

The methods of treating cancer have changed over the years. At one time I can remember a very fashionable treatment was the hyper-baric unit. I saw one of these in a hospital in England, and it was transferred to the basement because it was felt it was not worth using. My understanding is that it is a high-pressure-type unit. The Royal Perth Hospital had some success with it and continued with its use. It may still be used. When one suffers from a disease as fierce as the big "C", one will try anything, even to the point of trying the treatment of Milan Brych. People of his type claim that they are curing cancer when all that is happening is that the disease is going into temporary remission.

I think that we ought to be infinitely more enthusiastic about this legislation as it was this Chamber which set up a Standing Committee originally. This is designed on Government agencies to keep some control over statutory bodies. This organisation is voluntarily seeking to become an incorporated body instead of a statutory committee.

I want to thank all those people who have worked for the Cancer Council over the years. I will not give names because I am sure I will forget someone who should be named. It is bodies such as this which give us an enviable record of community participation in the duties of Government. I am sure members have heard me express that point of view before.

I rose to mention a matter covered only very briefly by the Minister in his speech, a matter which I believe deserves the attention of the House; that is, the recent establishment of the hospices palliative care foundation. The Minister referred to this organisation in the following terms—

The council now has firmly established a recently-introduced patient care scheme. This delivers specialised medical and nursing care to people dying of cancer in their own homes and eases the considerable burden on the patients' families.

The Minister went on to say that this action is being taken in collaboration with the Silver Chain Nursing Association. That is a first-class effort indeed. It is a sad fact that many people who contract cancer have to suffer pain, the need for surgery, and perhaps quite drastic radiotherapy or other types of therapy. People are frequently alarmed because of this. Then, all too frequently, the time arrives when a patient's family, if not the patient, is told that no further treatment will be of any use. Indeed, the modern concept is to tell the patient and then give him or her the sort of loving support that is necessary. He has to be made aware that all that remains for him to do is to make his peace with God, get his affairs in order, and die. Sad as it may be, that is a fact of life, and it is one that has been faced up to by the Cancer Council and the Silver Chain Nursing Association. This palliative care organisation is working very well.

I am involved with another organisation for which money is being raised—the Hospice Foundation. The idea is to establish small hospices or homes to train people who work in this field. Then patients who have insufficient support can be helped to remain at home rather than go to hospital. My interest in this foundation was rewarded

recently when I was asked to become a fellow patron, with Mrs Jan Holmes a Court, of the foundation. I was proud to accept that appointment because these people need all the help they can get.

In the meantime, the palliative care organisation is coping with the problem of the terminally ill in conjunction with ordinary hospital services. I believe members will appreciate that hospitals are directed towards getting people better. They look to sending patients home fit and well, or at least better than when they were admitted. A person who is in the terminal stages of cancer cannot be looked after properly in that sort of hospital. He is looked after in the best possible way, but the hospital is not geared to that sort of activity although it may do a magnificent job. It is believed that hospices are desirable.

This action indicates the very real concern of all the members of the Cancer Council. In moving for the annulment of the council, they took the proper steps to establish the hospices palliative care movement.

The Government will help this movement as it has helped the council in the past. The Government helps the Silver Chain Nursing Association and there will be a very close relationship between that association and the movement. So the assistance from the Government will not disappear just because the Cancer Council has changed its form. I repeat: We ought to welcome this move as a progressive one. We should give it our blessing and thank all those members who have helped in the past. I believe it was the Hawke Government which was responsible for setting up the Cancer Council, and it should be congratulated also.

THE HON. N. E. BAXTER (Central) [8.5 p.m.]: I rise to support this Bill. We must be progressive. The Cancer Council was set up originally to raise money for research; to continue research in an endeavour to ascertain, if possible, the causes of cancer; to evaluate treatments which were used throughout the world; and for other general purposes. Of course, this Bill does not deal with the causes of cancer. It has been alleged that smoking causes cancer, the inhalation of asbestos fibre causes asbestosis or mesothelioma and the radiation from monazite sands causes different types of cancer; but this Bill is to do purely with the transference of the assets of the Cancer Council to a foundation. The foundation will carry on the work of the council, but the Bill provides that the Government will no longer help to subsidise the foundation. The foundation will stand on its own, it will raise further moneys, and it will have transferred to it the properties and assets of the Cancer Council.

Like the Hon. G. C. MacKinnon, I would like to express my appreciation to the members, past and present, of the Cancer Council. A great amount of money was raised to carry out the duties, powers, objects, functions, etc., of the council as set out in the parent Act which was introduced in 1958. At this stage I would like to refer to the provisions of that Act. Section 8(1)(b) reads—

(b) The Minister may from time to time give directions to the Council with respect to the objects, functions, duties, and powers of the Council either generally or in respect to a particular matter and the Council shall give effect to the directions according to their tenor.

(2) Subject to subsection (1) of this section the objects, functions, duties, and powers of the Council are—

- (a) to co-ordinate and stimulate in Western Australia research into the causation, prevention, and treatment, of cancer and allied conditions;
- (b) to promote and subsidise research into the cause, diagnosis, prevention and treatment, of cancer and allied conditions;
- (c) to co-operate and enter into agreements, with such persons and organisations whether incorporate or unincorporate, as are within or without the State, for the purpose of achieving the objects of the Council;
- (d) to provide, maintain, and assist Institutes concerned with the treatment of cancer and allied conditions;
- (e) to establish and maintain accommodation for patients undergoing treatment at an Institute;
- (f) to invite, raise, receive, hold, and invest moneys, and gifts;
- (g) to receive, obtain, hold and dispose of, land, moneys and things in furtherance of the objects of the Council;
- (h) to execute in accordance with the terms of the trust any special trust in connection with any moneys or things received, obtained, or held, by the Council;
- (i) to assist in provision of teaching facilities in connection with cancer and allied conditions;

Those are the objects, responsibilities, duties, and powers of the council.

In 1968 the council established an institute in buildings belonging to the Sir Charles Gairdner Hospital. Until 1974 mainly radium treatments were carried out there. At that stage the Tronado machine was purchased by the Labor Government, at the instigation of the then Premier (Mr John Tonkin), and established in the institute in the Sir Charles Gairdner Hospital buildings. What happened then is history.

After some time questions were raised as to the effectiveness of the treatment provided by the Tronado machine. The Sir Charles Gairdner Hospital representatives suggested investigations take place and I was approached and asked to request the National Health and Medical Research Council to appoint a subcommittee to inquire into the Tronado machine and examine the case histories of patients who had been the subject of treatment on the machine. This I did.

A recommendation was made to the Sir Charles Gairdner Hospital that the machine be no longer used, because it served no useful purpose. By that time the hospital had taken over the institute and it decided to put the machine into mothballs where it has remained ever since.

However, that was not the end of the Tronado machine. Two other committees of expert medical professionals were involved in inquiries into it and they produced the same answer as that arrived at by the National Health and Medical Research Council.

The Hon. Lyla Elliott: Who were they?

The Hon. N. E. BAXTER: The report of the first committee was tabled. I am not prepared to divulge the names of the experts appointed to the second committee, because they asked at the time that their identities remain confidential. However, they submitted a report similar to that provided by the other committee. Mr Holt was on the former committee, along with four other medicos, whose names I cannot recall. However, if the honourable member wishes I shall ascertain the information for her.

The main object of the Cancer Council of Western Australia was research, rather than treatment, and it was given the right to establish an institute. It was not really necessary to set up bed space, because the Sir Charles Gairdner Hospital could provide beds for any patients who had to be hospitalised while they received treatment for cancer. If a bed was required for a cancer patient, the Sir Charles Gairdner Hospital provided it, because it was a public hospital and was bound to do so.

The Hon. Lyla Elliott: Why do you think they still have special cancer institutes in New South Wales and Victoria?

The Hon. N. E. BAXTER: I do not know why those States still have them. Large sums of money are needed to carry out research, particularly in relation to cancer; it can be said vast sums of money are expended world wide in an endeavour to gain more knowledge about the disease. If the Sir Charles Gairdner Hospital thought it was economical to continue to have an institute of this nature in this State, it would have done so.

However, what does an institute of this nature actually do? It is purely a research institute and it is very costly to maintain. The establishment and maintenance of an institute like this results in the expenditure of large sums of money which could be better directed to medical professionals who are keenly interested in carrying out research into cancer. It is much better to direct the funds to individuals, rather than to a costly institute. If the other States want to have costly institutes of this nature, that is their decision. However, it was decided here that the funds were better allocated directly to research, rather than to an institute such as this.

I thank the Chairman, members, and secretaries of the Cancer Council for the work they have done. We owe them a debt of gratitude for their efforts, particularly in raising money for research purposes.

I support the Bill.

THE HON. W. M. PIESSE (Lower Central) [9.06 p.m.]: I support this legislation also, but in a somewhat different light from that of previous speakers. I support it in the earnest hope that the newly incorporated body will in fact apply itself more surely to the problem of research into the causes of cancer.

You, Sir, have heard me speak previously about this matter in this place and you have heard me quote figures in relation to our women, with special emphasis on young women, who are dying of breast cancer. We can give them no advice whatsoever, even though the Cancer Council was set up specifically to apply itself to education and research in this area.

I hope the newly incorporated body will recognise that this State is crying out for research to be carried out. I appreciate the remarks that have been made about the creation of a hospice. However, again this is after the fact, and while I do not deny it is very nice to have this facility and it does and will help a great many people, the object of the whole exercise, in the first instance, was to

find out what causes cancer and what we can do about it.

It is quite stupid to say that we cannot discover the causes of cancer or provide any advice. The other well known killers in society today, such as road accidents and coronary disease, have been researched thoroughly and on a continuing basis with the result that we can give people good advice as to how to protect themselves from becoming statistics in those areas. However, in the case of cancer, and specifically breast cancer, all we can say to our women is, "We know one in 17 of you will contract it. We cannot tell you anything that will prevent you from contracting it."

I do not deny that some good work has been done, but it is far short of what we need at this time. I know the public have subscribed mightily to the Cancer Council and I appreciate that and the efforts of the people who have operated the council up to this point.

In approximately 1975 a great appeal went out to sporting bodies in country areas, on behalf of the Cancer Council, requesting that every member should subscribe \$1 with the object of acquiring hostel accommodation in the metropolitan area, so that when people went to their doctors and discovered it was possible they had contracted cancer, they would be able to make an appointment to see a specialist in Perth in the knowledge that, if they did not have anywhere to stay, they could go to the hostel and find accommodation and sanctuary while the tests were being conducted.

That hostel never eventuated. Everybody in my area contributed \$1 or more; many of them belonged to at least six different sporting organisations. When I inquired as to what had happened about the hostel accommodation, I was told it had not yet materialised, but the money was in hand. I did not ascertain how much money was collected, although I am sure the people in my area were not the only ones who contributed; but I am pleased that this money is behind the organisation.

I hope we will soon have some really concerned and earnest research in this area. Although I do not denigrate what has been done already, it is simply not enough. It is true that in this State we have a small community and we are isolated. However, scientists with much better brains than myself have agreed that this is an ideal place in which to conduct this type of research, because we are comparatively isolated and we do not have the external pressures which would perhaps exist in a community in Europe or America.

We are a small community; we cannot deny the existence of cancer; and, for that reason, it is much easier to trace each case, recognise the existence of common denominators, and arrive at a solution. I know we will not win them all, but I hope we make a serious effort in this regard very soon, even if it is only in one area. I am aware of the existence of other cancers besides breast cancer and they are very serious killers, but breast cancer is the most devastating, because it strikes down our young women who are the mothers of the next generation. I hope this newly incorporated body will be able to bring us some enlightenment in the research area.

We cannot deny the advances in education in regard to cancer are very good; I am very pleased about them and I give full recognition to what is being done. However, it is not enough and I hope that, from here on in, we will have a much more concerted effort not only from the new body, but also from all the people concerned.

Debate adjourned, on motion by the Hon. Margaret McAleer.

BILLS

Cognate Debate

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [9.13 p.m.]: Orders of the day Nos. 3, 4, and 5 relate to proposed amendments to the Land Act and, although differing in subject matter, could be accepted as being related Bills. For the sake of ease in debate on these Bills, I seek leave of the House to have them discussed concurrently in the second reading stage in accordance with Standing Order No. 246.

Leave granted.

The PRESIDENT: Order! I shall explain the situation for the benefit of members. This second reading debate will revolve around those three orders of the day. At the conclusion of the debate a question that the Bill be read a second time will be put separately for each Bill. At the conclusion of the second reading of the third Bill, we will go into Committee on order of the day No. 3.

ACTS AMENDMENT (RESERVES) BILL

Second Reading

Debate resumed from 28 September.

THE HON. J. M. BROWN (South-East) [9.15 p.m.]: This is a new procedure, so explanations are certainly helpful. I was mindful of the necessity of Committee stages but I was not sure as to how the three Bills would be put to the House, and the President's explanation has made that

quite clear. Perhaps the Minister will indicate during the course of the debate whether he intends to complete the second reading tonight and progress to the Committee stages.

The Hon. G. E. Masters: No, I will adjourn the debate after I have heard the speeches on the second reading.

The Hon. J. M. BROWN: That is most helpful. Because the Bills are interrelated, many questions come to mind. The three Bills contain much to absorb and require almost a Select Committee to go into the aspects of what is being proposed. That will not happen, but we are aware that the Government intends to rewrite the Land Act, and is entitled to do so. The scrutiny that this matter deserves is a matter which concerns me.

The Acts Amendment (Reserves) Bill is designed to ensure the effective control and management of Crown reserves and generally to update and streamline some sections in the interests of administrative flexibility. That in itself would be very difficult to achieve in relation to the Lands Act, particularly in respect of reserves. No doubt, the former Minister for Lands (the Hon. David Wordsworth), would be aware of the scrutiny that I make of any reserve Bills that come before this House, because when a reserve, particularly an "A"-class reserve, is created—there is an exception which I will mention later—the Minister must have the approval of Parliament before it can be excised.

That was designed for the protection of "A"-class reserves. Administrative flexibility would be difficult to achieve. The Acts Amendment (Reserves) Bill deals with part III of the Land Act, and I want to discuss several matters in relation to the three Bills which refer to the Land Act.

The definition of "public purpose" in the Land Act is amended by the deletion of the words "in addition to any purpose specified in this Act". It will now read—

"Public purpose" includes, any purpose declared by the Governor, by notification in the *Gazette*, to be a public purpose within the meaning of this Act.

That indicates a marked departure. Section 11 of the Land Act says—

The Governor may by proclamation resume, for any of the purposes specified in section twenty-nine of this Act, any portion of land held as a homestead farm, or timber lease or special lease, or leased by the Crown with a right of purchase, if in the public interest he shall deem it necessary;

After the proposed deletion section 11 will read—

The Governor may by proclamation resume any portion of land held as a home-stead lease, timber lease or special lease . . .

Section 29 of the Land Act deals specifically with reserves. Subsection (1) of section 29 reads as follows—

The Governor may, subject to such conditions and limitations as he thinks fit, reserve to Her Majesty, or dispose of in such manner as for the public interest may seem fit, any lands vested in the Crown that may be required for the following objects and purposes:—

The objects and purposes are set out in paragraphs (a) to (q) inclusive. The Acts Amendment (Reserves) Bill deletes the words "that may be required for the following objects and purposes", and paragraphs (a) to (q), and replaces them with the words—

And the purposes for which any such land is so reserved or disposed of shall be specified in reserve or disposition.

That amendment is satisfactory. The provision no longer will spell out that the reserve may be required for the purposes of Aborigines, Government or Crown instrumentalities, railways, roads and tramways, quays, landing places, sites for churches and chapels, State forest, the conservation of timber, and so on. That is a streamlining effect.

We go on to subsection (2) of section 29 from which is being deleted the words "of the lands reserved under paragraph (b) of the last preceding subsection", which refers to the use and requirements of the Government or of any Crown instrumentality or any municipal corporation or road board. That is to be deleted from subsection (2).

That is streamlining the Act and it is quite satisfactory; but the question of what will happen to the forest lands under this Bill is very important. What will happen with the disbursement and utilisation of the reserves under the power that will be vested in the Minister for Lands? I will speak further on reserves when we get to the other two Bills. This is not the major thrust of my debate on the Bill because amendments to the Land Act in the next order of the day—we will call it the Land Amendment Bill (No. 1) for the convenience of the House—will be discussed together with the Acts Amendment (Reserves) Bill.

Section 5 of the Parks and Reserves Act is to be amended. That section relates to general powers

in respect of the parks and reserves committee. Under this section a board may—

- (a) Fence in or otherwise enclose, clear, level, drain, plant, and form walks and carriage drives through and over such parks or reserves, or any part thereof;
- (b) Construct dams and reservoirs for the retention and formation of sheets of water thereon;
- (c) Otherwise improve or ornament such parks or reserves, and do all such things as are calculated to adapt such parks and reserves to the purposes of public recreation, health, and enjoyment;
- (d) Establish and maintain zoological gardens therein;
- (e) Grant licenses for the depasturing of animals on such park lands and reserves, and take for the same such fees as the Board may, for any by-law, from time to time appoint; and
- (f) Grant licenses for the removal of any sand, gravel, or other earth or mineral, and for cutting and removing wood under such restrictions, and at such reasonable price, or such weekly, monthly, or yearly sum as the Board may think fit.

Section 5 of the principal Act is amended by inserting after subsection (1) the following subsection—

(1a) A Board shall not grant a licence under subsection (1) (e) or (f) of this section unless—

- (a) the approval of the Minister has been first obtained; or
- (b) the purpose for which the land the subject of the proposed licence is committed to the Board is specifically that for which the licence is proposed to be granted.

As I understand it this means that if there is an application to the Lands Department for the use of a reserve for depasturing—and this quite often has been the case in the farming industry in seasons of stress—the approval of the Minister will be required. I ask the Minister why this is necessary after all these years because from my knowledge of the present Act there is a great awareness of the need for depasturing, and that approval will be readily available.

I am not saying that the Minister would refuse such applications if they were permitted by the board but I do query the need for this addition to the Act. Does it mean there is no confidence in the administration of the board, or does it mean that perhaps bureaucracy is working to an extreme? I do not say that in any unkind way and I

look forward to the Minister's comments in this regard.

The Minister, in his second reading speech, said—

The existing provisions of the Act which have been confirmed as requiring that all alterations to Class "A" reserves require submission to Parliament have been retained and a validation of previous approvals by the Governor to add additional land to existing Class "A" reserves has been included.

I ask the Minister to reaffirm the procedure in respect of all alterations to Class "A" reserves being submitted to Parliament. Perhaps it might be appropriate for me to refer to section 31 of the Land Act.

The Hon. A. A. Lewis: The Minister knows it pretty well.

The Hon. J. M. BROWN: I have made the statement to the Minister so I will read section 31(4), which states—

Nothing in this section shall prevent the survey and declaration of any necessary roads and streets through or over any reserve; or, in case of any reserve being made before the land is surveyed, shall prevent the amendment of the boundaries and area in such manner as may be found necessary on survey, but so that the total area shall not be reduced by more than one-twentieth part thereof.

The provision to utilise up to one-twentieth of the reserve has always been included in the Act. Should the approval of Parliament be sought before or after it is utilised? I may have misunderstood the meaning and if so I would like the Minister to spell it out.

I refer now to the Land Amendment Bill. The purpose of the Bill is to grant easements over land of the Crown, and a number of questions should be raised.

This Bill has been introduced to assist in the natural gas pipeline project in the north. I remind the Minister and the House that when the standard gauge railway line was established no problems were experienced in acquiring land for that project. However, several disturbances arose in some country areas, through to Kalgoorlie. It was a disaster to the people of Coolgardie when the standard gauge railway line did not go through the town but went through Bonnie Vale, which is situated some 15 kilometres from Coolgardie. It was disastrous for the people of Merredin that the line was established through

the centre of the town instead of diverted around it.

I make these points because I believe that the Bill has been introduced because of the need for easements in respect of the gas pipeline. I do not believe that which can be authorised so easily will be of benefit to the land. If one looks at any project one can see unlimited ability for access is provided and unrestricted powers are provided to utilise land which is Crown land. Of course, easements concern vacant Crown land; reserve land, whether vested or unvested; and land leased from the Crown for pastoral and special purposes. I ask the Minister what "special purposes" means in this instance. The Minister should explain what he meant when he said, in his second reading speech—

Current methods of protection of facilities such as drains, sewers, and pipelines, where they traverse lands of the Crown, consist either of notation of their existence on Department of Lands and Surveys public plans, or creation of separate reserves or leases. Both methods have disadvantages. Plan marking does not afford legal tenure and provides inadequate protection, and separate reservation or leasing may necessitate excision or resumption from existing reserves or leases, with consequent discontinuities and severances in surface tenure and use.

I understand the reason that road reserves should be able to be created with minimal disruption. As I have pointed out this legislation would be of minimum benefit in relation to the SEC's natural pipeline from Dampier to Perth. Should this be the only reason, there is room for concern.

I refer to proposed part VIIIA of the Land Act wherein Crown leases are referred to. In this part "Crown lease" has the same meaning as it has in the Transfer of Land Act, which reads as follows—

"Crown Lease" means every lease or other holding of Crown lands under *The Land Act, 1898*, or any regulation thereby repealed, granted for or extending over a period of five years or more.

Proposed new section 134A says that "Crown lease" has the same meaning as it has under and for the purposes of the Transfer of Land Act, and proposed new section 134B outlines the reasons for easements. Proposed section 134B(c) reads as follows—

- (c) the provision of any structure, plant, or equipment, the carrying out of any works, and the performance of any maintenance that is necessary for, or ancillary or incidental to, giving effect to any of the purposes referred to in paragraph (b) of this subsection,

Paragraph (b) refers to—

- (b) the provision of pipes, cables, electrical transmission lines, conveyor belt systems, and other services,

The Governor may grant an easement on the recommendation of the Minister. The ease with which this can be done really concerns me. This type of administrative action will be taken mainly in the city, and not in the country. It will be able to be done from the maps without a real knowledge of the terrain and the habitat, or what is taking place within that area or region. I wonder whether this will be satisfactory.

I refer now to proposed new section 134B (2) which says—

(2) A recommendation shall not be made by the Minister for the grant of an easement under subsection (1) of this section unless—

- (a) the land in, upon, through, over, or under which the easement is proposed to be granted is—
 - (i) Crown land; or
 - (ii) land of the Crown that is reserved for or dedicated to any public purpose, whether or not the land is classified under section 31 of this Act as of Class A;

That is the matter to which I referred previously in relation to the Acts Amendment (Reserves) Bill. I was concerned about the Class “A” reserves and that nothing could be done with those reserves unless a submission was made to the Government. I asked whether that submission was made before or after the action had been carried out. To my mind, the Bill indicates that action can be carried out in Class “A” reserves under proposed new subsection 134B(2)(a)(ii). I realise the time limitation of one year is placed on the action, and time is the essence of any contract. However, these powers are to be delegated to people to carry out certain actions, and they concern me.

I am not saying they will carry out those actions irresponsibly, but to whom are they responsible when they do carry them out? In saying that, I am not thinking only of the north of the State, but of the State as a whole. The power that

will be conferred on easements is not as satisfactory as it appeared to be following the Minister's second reading speech.

We are all very concerned with the utilisation of our land. That is evident from the fact that the Soil Conservation Act has been rewritten. The activities to which I have referred could cause considerable concern, particularly if one is changing the flow of a stream, or stopping the flow of a stream, which a local authority is not permitted to do. The problems I have mentioned could arise in relation to these easements.

I refer now to proposed new section 134N which says—

Where the Minister—

- (a) makes a recommendation under section 134B (2) of this Act for the grant of an easement; or
- (b) consents for the purposes of section 134G of this Act to the creation of an easement, and land to be made subject to the easement is classified under section 31 of this Act as of Class A, the Minister shall present a special report to both Houses of Parliament setting forth the reasons for the recommendation or consent and the purpose of the easement; and such report shall be made to both Houses of Parliament within 14 days from the making of the recommendation or the giving of consent as the case may be, if Parliament is then in session, and, if not, within 14 days after the commencement of the next session.

I am concerned that this may be a *fait accompli* in relation to Class “A” reserves.

The Hon. G. E. Masters: Doesn't this partly answer the first question you asked about new section 134B?

The Hon. J. M. BROWN: No. I raised the question because the Acts Amendment (Reserves) Bill says that nothing can happen under the Land Act—it must be submitted to Parliament. That indicates nothing could happen in relation to the Class “A” reserves. However, the Land Amendment Bill indicates to me it could be a *fait accompli*. I am asking for it to be spelt out. Section 31A of the Land Act in referring to Class “A” reserves says that action must be taken by an Act of Parliament. In relation to Class “B” reserves, the Minister may cancel a reserve by notice of the Governor in the *Government Gazette* and with any such change it is only necessary for

the Minister to notify Parliament. That is satisfactory in relation to Class "B" reserves. It strengthens my contention about Class "A" reserves, recognising that one-twentieth of the land may be released for any purpose.

I would be interested to hear what other members have to say in relation to these three Bills because Parliament would be very concerned if the Land Act was not satisfactory. I am not suggesting it is not satisfactory now, but on 16 September 1982 the Standing Committee on Government Agencies announced a public inquiry would be held into land resumption procedures. I imagine all members of Parliament received that notice from the Chairman of the Standing Committee on Government Agencies, the Hon. John Williams. He said the inquiry would pay particular regard to the arrangements made for the co-ordination of resumption programmes by different agencies, the method by which tax is calculated, the facilities for appeals, and the potential for simplifying current resumption practices. That potential for simplifying resumption practices could be said to be part of the purpose of the Bills before the House. That could be a matter of concern to Parliament.

I am well aware of the thoroughness of the debate that took place in another House. I am not traversing the ground that members there covered; I am putting forward the propositions as I see them in a different light. The Minister for Lands handled the Bill in the other place, and a previous Minister for Lands (Mr David Evans) debated it with him. They looked at the matter from the point of view of departmental administration.

I am putting forward arguments arising from the way we look at the measure as members of Parliament with a responsibility to review legislation.

The Land Amendment Bill (No. 2) consists of amendments which will permit an interim reorganisation of the Department of Lands and Surveys to provide a more effectively structured land administration organisation. I made a notation at the side of the Minister's second reading speech at that point; I wondered whether this was empire building.

The Hon. G. E. Masters: That would be furthest from the Minister for Lands' mind.

The Hon. J. M. BROWN: I did not mean the Minister for Lands. I accept the Minister's reply.

The Hon. G. E. Masters: I think that is a very good policy.

Several members interjected.

The Hon J. M. BROWN: I am missing the interjections. We are discussing a very important subject which affects the whole of the State. Like other members, I have done my own research. Preservation of our land is one of my serious concerns.

I want to mention the release of land which is covered in the Bill, and the powers of the Minister. I want to refer also to the land utilisation which is taking place, which allows for quick turnovers of CP land in the State.

Section 47 deals with land declared open for selection. I refer to subsection (1)(a) which provides—

- (1) (a) A person shall not be competent to acquire either as lessee or transferee, an area of land exceeding in the aggregate five thousand acres; but on the recommendation of the Minister and with the approval of the Governor, it shall be competent for a person to acquire an area of land in one or more parcels exceeding five thousand acres, but not in any event exceeding ten thousand acres, in any case where the Minister is satisfied that a holding requires an area greater than five thousand acres in order to be of a standard deemed by the Minister an economic farm unit.

The Hon. A. A. Lewis: Who is going to make that decision? That worries me.

The Hon. J. M. BROWN: That is the Act as it stands. We have some amendments to section 47; and clause 10 of the Land Amendment Bill (No. 2) deletes subparagraph (ii) of paragraph (f) which reads as follows—

- (ii) shall effect in improvements by way of clearing and cultivation at least ten per centum of the total area of the land in the first two years from the date of approval of the application for the lease and at least five per centum of the total area of the land in each of the next following eight years, and progressively sow to pasture or crop, or to both, to ensure that at least twenty per centum of the total area of the land is or has been so sown by the end of the fifth year and fifty per centum of the total area of the land by the end of the eleventh year, and shall fence in at least the cleared and cultivated land within the first five years

from the date referred to in this subparagraph and the whole of the land within ten years from that date:

The following subparagraph is then to be inserted—

- (ii) shall effect improvements by way of progressively sowing to pasture or crop, or to both, such that by the end of 2 years from the date of approval of the application for the lease at least 10% of the total area of the land is or has been so sown, by the end of 5 years from that date at least 20% of the total area of the land is or has been so sown, and by the end of 11 years from that date at least 50% of the total area of the land is or has been so sown.

In other words, that spells out what amount of clearing is expected and ordered to continue on the selection a person might be fortunate enough to obtain.

I know that was introduced for very good reasons, including the changing technology within agriculture and the types of operations involved in seeding programmes, with continuous seeding and different types of tillage. I do not believe this point has been investigated sufficiently to show that at the end of 11 years 50 per cent of the land will be cleared.

When we are looking at land utilisation, again that has certain dangers. We are endeavouring to encourage the correct use of land. Certain people have the opportunity to obtain allocations of land, and there has not been sufficient supervision in the past by either Governments. Governments have not supervised the way the clearing has taken place in the utilisation of the land. The people who are fortunate enough to receive allocations of land do not have any limitation placed upon the use of the land. This is a very serious matter, despite the fact that the legislation spells out how much land must be cleared.

I have witnessed the complete devastation of farmlands of near enough to 10 000 acres.

The Hon. G. E. Masters: Does not the new clause pretty well cover that—the latter part of it where it says that the Minister, in his discretion, may vary either or both percentage and type of improvement?

The Hon. J. M. BROWN: Yes, he may vary the percentage. He can vary it only one way. He cannot put it back. The Hon. Ron Leeson just said, "You cannot put it back"; and this is what concerns me. We have seen what has happened over the years. This has contributed to the problems we are experiencing today, with the need for Whittington interceptor banks and

research by the Department of Agriculture. We have not learnt our lessons in relation to land utilisation. That is the point I am trying to convey about land utilisation. I am alarmed that areas of between 5 000 and 10 000 acres can be released to one person.

I would not deny that in some areas of the State one would require up to 10 000 acres. I do not think those areas would be any worse than some of the areas in the eastern wheatbelt; although I suggest that even 5 000 acres is a generous offer.

The Hon. Neil Oliver: Are you proposing amendments?

The Hon. J. M. BROWN: The reason is that certain areas that may not be arable are to be included. I realise there may be certain weaknesses in the system; but in the overall picture, I am greatly concerned about land releases and land use and, in particular, the turnover of land. Many recipients of more than 5 000 acres of land have been able to dispose of it after a short period. Their reasons may be valid and they would require the approval of the Minister in some instances. The reasons could be personal ones; I am not denying that.

I am implying that an offer of in excess of 5 000 acres is a very generous one. Our land utilisation practices would be much sounder if we had an increased number of farmers with areas up to 5 000 acres and we would not have the problems that I see today. That is one of the reasons that the three Bills before us require additional scrutiny and consideration.

I know the Government is endeavouring to streamline the activities of the Department of Lands and Surveys; but when it brings forward amendments we have a responsibility to scrutinise them to the fullest extent. Even if I am wrong in some of my conclusions, I will be the stronger for the fact that I know the Minister will be able to correct any wrong impressions I have.

The Hon. G. E. Masters: Yes, no question.

The Hon. J. M. BROWN: That is why I am so concerned about section 47, and the proposed amendments to it.

I am also mindful of the Minister's statement in relation to the Land Amendment Bill (No. 2) in relation to the need for a critical review of land administration and survey mapping. Indeed, the Government proposes to establish two departments. That is why I posed the question in the first instance as to whether it was empire building. We are to have another department established. I know that sometimes the Department of Lands and Surveys has to answer for the delays

caused by other departments which are involved. Perhaps what is proposed by the amendments will overcome some of those problems; but I can see other problems being created.

The Hon. Neil Oliver: Is that due to the fact that it is land?

The Hon. J. M. BROWN: The need to implement an improved land administration system has been spelt out in the second reading notes. That is necessary to meet the growing demand for effective management of the Crown estate.

As I mentioned, in the near future a comprehensive review of the Land Act is to be undertaken. Members on both sides of the House would agree that it is necessary for a comprehensive review to take place, in the not-too-distant future.

The Hon. P. H. Lockyer: We might have a Select Committee and put Mr Lewis in charge of it.

The Hon. G. E. Masters: Let us just concentrate on the Bill.

The Hon. J. M. BROWN: Perhaps it is not so foolish to suggest that a Select Committee should be established.

The Hon. P. H. Lockyer: Do not get me wrong. I was not being foolish.

The Hon. J. M. BROWN: The Hon. John Williams indicated that a public inquiry into land resumption procedures should take place. The idea of having a Select Committee is full of merit. As a matter of fact, the Minister will recall that I suggested that in my opening remarks.

These Bills require more comment than what is contained in the Minister's second reading speech; they require investigation, perhaps by a Select Committee. Such a committee could inquire into the operation of the Land Act and so overcome some of the problems I have mentioned in order that we can preserve the use of our land.

The Opposition does not oppose these Bills, but it does have some concern.

THE HON. A. A. LEWIS (Lower Central) [10.16 p.m.]: Perhaps there is no opposition to these Bills from the Australian Labor Party, but two of them should be rejected out of hand by this House.

It was interesting to hear the crossfire between members about the appointment of a Select Committee. What is the use of appointing Select Committees if the Government merely throws their recommendations out the door? It did that in respect of two of these Bills. A Select Committee was appointed and the Minister and the Government have said arrogantly, "You know nothing about it—out the door with your recommendations." Some people might think this is funny

but I wonder why members have not spoken on that point, and I am referring now to other members of the Select Committee. A lot of work was undertaken and far more time was put into our deliberations than the Minister has ever spent on this matter. I refer to the second of two Select Committees on national parks and land classifications.

The introduction of one Bill probably was prompted by my accusing two Ministers of acting illegally at the end of the last session. Now I see they are covering up. It is quite interesting to see how the Government of this State treats this House with complete and utter contempt. It makes no attempt to discuss with this House the recommendations of that Select Committee. As a matter of fact, I think the Government looks on that Select Committee as a laughing matter. If the House is not to sit back and allow the Cabinet to laugh at the work of Select Committees, it has two options: Either throw out the Bills introduced by the Government and force it to begin to take some notice, or forget about appointing Select Committees.

The Hon. Garry Kelly: I bet the House won't do that.

The Hon. A. A. LEWIS: The member does not know what this House would do. If he knew some of the people in this House he might know that occasionally some of them do cross the floor, something he is not allowed to do.

The Hon. Garry Kelly: It has not been done in eight years, since 1974.

The Hon. A. A. LEWIS: Crossing the floor?

The Hon. Garry Kelly: No, rejecting Bills.

The Hon. A. A. LEWIS: The member does have to be joking. It shows the ignorance of the poor little man who comes in here interjecting on things he knows nothing about.

The Hon. Garry Kelly: What Bills were rejected?

The Hon. A. A. LEWIS: Bills do not have to be rejected; they can be withdrawn. If the member were to check he would find numerous Bills have been withdrawn. The member's colleagues look at him with great amusement. Perhaps I can continue without the inane interjections.

The Hon. Garry Kelly: It was not inane.

The Hon. A. A. LEWIS: Then it was stupid, which is worse.

The Hon. Garry Kelly: It was not stupid, either.

The Hon. Fred McKenzie: He said "rejected"; and none has been rejected since 1974.

The Hon. A. A. LEWIS: In which seat is the Hon. Fred McKenzie sitting? I congratulate the member on his promotion to Leader of the Opposition.

Let us deal firstly with the Acts Amendment (Reserves) Bill and see what the Government has to say. The Minister spoke about reserves for different purposes. Any member of the House who had the courtesy to read the National Parks Select Committee report would know that we recommended a series of reserves that could be adopted by the Government. They were not merely reserves we picked out of the air but reserves we proposed after careful study; an international set of reserves; an international standard of reserves.

The Government has a highly paid expert looking into the IUCM recommendations put to the Federal Government, but it is not considering what a Select Committee from this State has recommended. The Government thought something might be put over it. Successive Ministers for conservation matters in this State have been a disgrace.

The Hon. G. C. MacKinnon: Cut it out.

The Hon. A. A. LEWIS: They have been a great disgrace because for many years they have not taken advantage of what the Federal Government would have provided them with to look after reserves. Every member of the Select Committee knows perfectly well what I am talking about. Any Minister who had the courtesy to read the report we brought in would know what we were talking about. It is not proper for the Minister handling the Bill or for the gentleman behind me to scream.

The Hon. G. C. MacKinnon: I didn't scream.

The Hon. A. A. LEWIS: The member sounded as if he had had an accident.

The Hon. G. C. MacKinnon: You are the one screaming.

The Hon. A. A. LEWIS: What I resent about what has happened is that a lot of Commonwealth money could have been used to create reserves. But all this has been looked upon with suspicion by Minister after Minister. In fact, in respect of many conferences on these matters the Government has not even sent the Director of National Parks or Mr Porter from the EPA to attend. The Government has sent the head of the wildlife division along to make recommendations to the Federal Government. That in itself shows a laxity on the part of Ministers and the Administration.

The next amendment contained in the Acts Amendment (Reserves) Bill is to empower the

Government to impose conditions and limitations on vesting orders which vest the control and management of a reserve in a board of management. Let us consider areas such as Kings Park, Rottnest Island, and Windy Harbour.

I have read what the member for Warren had to say in another place; it seems he thinks all is well and that it would be marvellous for a Minister to be able to impose his will upon the Manjimup Shire, which is what could happen if this legislation is passed. The member for Warren is letting down his constituents badly. Having set up a board of management, I would deny the Minister the right to override any of its decisions.

Perhaps the Minister should override the decision of the Rottnest Island Board because Rottnest Island will soon cease to be a place of beauty under the new management plan. It will become an island like Coney Island, an island of sand, sin—which perhaps it always has been—and louts. It will not be a place to take children. It will not be an island for the general public. It will be destroyed by the very people who are in a position to conserve it.

It is interesting to note that every time the Minister is asked a question about Rottnest Island he goes on and on about extra police and so on to control the crowds. He does not understand that it is only by limiting the number of people who can go to the island that we can make it a place of enjoyment. This will not be achieved by controlling bad habits, or preventing people from urinating from the roof of the pub.

The Minister in the other place, when replying to the member for Warren, said, "I assure the member for Warren it is not intended that management plans should be mandatory. It would be an enormous task to require management plans for all reserves in existence, both now and in the future. However, this legislation will provide the ability to require a management plan to be prepared."

Here we have this talking with a forked tongue again. Members have heard the Hon. Graham MacKinnon and me talking *ad nauseam*—

The Hon. G. E. Masters: Now you are being nice to him.

The Hon. A. A. LEWIS: I am nice to him when he says something sensible, which is most of the time. When he misbehaves he will be smacked, just like the Minister.

I have previously indicated to members this work dealing with land conservation in Victoria, a subject which should not be new to the Minister. He may even have looked at this book—he has had the opportunity to do so. It covers the north-

central area of Victoria, which comprises about 17 shires. I will give a brief rundown of what it covers because this should be recorded in *Hansard* so that people know what is happening in other places in Australia.

Let us consider Bendigo. A general outline is given and the work touches on subjects such as climate, nature of the land, geography, soils, vegetation, fauna, land systems, industries, conservation, recreation, agriculture, beekeeping, eucalyptus oil production, timber production, mining production, water, hazards, conflicts, and significance of the area.

It happens that the document is not in great detail, but it is in sufficient detail for anybody who wants a list of Government land thrown open to be able to find the detail required. Anyone can go to this book—it would be available in our library—to determine the types of, say, birds in that north-central area. Some fairly interesting birds are named. One reminds me of the Minister, a grey-crowned babbler. A couple of others are mentioned such as the golden-headed fantail warbler. If anyone requires the list, I can provide it. A rather interesting one is the rufous bristlebird.

The book sets out the wider potential of the area and refers to the timber available, the number of parishes for those who want to go to church, and a great deal of other information, and it includes soil-type maps, but in this place we are told the Government does not want to make it compulsory to have this sort of information made available about vested areas. How then does this Minister, in regard to his other portfolios, think he will be able to declare a reserve for wildlife, or flora and fauna of any type, under the Acts for which he has responsibility? How, unless proper research is carried out, can this Minister declare that this reserves Bill before us is doing what he wants it to do? Of course he cannot.

It is a tragedy that this Bill probably will be passed, and it is a tragedy that we will have the change in classifications the Minister has put forward without any consideration of that which this House has said. What we have said obviously does not influence the Government, but what the department and the get-rich-quick people say is awfully powerful in the mind of this Government. I am not grieving; but I believe there is a time when we in this Parliament must say, "Halt." I will not live to see Rottnest Island become a sand heap, and probably I will not live to see our national parks ruined by a Government hell-bent on pushing easements through anything it can push them through.

We have seen provisions for "A"-class reserves come to this Parliament, but the Government will treat this Parliament in exactly the way it treats reports of this Parliament.

The Hon. Fred McKenzie: Do you really expect the Government to take any notice of the report of the National Parks Select Committee?

The Hon. A. A. LEWIS: I thought it would, but obviously now it will not take any notice of that report; it is obvious the Government is so arrogant and self-centred that it will not take any notice of the report. That is a tragedy considering the work the Hon. Fred McKenzie, the Hon. Win Piesse, the Hon. Tom Knight, and the Hon. Ron Leeson, and the Hon. Norman Moore on the earlier committee, put into recommendations in regard to national parks. All that work was wasted effort so far as the Government is concerned.

The Hon. Fred McKenzie: Not one recommendation has been implemented.

The Hon. A. A. LEWIS: The member is dead right; not one has been implemented.

The Hon. Fred McKenzie: It is disgraceful.

The Hon. A. A. LEWIS: We have heard many promises, but not one recommendation has been implemented.

I decided to read what the Minister in another place said about this legislation. He said that always it had been understood by the Department of Lands and Surveys that "A"-class reserves could be added to without the approval of Parliament, but that any diminution of such a reserve must come before the Parliament. He said it was understood that any addition could be arranged purely with the Governor's approval, but in recent times it had been suggested to the department, and to him that this arrangement may not stand up to challenge. What the Minister meant to say was that he knows damn well the Crown Law Department has said this procedure will not stand up to challenge, and that his department and others for many years have been acting illegally. I do not need to tell the Minister too much about that—he may have heard about it already! I have a small feeling that he has heard about it!

I will refer to more of this rubbish. The Land Amendment Bill has the purpose of empowering the Governor to grant easements over lands of the Crown. The second reading speech refers to the land over which easements can be granted, and goes on to refer to plan marking. It is possible that easements are better than plan marking; possibly the administration of easements is easier. However, what worries me is that the Government may not bring these matters before the Par-

liament. I ask the Minister in another place to tell me through this Minister what will be the position. Of course, we will be told that the Government will take notice of what the National Parks Authority, and Forests Department say; but all that will be humbug because those departments will be pressured financially. For years the National Parks Authority has not received a decent Budget allocation. In this State 11 million hectares of reserves and five or six million hectares of national parks exist, and the National Parks Authority this year received only \$2.4 million; yet Kings Park received \$1.6 million. No one can tell me that is proper budgeting or looking after the reserves of this State. The situation is ridiculous, but I will come back to the Bill.

I read that two registers will be prepared, one in the Land Titles Office, and one in the Department of Lands and Surveys. I ask the Minister to tell me why we cannot have just one register. In the second reading speech the Minister said that the recording in the appropriate register, whether at the Land Titles Office or the Department of Lands and Surveys, of notice of intention to grant an easement will be provided by the Bill. It is said that such notice will have effect for 12 months and may be withdrawn if it is ultimately determined that an easement should not be granted. Who are they trying to kid? It is blackmail over departments; it is completely immoral. Why is this happening?

I ask the Minister to name the cases in which notice of 12 months would need to be given. Some of us have seen the devastation departments create when they go through areas. The increased likelihood of that worries me. The Minister continues to say that the Bill provides for the cancellation by the Minister of an easement for breach of a condition of grant, or at the request of either the person granted the easement, the Under Secretary for Lands, or a person holding an interest in the affected land. I do not know about you, Mr President, but I think that is just another area in which some blackmail can occur. It refers to a person holding an interest in the affected land.

The Hon. R. T. Leeson: Sandy, it looks like the old endorsement has gone up the spout tonight.

The Hon. A. A. LEWIS: I know my branches support everything I say. I am not in the position of the honourable member; I have endorsed myself.

The Hon. G. C. MacKinnon: What about the people down at headquarters?

The Hon. A. A. LEWIS: There are very few of them. I am in exactly the contrary position to that

of the Hon. Ron Leeson. For year after year the Labor Party will regret what it did to him.

The Minister went on to say that the Land Act easements will differ from normal private easements, being in gross and for the most part providing a public utility. Here provision is made for a public utility, but that is unless a person holding an interest in the affected land goes to the Minister and has that easement cancelled. The notice will have effect for 12 months, but may be withdrawn if ultimately it is determined the easement should not have been granted. I hope the Minister can explain that double talk in his speech. I am not blaming him personally for it; he has had a very hard week.

The Hon. G. E. Masters: It looks as though it will get worse.

The Hon. A. A. LEWIS: Certainly it will get worse. If the Minister thinks that 6.30 in the morning is late, he should wait until he gets into the Committee stages of these Bills. The Land Amendment Bill alone will provide enough questions for the Minister to answer before we reach its Committee stage. I hope the Minister brings in professional officers to assist him because I do not think we will be able to afford the time to wait for this legislation to go backwards and forwards between this place and another.

In the second reading speech for the Land Amendment Bill (No. 2) the Minister referred to an apparent growth in the duplication of survey mapping activities in Government departments or authorities. So help me Bob, I had the feeling that since 1974 we have had a Liberal Government in this State. I must have been wrong; it seems that most of the time I have been arguing from the side I argued before 1974. Some people may say I have merely continued arguing!

What have we been doing as a Liberal Government to allow this apparent growth of duplication in survey and mapping activities in Government departments and authorities? I believe all activities should be let out to private enterprise. We could have a Surveyor General and four assistants to do a bit of checking, and a couple of clerks. In that way we would get rid of that survey department with 500 employees. What do they do, apart from producing a magnificent city road map in competition with private enterprise? Now we will have not only the Department of Lands and Surveys competing with private enterprise, but also other departments competing with the Department of Lands and Surveys. By the time we finish we will have about seven different street directories produced by Government departments.

That is about the standard of the thinking in this legislation—"apparent growth". Mr Minister, I want to know the growth of the department. I do not think the Minister should come here and say "apparent growth". If there is a growth, tell us about it.

We have an "ongoing consultant" investigating the Surveyor General's division. It is not a department yet. He just wants to make it that, with the empire building that is occurring in the Department of Lands and Surveys. The "ongoing consultant" has indicated a potential for financial savings. That is marvellous! The first financial saving I would like to see is to cut out all the duplication.

The Hon. J. M. Berinson: I thought you wanted to cut out the consultant.

The Hon. A. A. LEWIS: That would not be a bad idea. Mr Berinson and I probably could do the consulting work in three-quarters of an hour and let private enterprise get on with it. That might go against Mr Berinson's political philosophy but it might be more effective.

The final decision will be dependent upon the conclusions of the consultant. It seems to me consultants are taking over our life; we get consultants everywhere. We had them on farms and they sent the farmers broke. We had financial consultants in respect of bottom-of-the-harbour schemes. Where are we going? Is there not meant to be some management?

The Hon. Fred McKenzie: You supported them.

The Hon. A. A. LEWIS: What?

The Hon. Fred McKenzie: In respect of the closing of the railways.

The Hon. A. A. LEWIS: Mr McKenzie, many more will be closed and we will battle on manfully, on the other side of the fence.

There is no need for a consultant to do what is to be done. A comprehensive review of the Land Act and associated legislation is not the jurisdiction of a consultant. A decent Minister would get his department to place suggestions before him and make a decision himself—without a consultant.

The next paragraph of the second reading speech states, "However, the need to implement an improved land administration organisation is urgent in order to meet the growing demands for effective management of the Crown estate."

Reference has been made to the effective management of reserves, but the department cannot even list what is in the reserves. The Minister says it would take too much time. The department is

quite prepared to make reserves; it does not know if there is a duckbilled platypus or a rufous bristlebird in a reserve. However, it is quite prepared, without any research at all, to allow the easement to go through so that a reserve is created.

The crowning glory at the end of the second-last paragraph of the speech states, "It is stressed that the amendments outlined must be viewed in the context of the need to comprehensively review the Land Act in the near future." It is not the Land Act that needs comprehensive reviewing, it is the Minister and the Cabinet.

If a Select Committee were appointed—when comments were made in this place I almost called on the Clerks to draw up a motion to move for this to go to a Select Committee—perhaps we would receive some answers.

I do not know how the Minister controlling the Bill in this House, with the experience he has in various areas, and how the Leader of the House, and the Minister in another place—especially the two gentlemen I mentioned in this place—can sit here and allow a Select Committee to be set up then allow legislation such as this to cut across everything the Select Committee presents to this House.

I would not mind if any Minister or member of this place had debated the report of the Select Committee. Not one did. I think the matter rated five lines in *Hansard* when I moved for it to be printed.

No-one from the Government side read the report. They referred to parts of it if they thought it suited them to do so. This Government has the hide to bring forward this series of Bills which cut diametrically across what the Select Committee suggested.

The Hon. Fred McKenzie: I think the Minister for Lands did consult with us.

The Hon. A. A. LEWIS: Which Minister for Lands?

The Hon. Fred McKenzie: Mr Laurance.

The Hon. A. A. LEWIS: For how long?

The Hon. Fred McKenzie: It must have been a full 10 minutes.

The Hon. A. A. LEWIS: Yes. We were given a full 10 minutes, but it was not on this subject. As I say, Mr McKenzie, they talked about parts of it; the bits they wished to look at. This is devastating. I will oppose the Bills. If a member chairs a committee of this House and has the Government turn a deaf ear in contempt of the committee, in pure arrogance towards the committee, I just wonder what will happen in

future. I wonder what will happen with the Hon. Neil McNeill's committee and the committee I am chairing at present. Mr Baxter is chairing a committee and I wonder what will happen to it. A Standing Committee is being held also. Will the same thing occur there?

Would it not be a good idea for people on the front benches of this place to read the reports that affect their ministries and come back and tell us their views? If tonight's little serve by me has not convinced the Minister handling the Bill, and the Minister in another place, that this House is running out of patience with the Government, I do not know what will. I am sure many of my colleagues will not stand this treatment any longer.

Debate adjourned, on motion by the Hon. D. J. Wordsworth.

House adjourned at 10.54 p.m.

QUESTIONS ON NOTICE

CULTURAL AFFAIRS: LIBRARIES

Books: Transport

561. The Hon. FRED McKENZIE, to the Minister for Cultural Affairs:

Referring to *The West Australian* of Tuesday, 5 October 1982, page 7, wherein it states "that State Library books base charge on Westrail was 50 cents, and on Total West has increased to \$1.50", will the Minister advise—

- (1) How many books yearly are transported between libraries?
- (2) (a) What was the total cost of transport of books for the year ended June 1981; and
(b) how many books did this sum represent?

The Hon. R. G. PIKE replied:

- (1) and (2) I am advised by the Library Board of Western Australia that costs involved in forwarding books between libraries are borne by the forwarding libraries and the board has no knowledge of the total number of books or the total cost of transport.

MINING: COAL

Western Collieries Ltd.

582. The Hon. W. M. PIESSE, to the Leader of the House representing the Minister for Fuel and Energy:

- (1) Have Western Collieries an obligation to develop a new underground mine on the Collie coalfield?

- (2) If "Yes", why has no development yet been committed?
- (3) What progress is being made with the negotiating of a coal supply contract between Western Collieries and the State Energy Commission?

The Hon. I. G. MEDCALF replied:

- (1) Under the ratified agreement with the State, Western Collieries is obliged to prepare an overall scheme for the exploration and development of the total coal resource contained in the mining areas, taking full account of the need to achieve a balance acceptable to the Government, between open cut mined and deep mined coal. To date this has not been completed by Western Collieries.
- (2) and (3) Negotiations between officers of the State Energy Commission and Western Collieries concerning a long-term coal contract have been going on for some time. The timing and development of a new underground colliery is an important aspect of the negotiations. However, I am advised that only yesterday the State Energy Commission finally received much of the necessary information on coal reserves, mine plans and engineering design from Western Collieries. More information is still required from Western Collieries before negotiations can proceed further.

583. *This question was postponed.*

LAND

Off-shore Islands

584. The Hon. N. F. MOORE, to the Minister for Labour and Industry representing the Minister for Lands:

- (1) Will the Minister provide a list of the names of all the off-shore islands located within 320 kilometres of the Western Australian coastline?
- (2) Will the Minister indicate the status—i.e. Class "A" Reserve; Crown Land; etc.—of each island?

The Hon. G. E. MASTERS replied:

- (1) and (2) The information sought by the member is extremely detailed and complex and will take considerable time to collate. I will communicate with him further by letter when the information has been compiled.

AGRICULTURE PROTECTION BOARD

Spraying

585. The Hon. P. G. PENDAL, to the Minister for Labour and Industry representing the Minister for Agriculture:

I refer to his reply to question 559 of 13 October 1982, and ask—In view of the fact that the Agricultural Protection Board does provide itemised accounts, will the Minister provide me or Mr R. Torrance, with details of the 1981 spraying account relating to Mr Torrance's property in the Wungong Gorge?

The Hon. G. E. MASTERS replied:

Accounts stating operator's time, spray hand's time and materials used have been issued to Mr Torrance for the work undertaken on his property in 1981.

INDUSTRIAL ARBITRATION ACT

"Significant" Incidents: Industrial Inspectorate

586. The Hon. D. K. DANS, to the Minister for Labour and Industry:

Referring to tabled paper No. 444, will the Minister advise—

- (1) Of the 71 "significant" incidents, how many warranted information being passed on to the Industrial Inspectorate, to institute proceedings?
- (2) What was the percentage?

The Hon. G. E. MASTERS replied:

- (1) and (2) The Department of Labour and Industry monitors the operation of industrial legislation in this State and from the number and range of contacts made with the department over recent months it became apparent to the Government that the Industrial Arbitration Act was not operating as effectively as it should.

Departmental officers report to and acquaint me with those matters which come to their attention pertaining to the operation of the Act. The officers indicate to individuals with a grievance what are their rights and what options are open to them. It is then up to the individual to decide whether to lodge a formal complaint with the appropriate body.

Many individuals have stated they would not take any action, other than notifying the department of the incident, as they feared for their livelihood if they did not comply with the demands placed on them.

INDUSTRIAL ARBITRATION ACT

"Significant" Incidents: Breaches

587. The Hon. D. K. DANS, to the Minister for Labour and Industry:

Referring to tabled paper No. 444, will the Minister advise how many of the 71 "significant" incidents constituted actual breaches of the Industrial Arbitration Act?

The Hon. G. E. MASTERS replied:

All 71 complaints referred to constituted, in the opinion of the reporting officers, *prima facie* breaches of either the Industrial Arbitration Act or of the rules of unions registered under that Act.

A number of those incidents were investigated jointly with the Industrial Relations Bureau because it was not initially clear whether a State or federally registered organisation was involved.

It is not possible to assert categorically how many of the incidents constituted actual breaches of the Industrial Arbitration Act because only the commission or the magistrate can, on all the facts and subject to appeal, decide whether a particular incident did constitute a breach.

INDUSTRIAL ARBITRATION ACT

"Significant" Incidents: Legal Opinion

588. The Hon. D. K. DANS, to the Minister for Labour and Industry:

Referring to tabled paper No. 444, will the Minister advise—

- (1) Were any of the 71 "significant" incidents referred on to the Crown Law Department for a legal opinion?
- (2) In how many instances did that legal opinion not warrant proceedings being instituted by the Industrial Inspectorate?

The Hon. G. E. MASTERS replied:

- (1) Yes.
- (2) Two.

STATE FINANCE: CONSOLIDATED REVENUE FUND

Department of Labour and Industry: Overseas Travel

589. The Hon. D. K. DANS, to the Minister for Labour and Industry:

With reference to division 52 of the Estimates of Revenue and Expenditure on the Consolidated Revenue Fund—

- (1) Was provision made for an "overseas travel" contingency for officers of his department during 1981-82?
- (2) Under which item number did such a provision occur?
- (3) What was the actual expenditure for 1981-82 on such an "overseas travel" contingency?
- (4) How many trips were involved?
- (5) For each trip—
 - (a) what was the precise purpose;
 - (b) how many officers were involved; and
 - (c) what total travelling expenses and/or allowances were paid?

The Hon. G. E. MASTERS replied:

- (1) While no specific provision was made for overseas travel, provision was made for fares for officers travelling on official business.
- (2) Item 2.
- (3) \$6 175 expended on fares for overseas travel.
- (4) One.
- (5) (a) To accompany the Minister to examine industrial and labour relations matters of certain countries in Europe, the United Kingdom and the United States of America;
- (b) one;

- (c) travelling expenses and allowances payments have not been finalised because some outstanding accounts have just been received from overseas.

POLICE

Laverton Hotel

590. The Hon. N. F. MOORE, to the Minister for Labour and Industry representing the Minister for Police and Prisons:

- (1) Have any charges been laid as a result of an altercation which occurred at the Laverton Hotel last Monday night?
- (2) If so, will the Minister provide the names of those charged, and the alleged offences?

The Hon. G. E. MASTERS replied:

- (1) Yes.
- (2)

Person charged	Alleged offence
Romana Davidson	Disorderly conduct
Erwin Sullivan	Disorderly conduct
Clare Delphine Robertson	Disorderly conduct
Sylvia Robertson	Disorderly conduct
Darryl Keith	Aggravated Assault
Ernest Borrett	of Female.

STATE FINANCE: PAY-ROLL TAX

Education Department

591. The Hon. D. K. DANS, to the Chief Secretary representing the Minister for Education:

- (1) Is it a fact as recorded in table 7:4, headed "Fixed Charges", of the 1981 annual report that an amount of \$16 019 532 was expended by way of pay-roll tax for the financial year 1980-81?
- (2) Is the Minister aware that from the CRF Estimates of Revenue and Expenditure, page 126, item 3 of administrative division contingencies, expenditure on pay-roll tax for 1980-81 was in fact \$16 276 704?
- (3) Is the Treasurer's information or the Minister's department's information correct?
- (4) If the Treasurer's information is correct, why did the department understate the amount spent?

The Hon. R. G. PIKE replied:

- (1) and (2) Yes.

- (3) and (4) Both are correct. Table 7:4 of the annual report covers the main activities of pre-primary, primary, secondary, special services and technical education. Other operations such as pre-schools and other community based activities are reported in table 7:7. For 1981 the payroll tax paid for pre-schools and community based activities was \$240 895 and \$16 277 respectively.

EDUCATION: NON-GOVERNMENT SCHOOLS

Enrolments

592. The Hon. D. K. DANS, to the Chief Secretary representing the Minister for Education:

What percentage increase in enrolments in non-Government schools is being anticipated for 1982-83 in the provision of \$21.6 million assistance to the non-Government schools sector?

The Hon. R. G. PIKE replied:

An estimated increase in enrolments of 1.8 per cent has been used for the Budget provision.

However, it should be pointed out that the Education Department does not have access to non-Government school data such as school building programmes, population movements and birth and migration statistics as they affect these schools. Consequently, the department is not in a position to make accurate projections of enrolments for non-Government schools.

It should also be recognised that much of the change in school enrolments in Western Australia is caused by the setting up of a significant number of non-Government, small alternative schools about which it is impossible to make enrolment projections.

STATE FINANCE: CONSOLIDATED REVENUE FUND

Education: Subsidies and Grants

593. The Hon. D. K. DANS, to the Chief Secretary representing the Minister for Education:

I refer the Minister to his reply to question 557 of 13 October 1982, and ask—

- (1) For each of the following—
 - (a) scholarships and bursaries;
 - (b) subsidies pools;
 - (c) subsidies school computers;
 - (d) national pride materials committee;
 - (e) subsidies ballet and drama;
 will the Minister indicate those that—
 - (i) have ceased operating altogether; and
 - (ii) are being funded under some other item?
- (2) For each of those falling into category (ii) above—
 - (a) within which other item are they receiving funds; and
 - (b) what is the estimated expenditure for 1982-83?
- (3) In respect of the national pride materials committee—
 - (a) who comprised its membership;
 - (b) what national pride materials were produced for 1981-1982; and
 - (c) for what purpose were they produced?

The Hon. R. G. PIKE replied:

- (1) and (2) (a) Scholarships and bursaries—the scholarship funded in 1981-82 is a two-year scholarship; further provision will not be required until 1983-84;
- (b) subsidies pools—this subsidy scheme has ceased;
- (c) subsidies school computers—this subsidy has been transferred to item 17; estimated expenditure in 1982-83 is \$130 000;
- (d) national pride materials committee—funding provided in 1981-82 was for a once-off project; no provision has been made for 1982-83;
- (e) subsidies ballet and drama—this subsidy has been transferred to item 17. Estimated expenditure in 1982-83 is \$3 000.
- (3) (a) Membership of the committee for encouraging national pride is as follows—

Rabbi Dr S. Coleman
(Chairman)
D. J. Mazzucchelli (Business Community)
M. L. Isbister (Past President R.A.S.)

T. Bushe-Jones (Police & citizens)

Fr. J. Jegorow (Catholic youth worker)

E. Turnbull (Duke of Edinburgh awards)

J. Hunn (Telethon Foundation)

L. Holm (Australia Day Council)

J. Mackay (WA Week Council)

S. Wheeler (Education Department)

M. Brown (Education Department;

- (b) 40 000 kits for junior primary students; 60 000 kits for middle/upper primary students 5 000 teacher guides;

- (c) the kits were produced to encourage primary school children to identify the Australian and Western Australian flags, to understand the purpose of the flags, to know when and where each should be flown, and to recognise the Australian national anthem and national tune.

COURTS: JUDGES

Appointments

594. The Hon. J. M. BERINSON, to the Attorney-General:

With reference to the Budget provision for the appointment of two additional judges—

- (1) In which courts is it proposed that the new appointments be made?

- (2) When can the additional appointments be anticipated?

The Hon. I. G. MEDCALF replied:

- (1) and (2) An additional appointment to the Supreme Court has already been made this financial year—Mr Justice Pidgeon on 15 August 1982.

As announced recently, an additional district court judge will be appointed within the next few weeks.

QUESTION WITHOUT NOTICE INDUSTRIAL RELATIONS

Advice

148. The Hon. GARRY KELLY, to the Minister for Labour and Industry:

- (1) Was the report in *The Western Mail* last Saturday correct when it quoted the Minister as saying non-unionists could pool their resources and seek industrial relations advice from unions on a fee-for-service basis?
- (2) If the Minister was quoted correctly, does the pooling of resources that he proposes constitute the dues of a union for non-unionists?

The Hon. G. E. MASTERS replied:

- (1) and (2) Basically the report was correct. I was suggesting that if a group of people wanted to get together and hire the services of an advocate or an adviser they could do so. The level of that financial contribution would be up to them, and they would have to make a judgment. It would depend on the number of people involved in that group.