area, and it is for the people who are committed to the country that I am trying to get some consideration. They are the people from whom the little complaints are coming in. They were previously quite happy to live in the country style, and there must be ways in which we can improve their general well-being.

One of the greatest problems in country areas is the cost of transport which makes everything so much more expensive than it is in the city, particularly when we realise that profit is made on the transport, as well as on the goods, and that sales tax is also added. The Prices Justification Tribunal has attempted to identify how it can make the price structure more relative to the city. I admit it is very difficult to do but I think it bears some investigation.

The other factor I would like to mention is the cost of air fares. It is now almost as expensive to fly from Perth to Laverton as it is to fly from Perth to Adelaide. A person living in the Laverton area who is recommended by his doctor to a specialist in Perth does not receive a concession on his fare. This is an additional cost that should not have to be borne by people in remote areas. Surely they should not have to pay the full fare. Nearly everyone finds it necessary to make at least one trip a year to Perth. I believe this matter of air fares should receive consideration.

My time has just about expired—

Sir Charles Court: Just before you finish, could you go back to the question of School of the Air radios and the $150?

Mr COYNE: This $150 can be used for any purpose. Sometimes the parents use it to send the children to the trans.-line sports or for some other particular purpose. It is a Federal allowance. Many parents use it to purchase the transceiver sets for the School of the Air. If they have two children using the service, it means that the transceiver set can be paid off over three years. This is a good idea, but the allowance is not available to parents who use the set in any way at all for communication purposes. It is then considered that the set is used for the parents' business and no allowance is paid.

As my time has nearly expired, I will close on that note.

Debate adjourned, on motion by Mr A. R. Tonkin.

House adjourned at 11.42 p.m.

Legislative Council

Wednesday, the 29th October, 1975

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

WEST COAST HIGHWAY

Extension through Cottesloe: Petition

THE HON. R. J. L. WILLIAMS (Metropolitan) [4.32 p.m.]: I wish to present a petition from residents of Western Australia expressing opposition to proposals to route any West Coast Highway extension through Marmion Street, Cottesloe, or any other existing residential or recreational road in Cottesloe. I move—

That the petition be received.

Question put and passed.

THE HON. R. J. L. WILLIAMS (Metropolitan) [4.33 p.m.]: The petition contains 4 361 signatures, and bears the Clerk's certificate that it is in conformity with the Standing Orders. I move—

That the petition be read and ordered to lie upon the Table of the House.

Question put and passed.

THE HON. R. J. L. WILLIAMS (Metropolitan) [4.34 p.m.]: The petition reads as follows—

To the President and Members of the Legislative Council of the Parliament of Western Australia.

We, the under-signed, hereby express our opposition to proposals being considered by the Consultants appointed by the Environmental Protection Authority, Scott Furphy and John Patterson Urban Systems, to route any West Coast Highway Extension through Marmion Street, Cottesloe.

We support the principle, that unless already provided for in Regional or Town Planning Schemes, a residential street should not be used for major road or highway development, because of the well known disruptive and harmful effects on the residential environment.

We therefore request that the Consultants be instructed to refrain from proposing any such extension through Marmion Street, Cottesloe, or any other existing residential or recreational road in Cottesloe.

Your petitioners will ever pray that their humble petition will be acceded to.

The petition was tabled (see paper No. 412).

QUESTION WITHOUT NOTICE

TROTTING MEETING

Northam

The Hon. S. J. DELLAR, to the Minister for Recreation:

(1) Is the Minister aware that a trotting race meeting is to be held at Northam on Wednesday, the 29th October, 1975?

(2) Is he further aware that one of the entrants in the first event at 7.30 p.m. is a horse named "Proper Ganda", and the driver is listed as a person named R. J. L. Williams?

(3) Is it anticipated that leave of absence would be granted to a member of this House immediately after the dinner adjournment this evening, to enable him to take part in the trotting event?

(4) If the answer to (3) is "Yes" does the Minister feel that, in view of the tense constitutional situation prevailing at present, it is unwise for a member to be associated with a horse of this name?

The PRESIDENT: I point out that the Minister cannot anticipate what the House might do.

The Hon. G. C. MacKINNON replied:

(1) I am aware that the trotting race meeting is to take place—because I would not doubt the honourable member's veracity.

(2) For the same reason I now know a horse named "Proper Ganda" is racing and that the driver is one R. J. L. Williams.

(3) I see no reason why we could not get a pair if a member is keen on this form of recreation, provided the Whip and the House were agreeable.

(4) I do not see any problem in regard to the constitutional crisis because the spelling of the horse's name is "Proper Ganda", which to my mind connotes geese rather than a political discussion. In addition, if we had a driver in our midst perhaps we could obtain the right kind of information to enable us to supplement our salaries and allowances.

The Hon. R. F. Claughton: Do you suggest Mr Williams will not be a cooked goose?

QUESTIONS (6): ON NOTICE

1. INDUSTRIAL DEVELOPMENT

Land at Herdsman Lake

The Hon. R. F. CLAUGHTON, to the Minister for Education representing the Minister for Industrial Development:

When was land on the north side of Herdsman Lake and zoned for industrial purposes, vested in the Industrial Lands Development Authority?

The Hon. G. C. MacKINNON replied:

Lot 419, being part of the land near Herdsman Lake zoned for industrial purposes, was Crown land and was dedicated under the provisions of the Industrial Development (Resumption of Land) Act, 1945, on February 5, 1971.

A Crown Grant to the Industrial Lands Development Authority was registered on 9th December, 1974.

2. POLICE

Rape Cases

The Hon. LYLA ELLIOTT, to the Minister for Justice:

For each of the years 1971, 1972, 1973, 1974 and 1975,

(a) what was the total number of convictions for—

(i) rape;

(ii) attempted rape;

(b) what was the total number of rapes or attempted rapes reported to the police; and

(c) how many of the offences were committed in the metropolitan area as against the country?

The Hon. N. McNEILL replied:

(a) (i) 1971—5;
1972—19;
1973—4;
1974—17;
1975—8.

(ii) 1971—1;
1972—6;
1973—2;
1974—2;
1975—4.

(b) 1973/74—

99 reported, 31 of which were established to be rape or attempted rape, 1 indecent assault, 3 aggravated assault, 2 unlawful carnal knowledge and 8 false reports.

Of the remainder, 19 reports were classified as "doubtful" and 28 as "no offence".

Total figures for 1970/71, 1971/72 and 1972/73 are not available without several days' research.

Total figures for 1974/75 are not available because of a change in the indexing system. The previous system has now been re-introduced.

(c) Although total figures and breakdown are not available, figures for established rapes

or attempted rapes are as follows:—

Metropolitan—
1970-71—13;
1971-72—18;
1972-73—22;
1973-74—11;
1974-75—24.

Country:—
1970-71—2;
1971-72—15;
1972-73—9;
1973-74—20;
1974-75—19.

If I am able to obtain further information to assist the honourable member I will make it available in due course.

3. BUILDING BLOCKS

Karratha

The Hon. J. C. TOZER, to the Minister for Health representing the Minister for Lands:

(1) Referring to the answer given to part (2) of my question on the 23rd October, 1975, on the cost of building allotments in Karratha, is the Minister justifying the transfer of excess proceeds to revenue by the fact that the Government has contributed towards the headworks cost?

(2) Why was the land originally offered without the imposition of some charge to partly offset such governmental contribution?

(3) Why has there been a change of policy now?

(4) Has the auction system been applied previously in the one thousand residential allotments that have been released in Karratha and, in some cases, surrendered and re-allotted?

(5) Does the Minister consider it desirable that a person may well be called on to pay double the cost paid by his neighbour, such escalation in cost having occurred in twelve months or so with scarcely any identifiable additional expenditure by the State, thus casting the Government in the role of a profiteer at the expense of the prospective home builder?

(6) As the land was originally released under the terms of the Land Act, would it not be possible to release the eighteen surrendered allotments "across the counter" on a "first come-best served" basis?

The Hon. N. E. BAXTER replied:

(1) No. The answer pointed out that the public was required to defray service reticulation costs only.

(2) and (3) As answered on 1st October, 1975 (question 14) by the Minister for Industrial Development, residential land prices have not included any recovery of headworks costs. No change of policy has occurred, or is proposed, for the private home builder.

(4) Yes.

(5) No.

(6) Auction is the primary method of sale set out in the Land Act for townsite land and is appropriate in the present circumstances.

4. SHIRE OF ROEBOURNE

Commissioner and Elections

The Hon. J. C. TOZER, to the Minister for Justice representing the Minister for Local Government:

(1) When was Commissioner W. Klenk appointed to administer the affairs of the Shire of Roebourne?

(2) When did Commissioner P. L. J. Carly take over the appointment?

(3) In view of the keen local interest in the matter, when will the Minister announce the ward representation on the Roebourne Shire Council, to be elected in May 1976?

(4) As the opinion of interested people in the Shire of Roebourne has been thoroughly canvassed by the Minister, will he please explain if there is any reason why such information should not be released forthwith?

The Hon. N. McNEILL replied:

(1) 24th December, 1970.

(2) 17th July, 1972.

(3) The final decision on the number of members for each ward has not yet been made but is anticipated in the near future.

(4) Answered by (3).

5. REGIONAL ADMINISTRATOR

Next Appointment

The Hon. J. C. TOZER, to the Minister for Justice representing the Premier:

(1) Which region will have the next Regional Administrator appointed?

(2) Approximately when will such appointment be made?

(3) To whom will the appointee be responsible, and which Cabinet Minister will administer the operations of the post?

The Hon. N. McNEILL replied:

(1) The Pilbara Region.

(2) It is expected that interviews will be completed within the next two weeks and an appointment made as soon as possible thereafter.

(3) The appointee will be responsible initially to the Director, Office of the North-West.

The Hon. Premier, as Minister Co-ordinating Economic and Regional Development, will "administer" the operations of the post in close association with the Deputy Premier in his role as Minister for the North-West.

This arrangement is expected to change when more regional offices have been established.

6. TERMINATING BUILDING SOCIETIES

Funds

The Hon. J. C. TOZER, to the Minister for Education representing the Minister for Housing:

(1) What funds have been provided from the Home Builders' Account, for the current financial year, for the following terminating building societies—

(a) Kimberley District Building Society;

(b) Goldsworthy Building Society;

(c) Port Hedland Building Society; and

(d) Roebourne Building Society?

(2) What funds have been provided under the terms of the Housing Loan Guarantee Act for 1975/76 for these building societies?

(3) Is it possible that additional funds will be made available this financial year in cases where there are a large number of unsatisfied applicants?

The Hon. G. C. MacKINNON replied:

(1) Districts north of the 26th parallel received the following allocation from the 1975/76 Home Builders' Account—

Kimberley—$93 000;
Pilbara—$210 000;
Gascoyne/Ashburton—$80 000.

(2) No guarantees have been issued so far in 1975/76 for institutional loan funds under the Housing Loan Guarantee Act for these districts.

(3) Advice received to date from the Commonwealth Government, indicates no further funds from the Home Builders' Account can be expected during 1975/76, and the availability of Housing Loan Guarantee Funds is dependent on loans to terminating societies from savings banks and insurance companies.

TROTTING MEETING

Northam: Personal Explanation

THE HON. R. J. L. WILLIAMS (Metropolitan) [4.49 p.m.]: Mr President, I seek leave to make a short personal explanation.

The PRESIDENT: Leave is granted.

The Hon. R. J. L. WILLIAMS: The House might think the coincidence mentioned in the question without notice is quite incredible, but I wish to assure the House that I hold no license to drive trotters.

LEAVE OF ABSENCE

On motion by the Hon. W. R. Withers (for the Hon. V. J. Ferry), leave of absence for 12 consecutive sittings of the House granted to the Hon. H. W. Gayfer (Central) on the ground of parliamentary business overseas.

INTERPRETATION ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by the Hon. N. McNeill (Minister for Justice), and read a first time.

WORKERS' COMPENSATION ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

BUSINESS FRANCHISE (TOBACCO) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

BILLS (2): THIRD READING

1. Road Traffic Act Amendment Bill.

Bill read a third time, on motion by the Hon. N. E. Baxter (Minister for Health), and passed.

2. Local Government Act Amendment Bill (No. 3).

Bill read a third time, on motion by the Hon. N. McNeill (Minister for Justice), and passed.

SECURITIES INDUSTRY BILL

Second Reading

Debate resumed from the 23rd October.

THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [4.55 p.m.]: From the outset I would like

members of the Chamber to know that I oppose this legislation. I do so for very good reasons.

Earlier this year we dealt with a Bill to establish the Corporate Affairs Commission, consisting of four States; namely, Western Australia, Queensland, South Australia, and Victoria. When speaking to that Bill I pointed out it was contrary to the best interests of federalism and of Australia. I have not changed my mind in that respect.

The Bill before us is the result of the establishment of that Corporate Affairs Commission, and it will ultimately have disastrous overtones. I say that because when the Corporations and Securities Industry Bill is passed in the Federal Parliament we will find there will be two Acts of Parliament in respect of this area of jurisdiction. As I proceed I shall quote quite a bit because it is necessary to do so to prove my case. I will show that even the Ministers' own representative (Mr Ryan) who was asked to represent the four Ministers from the respective States before the Senate Select Committee made admissions in this respect.

On pages 778 and 779 of the Select Committee report we find he pointed out that it is expected that all corporations which will be affected by this Bill will have to abide by two pieces of legislation and make two sets of returns, one to the State office and one to the Commonwealth office. The same procedure will apply in respect of prospectuses, which are covered on page 777 of the same report of the evidence submitted by Mr Ryan on behalf of the Ministers of the participating States.

I would like the Minister to tell us when he replies to the debate the present number of staff in the securities department of Western Australia.

The Hon. N. McNeill: The securities department?

The Hon. R. THOMPSON: Probably it is the Companies Office staff.

The Hon. N. McNeill: The Corporate Affairs Office?

The Hon. R. THOMPSON: Yes, that would be it. I would like to know the number of staff presently employed by the Corporate Affairs Office. I was rather amazed to read Mr Ryan's evidence before the Select Committee: and he should know about this because I think he is the registrar in New South Wales.

The Hon. N. McNeill: He is the chairman of the commission in New South Wales.

The Hon. R. THOMPSON: In his evidence Mr Ryan said currently there is a staff of 389 people.

The Hon. N. McNeill: I am sorry to interrupt again, but that is relating to the New South Wales Corporate Affairs Office.

The Hon. R. THOMPSON: That is right. The present number of staff is 389, and that is made up of professional and office staff. That seems to me to be a large number of people. On reading the evidence given to the Select Committee one finds it is clearly pointed out that there will have to be duplication of staff by the States and the Commonwealth, and this will be costly. Can we afford such luxury? I would like to know the number of staff envisaged in this State. As has been pointed out, the staff will be dealing with microfilm records and interstate telexes; and I believe we are already hooked up to the telex system. Probably copies of the same listings would have to be sent to all States.

I say that because we find our Evidence Act, and particularly our Companies Act are being re-enacted so that everything will be on a uniform basis.

If we are to bear the cost I think we should scrap this Bill now and wait until the Commonwealth legislation is ultimately reviewed by the Senate Committee when a Bill could be introduced to have one Companies Act governing all companies throughout Australia.

It is not necessary for us to proceed with a Bill of this nature unless it is out of pure doggedness in saying that each State will control the securities industry legislation. We will find, of course, that New South Wales will probably be the central point for this legislation. Everything points to that at present. That State has the largest organisation in Australia and it is only recently that the Premier of Queensland has established any sort of a department. Victoria has one, and Western Australia has newly entered the field of corporate affairs and has set up its own department.

The Hon. N. McNeill: We have had the Companies Office for a long time.

The Hon. R. THOMPSON: I am talking about the Corporate Affairs Office.

The Hon. N. McNeill: It is just a change of name.

The Hon. R. THOMPSON: When I asked the Minister how many officers he would have on the staff of the Companies Office he corrected me and said it would be the corporate affairs office.

The Hon. N. McNeill: It is the Corporate Affairs Office in Perth.

The Hon. R. THOMPSON: Probably the Minister misunderstood me and I took that lead from him. However, I do not think there is any misunderstanding between us now. I will refer to it as the Companies Office so the Minister will know exactly what I mean.

Under the Constitution it is possible for a State to cede these powers to the Commonwealth, even though it may think there is some challenge or some constitutional bar to legislation in this field. I cannot see why we should have costly duplication. If we could reach the point where the major issues could be resolved—we could

not resolve all of them—we could have uniform legislation without such costly duplication.

This measure is in line with the Family Court Bill with which we will be dealing shortly. Although provision was made under a Bill that was introduced previously, we can operate in our own way under Commonwealth law and the Commonwealth will pay the costs. In all probability that could be done in regard to this legislation.

The Minister, in his second reading speech, pointed out that it was the Commonwealth—and rightly so—that discontinued discussions. I do not suppose any legislation has been subjected to such a thorough examination as has the securities industry legislation. That investigation was conducted by what is now known as the Rae Senate Select Committee. Its report was most voluminous. I have one copy of its report here but there are another two copies, and a number of other papers dealing with that inquiry have been published. The one I have here is only part 1 of volume 1.

The Hon. N. McNeill: There were considerably more than two other copies.

The Hon. R. THOMPSON: Yes. The Australian securities industry has probably been subjected to one of the most comprehensive investigations Australia has ever seen. Interim reports were published, and the Australian Government, armed with some of the findings, decided it was time to proceed and get some legislation on the Statute book for the purpose of controlling and regulating the securities industry. The Australian Government did proceed along those lines. Although Tasmania and South Australia were invited to participate, the other four States decided to set up a Corporate Affairs Commission in each State. However, this will not have a lasting effect, because if challenges against the Commonwealth legislation ultimately go before the High Court I feel the States will eventually cede their powers as they can do under the Constitution.

I think it is in the interests of Australia as a whole that this should be done even though it may be unconstitutional at present. However, from some of the comments made by people who do not belong to my political party, I find they have questioned Mr Ryan in particular at the meetings of the Senate Select Committee by putting forward the argument that this is unconstitutional and it is necessary to have a uniform set of rules for the whole of Australia.

In New South Wales at present 133 784 foreign and local companies are registered. They are made up of 125 350 local companies and 8 434 foreign companies. They are registered as 1 916 public companies, 103 123 exempt proprietary companies, and 12 402 nonexempt proprietary companies. I suggest that a joint sharing of the cost of administering the various Companies Offices at least would be in the best interests of the Australian Government and of all the State Governments until such time as the validity of the Commonwealth legislation has been resolved.

I have already pointed out that the securities industry has been subject to one of the most thorough investigations ever conducted in the history of Australia and that investigation has not yet been concluded. However it is drawing to a close.

On looking at a report in *Rydge's*—which is rather a conservative magazine—the following is found in its August, 1974, issue—

> The Rae Report—potent and influential Restriction on brokers' trading and entrepreneurial activities is a likely outcome of publication of the Senate Select Committee Report.

In the second column the following also appears—

> If this drives the brokers who want to exploit their clients out of the market, the Rae Report will have done massive public service.
>
> As to the behaviour of directors of companies, some practices are already illegal, but there is still an obvious need for tighter restrictions. The Rae Report—and, with its clarity and readable style, it is no typical official report—makes us marvel at the sordid greed of some directors.

Further on in this article it is reported—

> This writer's view is that few if any of the "runs" would be without sordid aspects, if studied.
>
> Still, this luck-of-the-draw complaint is not a valid criticism of the Report. That all thieves cannot be named is no reason why some should not be.

In the Rae report that comes under the part where the committee named many people for the acts they committed during the mineral boom. This article continues—

> Clearly, self-regulation is a failure. Having failed so miserably, the brokers have little case to plead for continued sovereignty. The Report gives ample evidence of rules being bent, ignored and carelessly administered.

Another part of this article contains the following sentence—

> But the right to self-regulation is probably already all but lost.

Further down again, this article contains the following—

> During the mining boom, it is clear that the small investor had far less chance than usual. Situations were created with the express purpose of sucking him in, to transfer his money to the pockets of brokers, promoters, tipsters, and directors and other insiders.

So it can be seen that in August, 1974, when the first report of the Rae Select Committee was brought forward, *Rydge's* could see the value of such a report and, of course, flowing from it we have seen introduced the Commonwealth legislation; and, I think, as a "Johnny-come-lately" the Corporate Affairs Commission has been established to take the sting out of that legislation with the States saying, "We have our own legislation on the Statute books and therefore we will not adopt the Australian legislation when ultimately it is passed by the Commonwealth Parliament."

On looking at another "socialist" newspaper—the *Financial Review*, of Wednesday, the 19th September, 1975—I found the following—

> Lawyers plead for company law commonsense.

This article was written by James V. Ramsden and I think all members should take particular notice of what he has written. It reads as follows—

> The Law Society of NSW made a plea yesterday to the Senate Select Committee on the Corporations and Securities Industry Bill sitting in Sydney that the Commonwealth and the States should co-operate in drawing up a bill which could become "a model of co-operative federalism."
>
> In a lengthy 116-page submission broken into three parts, the Law Society said that the legislation in its present form was "far from satisfactory in form."
>
> The society's suggestions were made in the hope of "achieving a workable solution in overcoming lack of Commonwealth legislative power in areas where uniformity and Commonwealth-wide authority have been demonstrated to be at least desirable if not essential."

Further down in this article the following appears—

> No provision is made even for liaison or co-ordination with the State Corporate Affairs Commissions . . .
>
> It is proper to ask whether this duplication is not wasteful both of money and scarce expertise in this area.
>
> There is ability to achieve a single code given collaboration between the Commonwealth and the States.
>
> The society suggested that subject to a reasonable time limit—unspecified—the States should be invited to participate in making constructive comments on the proposed Bill so that it could be a model of its kind suitable for adoption throughout Australia for all public companies.

So it can be seen that the *Financial Review* also stressed that there should be this State-Federal co-operation.

The Hon. I. G. Medcalf: Co-operation is a two-way thing. If you cannot get Commonwealth co-operation it is not much good the State co-operating.

The Hon. R. THOMPSON: I am glad the Honorary Minister raised that point, because I would like to quote from the evidence given to the Senate Select Committee. I will read out the composition of the Select Committee for the information of members. The chair was taken on this occasion by Senator Georges, and the other members present were Senator Drury, Senator Durack, Senator Greenwood and Senator Wright.

So it can be seen it was not a Labor-loaded committee. I will read from page 765 of the Corporations and Securities Select Committee report. The chairman said—

> During the morning tea break, if I allow a little extra time would you look at two documents upon which I want to base a question. In response to a question you indicated that there had been no approach by the Australian Government to the States on this legislation that we are considering here today.
>
> Mr Ryan: Prior to the introduction of the Corporation and Securities Industry Bill?
>
> The CHAIRMAN: Prior to the introduction. Did it make any approach subsequent to the introduction?
>
> Mr Ryan: Yes.
>
> The CHAIRMAN: It did make that approach?
>
> Mr Ryan: Yes.
>
> Senator WRIGHT: Who did?
>
> Mr Ryan: The Commonwealth Attorney-General.
>
> The CHAIRMAN: Not prior to the introduction.
>
> Mr Ryan: Not prior to the introduction, to my knowledge.
>
> The CHAIRMAN: The questions on that matter which appear in *Hansard* are here. If you would glance at them, we could ask you the question: What resulted from that approach by the Australian Government to the States? What was their attitude? What was their response? Will you do that?
>
> Mr Ryan: Yes.

We must bear in mind that Mr Ryan was the officer giving evidence before the Senate Select Committee, and he was representing the leader of our House, the Minister for Justice in Western Australia. That was one of the instruments he presented prior to his giving evidence. I will

now continue to quote. They evidently had morning tea, and the chairman said—

> The CHAIRMAN: Mr Ryan, in order to clarify an answer that you gave: We need to have clarity on this because it is important to know just how possible is the co-operation which you are seeking with the Australian Government. I took it from your response that there had been no approach by the Australian Government to the States and you began to give an explanation that there was an approach by the Australian Government after the legislation was drafted. I think it is important for us to know just what proceeded. There on page 2891 of the *Hansard* of the House of Representatives dated the 27th May, 1975, is a question which Mr Jacobi asked of the Attorney-General upon notice and he received an answer to that as recorded at this place in *Hansard*.

Mr Jacobi asked:

> (1) Did his predecessor invite the Attorneys-General of all States by letter on the 23rd December, 1974—

Members should note that date—

> —to meet with him at a mutually convenient time to discuss matters of mutual concern arising from the Corporation and Securities Industry Bill.

The reply was "Yes". He further asked—

> (2) If so, which States—
>
> (a) responded to the invitation to meet and discuss the Bill?

The reply was—

> Tasmania, South Australia, Queensland and New South Wales.

However, the New South Wales reply was that it was not prepared to attend; but at least it did reply. The next part of question (2) was—

> (b) did not respond to the invitation?

The answer to which was—

> Victoria and Western Australia.

They did not even have the decency to respond. The third part of question (2) was—

> (c) having responded to the invitation and agreed to meet subsequently refused?

The answer was "Queensland". So it can be seen that Western Australia did not respond. The next question asked was—

> (3) What effects have the States' responses had or what effects are they likely to have on the operation of the Bill if and when it becomes law?
>
> (4) Have any of the States Attorneys-General since the refusal of the Senate to pass the Corporation and Securities Industry Bill contacted him offering to meet to discuss the Bill?

The answer was "Not applicable". So it can be seen the interjection made by the Honorary Minister was a good one, because it gave me an opportunity to prove the point that co-operation was extended to the States to discuss the Bill before it was drafted.

The Hon. I. G. Medcalf: Before the Bill was introduced.

The Hon. N. McNeill: You said it was dated the 24th December, 1974. Bear that date in mind.

The Hon. R. THOMPSON: I was under the impression that the Bill was not introduced till later.

The Hon. I. G. Medcalf: The point was that this was co-operation; but that is not co-operation.

The Hon. R. THOMPSON: Nor is it co-operation when the State Government does not have the decency to reply to an invitation to say whether or not it will attend.

The Hon. I. G. Medcalf: That is an invitation from someone who is pointing a gun at you.

The Hon. R. THOMPSON: It was not. It was done with the idea of achieving some sort of co-operation.

The Hon. I. G. Medcalf: The Bill had already been prepared, drafted, and introduced. It is not co-operation to ask one to talk about it after one has introduced the Bill. They should have had discussion long before that. That is co-operation. It takes two to co-operate.

The Hon. R. THOMPSON: That may be all right for the Minister to say. I have just been reading from the *Financial Review* and I was pointing out the view it expressed. The next item I wish to quote is one in which the *Financial Review* says there should be co-operation between the States.

The Hon. I. G. Medcalf: I agree.

The Hon. R. THOMPSON: There does not have to be this costly duplication. I do not want members to get me wrong. I am not absolving the Australian Government from the mistakes it made in this matter. The Minister should bear that in mind. I do not think the matter has been handled properly but, by the same token, what co-operation has the State given to the Commonwealth? I do not think the State has done the right thing. It did not have the decency to reply indicating

whether it would go over to discuss the matter.

The Hon. I. G. Medcalf: That invitation came after the gun was pointed.

The Hon. R. THOMPSON: It did not. If that is the Minister's line of reasoning why has our Minister in this State authorised Mr Ryan to waste the State's money, particularly if the gun has already been pointed?

The Hon. N. McNeill: What are you talking about?

The Hon. R. THOMPSON: Mr Ryan is the representative of this State before the Senate Select Committee.

The Hon. N. McNeill: He placed a submission before the Senate Select Committee on behalf of the Corporate Affairs Commission and the Ministerial Council, yes.

The Hon. R. THOMPSON: Did the Minister sign the instrument of appointment?

The Hon. I. G. Medcalf: What has that to do with it?

The Hon. R. THOMPSON: It has a lot to do with it.

The Hon. I. G. Medcalf: That is the interstate Corporate Affairs Commission you are talking about.

The Hon. R. THOMPSON: I was saying that Mr Ryan was giving evidence before the Senate Select Committee.

The Hon. I. G. Medcalf: On the Corporation and Securities Industry Bill.

The Hon. R. THOMPSON: That is right.

The Hon. I. G. Medcalf: That is different altogether from the one before us.

The Hon. R. THOMPSON: It means exactly the same thing. All we are legislating for is separate company law in Western Australia.

The Hon. I. G. Medcalf: You have it as well as us. You are a Western Australian too, do not forget it.

The Hon. R. THOMPSON: Yes, and I take the Minister's point.

We find that Mr Ryan presented his credentials before the Senate Select Committee. This was signed by the Attorney-General and Minister for Justice in New South Wales; it was signed for and on behalf of William Edward Knox, Attorney-General and Minister for Justice in Queensland; it was signed by the Attorney-General—Mr Willcox—of Victoria; and it was signed by Mr Willcox for and on behalf of Neil McNeill, Minister for Justice, Western Australia.

So I think the things being said by Mr Ryan under examination, particularly from Senator Durak, have a lot of bearing. When we get three-quarters of the way down in this report we will find that if we can take any notice of Senator Durack's line of questioning his official report on the matter would be in favour of the Commonwealth Government. This is the conclusion I would draw from it. Had the Honorary Minister read this report I think he too would draw the same conclusion.

It is apparent that most of the people on the Select Committee in their questioning of Mr Ryan kept using the word "duplication". Why should there be duplication?

The Hon. I. G. Medcalf: Senator Durack was asking very searching questions in order to arrive at a correct analysis.

The Hon. R. THOMPSON: Taking into consideration the unanimous decision of the Rae committee report and of the Senate Select Committee report I would be very surprised if we do not have minor alterations to the Australian Bill brought down. I think there will be changes to the Federal Bill, if my line of reasoning is correct on the questioning that is taking place by the members of the Senate Select Committee.

The Hon. I. G. Medcalf: That does not alter your statement that there should be co-operation between the States and the Commonwealth.

The Hon. R. THOMPSON: I think I have proved that. As a matter of fact the chairman of the Select Committee raised the question because he was rather surprised when he was told that there had been an offer made by the Australian Government and the Western Australian Government would not even attend and did not even reply.

The Hon. I. G. Medcalf: That is not correct.

The Hon. R. THOMPSON: Is Mr Ryan telling lies?

The Hon. N. McNeill: Of course not.

The Hon. I. G. Medcalf: It was not an offer but an approach, and it was after the Bill had been drafted and prepared and presumably they did not seem to be sure about it being brought before the House.

The Hon. R. THOMPSON: I admitted I was not sure of the date.

The Hon. I. G. Medcalf: Well, that is not an offer of co-operation. That is an approach by someone after he has decided what he wants to do. He wants them to go along and say, "Yes, I agree; anything you say, goes". I think the word was, "approach" and not, "offer".

The Hon. R. THOMPSON: Whether it is an approach or whether it is an offer, I think it was worthy of some sort of reply. Does not the Minister agree?

The Hon. I. G. Medcalf: Even after the Bill was drafted?

The Hon. R. THOMPSON: Of course, could not that have been done? Could not the Minister have said, "Here is a Bill. Let us discuss it. What is wrong with it? What do you want corrected?"

It appears the Minister did not even know what was in the Bill at that stage, and yet he refused to co-operate in any shape or form.

The Hon. N. McNeill: What on earth are you saying? You do not really understand the situation. For instance, are you aware of the approach that I made to the Attorney-General prior to that?

The Hon. R. THOMPSON: No, I am not. Unless somebody tells me, and points out what has been said, I do not know.

The Hon. N. McNeill: You do not really quite understand the situation.

The Hon. R. THOMPSON: Did the Minister mention that point in his second reading speech?

The Hon. N. McNeill: No.

The Hon. R. THOMPSON: Well, I am not a mind reader.

The Hon. N. McNeill: I rather suspect you are a mind reader because you are certainly misinterpreting what was said.

The Hon. R. THOMPSON: How could I possibly be in a position to know that the Minister made such an approach? I can only go on my research and my reading in an effort to find out what is going on. If the Minister is remiss in not telling us that he made an offer, I cannot be blamed for that.

The Hon. N. McNeill: I am not remiss at all in that respect. The second reading speech I gave was in relation to the Bill which I introduced into this Parliament.

The Hon. R. THOMPSON: That is quite true.

The Hon. N. McNeill: In actual fact, I am waiting for the Leader of the Opposition to give some attention to the Bill before this House because clearly he does not understand the situation which applied to the preparation and introduction of the Commonwealth legislation.

The Hon. R. THOMPSON: Of course, I was developing my argument. I had referred to one newspaper report which stated there should be State and Commonwealth co-operation. At that stage I was interrupted.

The Hon. N. McNeill: Nobody would disagree with that. The Leader of the Opposition further illustrated a lack of understanding of the situation by using that report as an argument against the introduction of this Bill.

The Hon. R. THOMPSON: This is where the mind of the Minister becomes bogged down. For example, this legislation will operate in four States. That is four States out of a total of six, and it will not operate in the territories. However, the Australian Government legislation will operate in all States and the territories.

The Hon. N. McNeill: In what areas of the law?

The Hon. R. THOMPSON: Until the final determination is made on that point, I am not in a position to say.

The Hon. N. McNeill: That is rather crucial, actually.

The Hon. R. THOMPSON: I think I qualified that point earlier. I said there could be challenges to the High Court. I also said that co-operation was necessary so that we have a uniform law, and I believe in uniform laws.

I do not believe we should have piecemeal laws whereby four States operate under one law and two States and the territories operate under another law. I consider that to be rather silly, and I admire the States of Tasmania and South Australia which have decided to wait for the Australian Government legislation to be determined before they move.

The Hon. I. G. Medcalf: They have been ordered to wait.

The Hon. R. THOMPSON: Of course, if the Minister wants to put it that way I would say that is exactly what has happened in the case of his Government, with regard to the Corporate Affairs Commission.

The Hon. I. G. Medcalf: Nobody orders us what to do.

The Hon. D. K. Dans: Mr Khemlani may have given the order.

The Hon. R. THOMPSON: He may have had something to do with it. The Minister seems to be looking for red herrings.

The Hon. N. McNeill: Referring to the area in which the Commonwealth may have jurisdiction, is there a stock exchange in Canberra?

The Hon. R. THOMPSON: Not to my knowledge.

The Hon. N. McNeill: That is right; that is Commonwealth territory.

The Hon. D. K. Dans: Corporation offices are registered in Canberra, for various reasons.

The Hon. R. THOMPSON: There is no stock exchange on Norfolk Island, but it had the highest number of registered companies of all the Australian territories for years.

I want to attempt to proceed and quote from an article which appeared at page 50 of *The Sunday Times*, published on the 20th April, 1974. The article is headed, "Co-operation is imperative". That is what I have been trying to get through to the Government. The article reads—

> Now that the Senate select committee is looking into the Corporations and Securities Bill, it should give a lot of attention to federal-state co-operation and rights.

If it is to work out co-operation is imperative.

There has been little indication to date that this has been the case.

The Commonwealth has proceeded without consultation with the States,

The Hon. I. G. Medcalf: Will you say that again?

The Hon. R. THOMPSON: I said—

The Commonwealth has proceeded without consultation with the States.

I am not hiding anything; I am quoting what appeared in the newspaper. I am not in the habit of telling lies or of misquoting.

The Hon. I. G. Medcalf: It seems you have the wrong newspaper.

The Hon. R. THOMPSON: To continue with the newspaper article—

... which have considerable experience in the corporate and securities fields —even if on some occasions the states have performed poorly.

The Bill appears to deliberately relegate the states to a minor role.

There is, for example, no requirement that companies which have to supply information to the Federal Corporate Exchange Commission, be required to also make the information available to the State Corporate Affairs Commissions.

Concessions will need to be made on both sides. The states appear unwilling to give up many of their powers. And there is some doubt as to the extent of the Commonwealth's powers in both the corporate and securities area.

These matters have still to be decided by the High Court.

The article further states—

It is possible that unless the Commonwealth wins in the High Court it will have difficulty in effectively regulating the securities industry.

Therefore it is sensible for the states and the Commonwealth to get together.

Complimentary legislation could be passed by the states. In this way it would be possible to pool the available powers so the entire field is covered.

There are some areas where the states should still have precedence, including registration of companies, collection of fees, documents and generally acting as agents.

The Hon. I. G. Medcalf: The Commonwealth does not agree with that.

The Hon. R. THOMPSON: To continue—

Duplication would be bureaucratic, time-consuming, costly and almost certainly confusing.

It would seem sensible to make use of existing state CAC offices rather than setting up Federal branch offices in each state.

Uniformity of corporate and securities legislation is sadly lacking in the so-called "uniform" State Companies Act.

If an understanding is not reached between states and the Commonwealth, we could have the situation where federal and state bodies exist side by side but with different rules and a lack of co-operation.

Sydney Stock Exchange chairman, Mr. J. H. Valder, considers the Bill in its present form is not fair or safe. His view is it gives the proposed Corporations and Exchange Commission enormous decision making powers and wide scope to make its own rules under which it can make its own decisions. Its existing safeguards are considered inadequate.

Of course, Mr Valder would not like any type of supervision or laws for the simple reason that the stock exchanges have sovereign rights themselves in conducting exchanges which have had disastrous results as far as the investing public is concerned. This has occurred throughout Australia, not only in one particular State.

It is not to the great credit of the various stock exchanges that people have lost money while others have made quite large sums of money because of the lack of control and regulation, and probably because of the lack of decency in dealing with other people's money.

I come now to my last quote from a newspaper. It is from *The Age*, and is dated Friday, the 19th September, 1975. The article is headed, "Finance companies tell Senate hearing: Joint action on shares needed". The subheading is, "Defects in new Bill" and it reads—

Leading finance companies yesterday called for the Federal and State Governments to join together to regulate the securities industry.

The call came from the financiers' lobby group, the Australian Finance Conference, which was appearing before the Senate select committee inquiring into the Corporations and Securities Industry Bill in Sydney.

The committee is hearing industry and legal views on the bill, which seeks to establish a commission to take control of the securities industry from the States.

The conference charged that major shortcomings in the Corporations and Securities Industry Bill would create problems far outweighing any advantages.

"Unless the serious deficiencies . . . are overcome, then the legislation will

bring unprecedented problems of confusion and cost for the commercial world," the conference claimed.

The article goes on, and in referring to climatic advantages reads—

The conference said there was a favourable climate for developing a joint approach.

It said that Victoria, NSW, Queensland and Western Australia had laid the groundwork for such a scheme.

This had been done through the progress made with the Interstate Corporate Affairs Commission, and advances made in gaining uniformity in State Companies and Securities Industry Acts.

The Federal Government would gain a number of advantages from a joint scheme, the conference claimed, including.

The ability to get new legislation into operation much more quickly than otherwise.

Immediate access to the State's administrative machinery,

Cost savings through not having to duplicate State-run administrations; and

Avoidance of any Constitutional challenge by the States.

The States, the conference added, had an extra incentive to participate in a joint scheme.

This was a realisation that if they did not co-operate together then the Federal Government believed it could act unilaterally in any State which failed to adhere to the Interstate Corporate Affairs Agreement.

The conference also cited major disadvantages to all parties, if the Federal Government pressed on with unilateral action.

These included the certainty of a High Court case initiated by at least one State, in an attempt to define limits of the Federal powers to govern corporations.

The article continues, but I will not read it all. Members can see that in their submissions the financial journals and the company organisations have all stressed co-operation and a joint approach. I am not defending the actions taken in Canberra, but I am criticising the fact that when we find an offer was made—

The Hon. N. McNeill: No offer was made.

The Hon. I. G. Medcalf: An approach.

The Hon. R. THOMPSON: Well, an offer was made to talk the matter over.

The Hon. A. A. Lewis: After the Bill had been drafted.

The Hon. R. THOMPSON: What is wrong with that?

The Hon. R. F. Claughton: Don't you ever talk about Bills after they have been drafted?

The Hon. A. A Lewis: Not usually. I do not think you ask people to discuss a Bill after it has been drafted.

The Hon. R. THOMPSON: Of course, there is always some *pro forma*—

The Hon. I. G. Medcalf: Particularly when you do not have the constitutional power in the first place, it is rather odd.

The Hon. R. THOMPSON: I do not want to get into that field of argument.

The Hon. A. A. Lewis: Too embarrassing —I wouldn't try if I were you.

The Hon. R. THOMPSON: If members had listened to what I said—

The Hon. I. G. Medcalf: I was listening intently.

The Hon. R. THOMPSON: —I said it was possible for the State to cede these powers.

The Hon. I. G. Medcalf: Several times you said that the constitutional power would be challenged in the High Court.

The Hon. R. THOMPSON: That is right; I made no secret of that.

The Hon. I. G. Medcalf: In those circumstances, would not co-operation mean getting around the table before you ever start, and to say, "What can we do about this?"

The Hon. R. THOMPSON: Is it not better to have some type of argument to work on? How do you know the legislation would not have been presented to the State Government with the query, "What do you want changed? What is wrong with it?" Probably the reason the Government did not receive a draft of the Bill at an earlier stage was because it did not reply to the letter.

The Hon. N. McNeill: Can you tell me what discussions the Commonwealth Government had and with what organisations long before the States knew a Bill was in the course of preparation?

The Hon. R. THOMPSON: To be quite honest, I do not know.

The Hon. R. F. Claughton: The Rae committee report.

The Hon. R. THOMPSON: I am not an expert in this field and I do not have access to the department or its officers as does the Minister. When a Bill is introduced I endeavour to obtain material about it, undertake some research, and prepare some criticism of it or support for it. As I have said, I have read extensively on this subject in the limited time at my disposal. I have come to the conclusion, and I said this initially, that we are not going to achieve anything, even if the Australian Government has the constitutional requirements, and I do not know whether it has

or not. All the reports seem to indicate that there will be challenges in the High Court. According to one Press article, one State Government has stated definitely that the legislation will be challenged in the High Court. Is this all necessary, or is it simply costly duplication? Are we to be faced with a bill for the salary of some 385 people working in Perth as they are already in New South Wales? If the smaller States—Tasmania and South Australia—introduce similar legislation, will they need the same staff? Would it not be better to have co-operation, even if it means going along with the suggestion to share offices and expenses? I would rather see the Australian Government pick up the tab for all the States, but this must be done in a co-operative manner.

The Hon. I. G. Medcalf: But the States were already in this field. When you are breaking into a new field, wouldn't you think it would be wise to get around the table and talk before anything was decided? Questions could be posed: how can we best organise this in the interests of the Australian people? Nobody argues that there should not be co-operation, but it is not co-operation the way the Australian Government has gone about it.

The Hon. R. THOMPSON: Of course, all we have heard since this Western Australian Government has been in office—

The Hon. I. G. Medcalf: You answer my question.

The Hon. R. THOMPSON: —is about co-operation with the Commonwealth. However, it is always a one-sided co-operation. The State Government wants the Commonwealth to co-operate with it, but it does not offer any co-operation itself. All it offers is continual criticism and damnation.

The Hon. N. McNeill: Oh—

The Hon. R. THOMPSON: Can the Minister tell me one occasion on which he has given credit to the Commonwealth Government for anything?

The Hon. N. McNeill: In my second reading speech I explained about the Standing Committee of Attorneys-General, the meeting in 1973, and the consideration of this very question by the Eggleston committee.

The Hon. R. THOMPSON: Yes, I know that.

The Hon. N. McNeill: Surely those were the grounds on which the Commonwealth could have extended co-operation instead of using the word "unilaterally" as it did. It decided unilaterally it would proceed with its own Bill.

The Hon. R. THOMPSON: I do not deny that the Australian Government proceeded unilaterally, but at least it made the approach for the State Government either to go—

The Hon. N. McNeill: It made no approach to me whatever until after the Bill was prepared. None whatsoever, and yet—

The Hon. R. THOMPSON: Is that too late?

The Hon. N. McNeill: Of course it was too late because in actual fact it had had discussions already with all manner of people around Australia, discussions to which the State Government was in no way privy.

The Hon. I. G. Medcalf: Don't pretend you did not know the Commonwealth was going to intrude into the company field by hook or by crook.

The Hon. R. THOMPSON: Of course I knew.

The Hon. I. G. Medcalf: Well, what are you arguing about?

The Hon. R. THOMPSON: Of course I knew, and I believe it is the Australian Government's right place.

The Hon. I. G. Medcalf: There you are!

The Hon. R. THOMPSON: The Australian Government's right place is in the company field.

The Hon. I. G. Medcalf: It is going to get in by hook or by crook.

The Hon. R. THOMPSON: They are the Minister's words, "by hook or by crook".

The Hon. I. G. Medcalf: The Commonwealth has announced it will do it its own way.

The Hon. R. THOMPSON: Does not the Minister believe the Australian Government has some responsibility to be in the company field?

The Hon. I. G. Medcalf: I do not think this is the right way to go about it. I believe in co-operation.

The Hon. R. THOMPSON: So do I believe in co-operation.

The Hon. I. G. Medcalf: All right.

The Hon. R. THOMPSON: But the Minister is not answering my question.

The Hon. I. G. Medcalf: It takes two to co-operate.

The Hon. R. THOMPSON: Does not the Minister think the Australian Government has some responsibility to be in this field?

The Hon. I. G. Medcalf: I think there are certain areas in the securities field where there is plenty of room for co-operation.

The Hon. R. THOMPSON: Of course there is, but co-operation is a two-way deal. I did not say that everything had been handled properly. I thought I made that point completely clear.

The Hon. I. G. Medcalf: Why don't you—

The Hon. R. THOMPSON: Initially, as far as the Australian Government is concerned—

The Hon. I. G. Medcalf: —call a spade a spade and say that the Commonwealth Government handled it badly? That is really what you are saying. Why don't you say it outright?

The Hon. R. THOMPSON: What I will say—

The Hon. I. G. Medcalf: Why don't you say what I said?

The Hon. R. THOMPSON: We have seen the setting up of the Interstate Corporate Affairs Commission—and such a body should never be set up in Australia because it will divide it—but it will cease to exist if Fraser becomes the Prime Minister.

The Hon. N. McNeill: Why will it?

The Hon. R. THOMPSON: We will be told that we will have uniform laws throughout Australia and the powers will be ceded to the Australian Government. In such a situation the State Government will not run to the High Court to challenge anything.

The Hon. I. G. Medcalf: We are not like your members—we do not do everything we are told to do by Canberra.

The Hon. R. THOMPSON: I agree that this Government does not do everything Canberra tells it to, because Canberra cannot get this Government to do anything. However, this Government does everything that Bjelke-Petersen tells it to do. Do not tell me that this State Government does not ape every move—

The Hon. A. A. Lewis: The Labor mentality!

The Hon. R. THOMPSON: —made by Bjelke-Petersen in Queensland.

Several members interjected.

The PRESIDENT: I would like to persuade the Leader of the Opposition to return to the Bill.

The Hon. R. THOMPSON: I am sorry, Mr President, I was misled by the interjections. I could canvass something like 60 pages of evidence given by Mr Ryan when he represented the corporate affairs State partnership and spoke on behalf of the Ministers. As I said earlier, Mr Ryan gave some very straightforward answers. He did not believe there should be duplication, but he did think that co-operation is necessary. Of course, the only way to achieve co-operation is for the State to bend and approach the Commonwealth.

The cost of this legislation to the State will be enormous, and it will be a completely unnecessary duplication. The powers can be ceded but it is quite obvious —and this applies to the measure we are debating and another one I will be speaking to next week and which I cannot refer to now—that this State will go it alone. It will not give an inch and it will not tolerate the Australian Government under any circumstances. It will pay heavily for its attitude eventually, and without any added benefit.

I repeat my earlier comments: if there is a change of leadership and a change of Government in Australia, we will see that our State and the other States which have established corporate affairs offices, will willingly cede their power to the Commonwealth. People will share offices and all co-operation will be offered. Because a Labor Government is in power in Canberra, the Liberal Party will not co-operate with it.

I oppose this Bill, for what my opposition is worth. It proposes to set up a division in Australia. It will be confusing to the companies and the outcome will be chaotic. After the Australian legislation is passed, and after it has met the challenges—and remember there is nothing to say it cannot be passed in its present form —we will have two laws regulating the same set of circumstances. Do not tell me this is a good thing. It will be costly and time-consuming for companies. I oppose the Bill.

Debate adjourned, on motion by the the Hon. W. R. Withers.

COMPANIES ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 23rd October.

THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [5.58 p.m.]: This legislation is introduced to complement the measure about which I have just spoken. The States have joined together in the establishment of the Interstate Corporate Affairs Commission, and the company legislation in the various States has been overhauled and renumbered where changes were possible. I have no argument with that action; in fact, it is a good thing that company law should be the same in all States. However, I would like to refer to a point which concerns me. Our company legislation had not been reprinted for many years. Although the Minister knew full well about the setting up of the Interstate Corporate Affairs Commission earlier this year—and legislation was introduced here to rubber stamp the proposition, although it had already been signed, sealed and delivered by our Minister and other Ministers—we find that the Companies Act has been reprinted recently.

I should like the Minister to inform the House of the cost of reprinting the Companies Act. As he is responsible for the

department which did the reprinting, I am sure he will be able to extract those figures. I imagine it would run into many thousands of dollars.

The Hon. G. C. MacKinnon: It did.

The Hon. R. THOMPSON: Now we find amending legislation before the House, necessitating another reprint. This Government squeals about a shortage of money yet embarks on the costly exercise of reprinting an Act in the early part of this year knowing full well it would introduce amending legislation later in the year, thereby necessitating another reprint.

The Hon. N. McNeill: I would be interested to know what your reaction would have been had I produced the old Companies Act for you to examine during the course of this debate. It would have been a very interesting exercise.

The Hon. R. THOMPSON: As Mr Medcalf would know, many amendments were made to the Companies Act a couple of years ago, and we had discussions outside this Chamber with officers from the Companies Office. I am sure Mr Medcalf had no difficulty in following the Act; certainly, I experienced no difficulty.

As a matter of fact, every Act that passes through my office is in an amended form before I receive it. My colleague, Mr Dellar, has just handed me a copy of the Local Government Act which contains many amendments, so I do not accept the argument put forward by the Minister for Justice. An efficient member has a responsibility to keep up to date the Acts with which he is dealing. However, this is a side issue; my only complaint with this legislation is the fact that it will necessitate another reprint.

I have suggested from time to time that when an Act has not been reprinted for 25 years, it should be reprinted. However, the Minister must have had knowledge that amending legislation would be introduced this session and I believe it is a sad reflection on the Government—

The Hon. N. McNeill: I had it very seriously in mind.

The Hon. R. THOMPSON: —and represents a gross waste of public money. I have no objection to what is contained in this amending legislation. But if the late Sir Keith Watson were still sitting in the Chamber, the Bill would not pass through this Parliament. He had certain provisions put into the Act with the full backing of the business community of Western Australia and would not want to see any change merely to satisfy the other States.

In 1961, when we had uniform legislation in all States, it was an education to watch Sir Keith Watson deal with this Act. I believe he knew every comma, semicolon and full stop in the Act and the meaning of every section. On every occasion that amending legislation was brought forward, he was most meticulous in ensuring that it would suit the peculiar circumstances in which Western Australia found itself.

The Hon. N. McNeill: Can you tell me what business community in Western Australia is opposed to this Bill?

The Hon. R. THOMPSON: I did not say that.

The Hon. N. McNeill: You are implying that Sir Keith Watson would object to this legislation.

The Hon. R. THOMPSON: I made no such implication at all. Had the Minister been listening, he would know that I said Sir Keith Watson had certain amendments put into the Act, with the full backing of the business community of Western Australia. I did not make any implication.

The Hon. N. McNeill: You also said that this Bill would not pass through this Parliament if Sir Keith Watson were sitting here.

The Hon. R. THOMPSON: Sir Keith Watson would not have allowed this Bill to go through.

The Hon. D. J. Wordsworth: Perhaps you should not.

The Hon. I. G. Medcalf: I do not believe it is right for you to say something like that about someone who is no longer in the Chamber and who is deceased. That is not a proper thing to say. It is only your opinion.

The Hon. R. THOMPSON: Sir Keith Watson was a very consistent man. Perhaps I should qualify my remarks by saying that it is only my opinion. I repeat that I have no argument with the Bill but only with the serious waste of public money in having a reprint carried out before this amending legislation was introduced to Parliament. I hope the Minister can tell me how much public money was wasted earlier this year in carrying out this reprint.

The Hon. N. McNeill: None was wasted.

The Hon. R. THOMPSON: It was all wasted.

Question put and passed.

Bill read a second time.

Sitting suspended from 6.07 to 7.30 p.m.

EVIDENCE ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 28th October.

THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [7.30 p.m.]: This is a necessary Bill to complement the Companies Act Amendment Bill (No. 2). It merely seeks to alter two sections in the Evidence Act. We have no objection to it.

Debate adjourned, on motion by the Hon. W. R. Withers.

MAIN ROADS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 28th October.

THE HON. N. E. BAXTER (Central—Minister for Health) [7.31 p.m.]: During the second reading debate Mr Tozer mentioned that there were some officers of the Main Roads Department who did not recognise a wider responsibility than just working on the main roads.

I am assured, nevertheless, that there is a continuing policy of the commissioner to co-operate with local authorities in every way possible, but I doubt whether it is feasible to meet the honourable member's wishes that all work other than the construction of main roads and highways should be carried out by the local authorities.

Not all local authority plant is suitable and, as pointed out by Mr Tozer, some outback shire councils have little ability to produce good roadworks. Nevertheless, about $14 million a year of statutory grants is made to local authorities for work on their own roads.

As to the determination of the proposed road closure provisions, members will be pleased to be informed that the Commissioner of Main Roads has given an undertaking to work in the closest co-operation with local authorities. This co-operation will be given in the knowledge that the responsible Main Roads divisional engineer is not restricted in his responsibility to one shire or one district, but is responsible for co-operating in the flow of traffic throughout the whole region.

Mr Wordsworth conjectured that there had been a change of policy concerning the Hyden-Lake Varley section of the road.

The simple explanation concerning the blue metal dumps is that it was an economic proposition to enter into an overall contract for the supply of blue metal to the area, but the work on this particular section has to await its normal priority.

At the present time it is proposed to effect some amendments to the provisions in the Bill. One matter was raised by Mr Dellar in relation to the co-operation of local authorities to ensure that when a road is closed by the Main Roads Department, the department will co-operate with the local authority concerned as provided in the Bill.

Other amendments will also be effected, and these have been circulated to members. If members have any doubt about the effect of those amendments I will be prepared to report progress at the Committee stage, so that members may take the opportunity to become acquainted with the contents of the amendments.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. Clive Griffiths) in the Chair; the Hon. N. E. Baxter (Minister for Health) in charge of the Bill.

Clauses 1 to 19 put and passed.

Clause 20: Section 24 amended—

The Hon. N. E. BAXTER: I move an amendment—

> Page 11, line 29—Delete the passage "resort.; and " substitute the passage—
>
> resort,
>
> before making any recommendation the Commissioner shall consult with the local authority.; and.

This amendment is in line with the proposals that have been put up by Mr Dellar and Mr Tozer. It provides that before making any recommendation the Commissioner of Main Roads shall consult with the local authority in relation to the closure of a road.

The Hon. S. J. DELLAR: This amendment fits in with the request of the Local Government Association, and we support it.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 21 to 29 put and passed.

Clause 30: Section 31 amended—

The Hon. N. E. BAXTER: I move an amendment—

> Page 18, after line 6—Insert the following new paragraph to stand as paragraph (a)—
>
> (a) by inserting a new paragraph to stand as paragraph (aa) as follows—
>
> (aa) moneys paid pursuant to an agreement entered into by the Commissioner under section eighteen A of this Act;

This amendment is necessary to provide a specific coverage for the department's procedures for entering into agreements and receiving moneys in circumstances where a road is provided by the commissioner under the Act to serve the interests of industrial or mineral development and which will also be used by ordinary road users.

In these cases it sometimes occurs that an industrial or mining company is prepared to make a substantial contribution in order that a connecting road, which will also be open to the public, may be constructed.

While the Commissioner of Main Roads has relied in the past upon the general provisions in the Act for entering into this type of agreement with companies and for accounting for these transactions, recent Crown Law advice has been to the effect that the entering into of this type of agreement and the receipt of the contributions into the Main Roads Trust Fund for these

particular road-building activities should be specifically provided for in the Act. Therefore, this amendment is necessary to also update the Main Roads Act with regard to this particular phase of road-building activity which is necessary for the development of our State.

I have given a copy of this explanation to Mr Tozer, so that he will be aware of the effect of the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 31 to 33 put and passed.

New clause 18—

The Hon. N. E. BAXTER: I move—

Page 10—Insert after clause 17 the following new clause to stand as clause 18—

Section 18A added.

18. The principal Act is amended by inserting a new section, to stand as section 18A, as follows—

Power to enter into agreements.

18A. The Commissioner may, with the consent of the Minister, enter into any agreement with another person whereby that other person undertakes to pay for, or contribute towards, the expenditure to be incurred by the Commissioner in the construction or maintenance, or construction and maintenance, of any road which by this Act the Commissioner is authorised to construct or maintain.

Members should be aware of what the new clause refers to, as it speaks for itself.

New clause put and passed.

Title put and passed.

Bill reported with amendments.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 28th October.

THE HON. D. W. COOLEY (North-East Metropolitan) [7.47 p.m.]: The Opposition strongly opposes this measure. It was stated by the Minister in his second reading speech that the Bill emanates from a conference of State Premiers held with the Prime Minister on the 20th June, 1975. An examination of this second reading speech reveals that it is similar to the one introduced in another place and the misrepresentations which are contained in the document and the absolute fabrications in respect of the position of wage indexation and Australian Government relationship to it have, I believe, in the presentation of this document, brought the parliamentary procedures to an all-time low. It says at the beginning—

Point of Order

The Hon. G. C. MacKINNON: I raise a point of order, and I regret doing so, so early in the debate. I know there is a Standing Order which specifically refers to the casting of a reflection on the vote of either House of Parliament, and, within the first three sentences, we have had this from Mr Cooley. Would you be prepared to advise this House on the matter, Sir?

The PRESIDENT: I would like the honourable member to explain to me his reference to the parliamentary debate reaching an all-time low.

The Hon. D. W. COOLEY: I do not think I referred to parliamentary debate. I think I said that the presentation of this document in both this House and in another place brought the parliamentary procedures to an all-time low. I did not reflect on any vote cast in this place. The debate is still in progress. I did not reflect on any vote in another place.

The PRESIDENT: If the honourable member reads Standing Orders he will find that a reflection on either House is a breach of those Standing Orders. He used the expression "the other place". Might I suggest the honourable member keep his debate—

The Hon. D. W. COOLEY: It is quite a sorry state of affairs if a speech purported to be a second reading speech is made in this place and a representative of a province here is not in a position to criticise it.

The PRESIDENT: The honourable member can criticise the speech made in this place all he likes as long as he keeps it within bounds.

The Hon. D. W. COOLEY: With all due respect, I cast no reflection on another place but on the presentation of a document there. I do not think that is reflecting on the decision that was taken although we do oppose the measure which has been passed in another place.

Debate Resumed

The Hon. D. W. COOLEY: The second reading speech indicated that the State Premiers met in respect of wage indexation and it is stated in this document that the States would adhere to the principles laid down by the Commonwealth Conciliation and Arbitration Commission in respect of the implementation of wage indexation. That is no justification for introducing legislation of the nature we have before us.

It is true that the Australian Government intended to bring down legislation which would accommodate the guidelines associated with wage indexation; and it is true also, to use the words of the adviser to the Australian Minister for Labor and Immigration, that a pencilled agreement was reached in respect of the

legislation. However, no firm agreement has ever been reached by the Australian Government and State Premiers or the State Ministers for the purpose of introducing industrial legislation to restrict negotiations between employers and unions, which is the intention of the legislation before us.

The Australian Government abandoned its intention in this regard after it had sought advice and consulted with the trade union movement and others because it could see a great number of pitfalls associated with the legislation.

The reason for the abandonment of the legislation is that a measure of the type we have before us tonight has the effect of inducing some unscrupulous people to enter into deals in the industrial field which would have a detrimental effect on the wage indexation principle.

I refer to unions and employers who may wish to engage in feather bedding—if the Government wishes to call it that—or enter into "sweetheart agreements" another expression I do not like. However, this legislation does not prevent their doing that if they do not go to the Industrial Commission to have the agreements registered. So, the legislation before us, which is alleged to restrict unjust wage claims, will have just the opposite effect because subterranean and all sorts of shonky deals may be made in order to bypass the system designed to restrict employers and unions from going to the Industrial Commission.

The adviser to the Australian Minister for Labor and Immigration said that such a practice would bring the whole system of wage indexation into disrepute. I do not think anyone could do anything but agree with such a contention when the legislation before us is considered.

When one compares the legislation proposed by the Australian Government with what we have before us tonight, one can see a great difference in the principles involved. I will deal with that difference later.

I have been in touch with the office of the Australian Minister quite frequently over the past few days and this morning I was given an assurance that the Minister for Labour and Industry in this State would be phoned this morning and requested not to proceed with the legislation. It is desired that the measure be delayed in this House until the Federal Government's attitude is known. Mr Howard Nathan, the special adviser on industrial relations, gave me that assurance this morning. He indicated that the request by phone would be followed by a letter.

On those grounds I believe the legislation should be deferred until the Australian Government's position is known, because right throughout the document the justification given for the legislation is that the Australian Government agreed to it, when it did not at all. A pencilled agrement was made, but no firm request, direction, or anything else was made to the State Government to introduce legislation to prevent the unions and employers entering into properly negotiated agreements. I do not believe that is the role of a Government in any case in this particular day and age.

But that does not mean to say I do not believe in wage indexation. I fully believe in it, but I think there should be a lot of restraint on both sides. There should be restraint by unions in respect of what they do outside indexation, but at the same time there should be restraint by the people who set the prices and make the profits in this country. I do not think it should be a one-way deal.

The Hon. G. C. MacKinnon: Of course gentlemen accept a pencilled agreement as being quite binding.

The Hon. D. K. Dans: Never!

The Hon. D. W. COOLEY: I do not think that can be so, and there is no indication at all from the advice I have received that that is the position.

The Hon. G. C. MacKinnon: Maybe your advice is erroneous.

The Hon. D. W. COOLEY: That may be so, but I say in good faith that I have been in direct contact with the office of the Australian Minister for Labor and Immigration and the person who advised me on this question is a very eminent lawyer.

The Hon. I. G. Medcalf: Did you speak to Senator James McClelland?

The Hon. D. W. COOLEY: No. I spoke to Mr Howard Nathan.

The Hon. I. G. Medcalf: Senator McClelland is the author of this idea. This is his suggestion.

The Hon. D. W. COOLEY: That is not stated in the document we have before us. The Government stated that the Prime Minister was the author of the agreement. If the Honorary Minister does not believe me I will read the relevant portion again.

The Hon. I. G. Medcalf: Senator McClelland sat alongside the Prime Minister when he asked the Premiers to do this.

The Hon. D. W. COOLEY: Is the Honorary Minister sure?

The Hon. I. G. Medcalf: I was sitting there at the conference.

The Hon. D. W. COOLEY: I will go over it again as the Honorary Minister was not here before. Senator McClelland may have had a change of heart. They can see a great number of pitfalls in respect of the legislation to restrict employers and unions in connection with their entering into agreements.

The Hon. G. C. MacKinnon: Is that a euphemism for "subject to intolerable pressure"?

The Hon. D. W. COOLEY: That is what the Minister in another place said. He said that the militant unions and others got at the Minister and he withdrew his support; but that is not the case at all.

The Hon. I. G. Pratt: They did not get at him?

The Hon. D. W. COOLEY: No. I was at a conference with a representative of the Minister and it was not composed of militant union leaders but of the most responsible industrial organisation in this State; that is, the TLC. It was suggested there were a good many pitfalls associated with the legislation, and Mr Pratt would realise this if he studied the legislation. It is so wide in its application that it is dangerous, and I intend to come to that later.

The Hon. G. C. MacKinnon: It has always been admitted that the whole indexation process has pitfalls and depends on a tremendous amount of goodwill.

The Hon. D. W. COOLEY: That is right, and this has been proved in the last Consumer Price Index movement. The fact that the movement was less than 1 per cent indicated that wage indexation was beginning to pay off, so it cannot be said it is a failure at this stage. People should not make it a failure, but legislation such as this is courting failure of the principle because instead of going to the Industrial Commission to have their agreements registered at law, unions and employers will keep away from it and make private agreements over which the commission will have no control at all.

For that reason I think the Government should have another look at the legislation and, like the Australian Government and other State Governments, have second thoughts about it. The second reading speech of the Minister indicates that some States have already moved in this direction but that is not completely in accordance with fact. The Federal Government has not moved in respect of wage indexation. The Queensland Government has moved in respect of wage indexation and withdrawn its legislation. Legislation is on the table in New South Wales. Victoria and Tasmania, and South Australia has not moved.

The Hon. I. G. Medcalf: The Federal Government can already do this.

The Hon. D. W. COOLEY: The Federal Government does not have legislation to cover it.

The Hon. I. G. Medcalf: Senator McClelland said the States should come into line with the Federal Government's present legislation.

The Hon. D. W. COOLEY: I am talking about the veracity of the second reading speech notes, in which it is said some States have moved in this matter, when they have not. The legislation in Queensland has been deferred. Legislation is on the table in New South Wales. Victoria and Tasmania, and South Australia has not moved. If Bjelke-Petersen holds it back there must be something wrong with it.

The Hon. I. G. Medcalf: The Prime Minister asked the States to stand firm on this.

The Hon. D. W. COOLEY: The Honorary Minister is talking about an event which occurred on the 20th June this year. The Government has not updated its thinking sufficiently to seek some advice from the Australian Government in respect of its present attitude.

The Hon. I. G. Medcalf: Are you saying Senator McClelland would ask us not to pass this legislation?

The Hon. D. W. COOLEY: I said before the Honorary Minister came into the Chamber that a telephone call was to be made today to the Minister for Labour and Industry in this State requesting him not to proceed with this legislation.

The Hon. I. G. Medcalf: It is a pity he does not say it publicly.

The Hon. D. W. COOLEY: I understand he will, and that a letter will follow. If it has not been said publicly, that is a good ground for not proceeding with the legislation. I am not here to tell lies and mislead people. I am here to state facts, and I have stated what happened today. The Government would be doing the right thing by itself, the State, and everybody in the State if it held the legislation up for a while and ascertained the Australian Government's view.

The Hon. I. G. Pratt: I think you said it was his adviser who had made the decision for the Minister.

The Hon. D. W. COOLEY: No, I said I rang his adviser, who indicated to me that it was the Government's policy and the Minister's wish that this legislation did not proceed in Western Australia. That was stated to me on the telephone today, and Mr Howard Nathan said to me, "When I put this phone down after speaking to you, I will pick it up again and talk to Mr Grayden." That is the last I have heard about the matter, and if that is the situation we should have second thoughts.

The Hon. I. G. Medcalf: That is the opposite of what the Prime Minister and Senator McClelland said.

The Hon. D. W. COOLEY: That was on the 20th June.

The Hon. G. C. MacKinnon: There is a variety of interpretations of the reason.

The Hon. D. W. COOLEY: There must be some doubt about it.

The Hon. D. K. Dans: I will tell you some of them in a minute.

The Hon. D. W. COOLEY: The Premier in this State has not fully supported wage indexation. He has gone along with it

but when it was first mooted he criticised and condemned it, as did the aspiring Prime Minister of this country, Mr Fraser.

The Hon. G. C. MacKinnon: He has a number of mates, even in the ALP, who were not overenthusiastic about the prospect of indexation.

The Hon. D. W. COOLEY: I agree with that, but I am saying there must be some doubts associated with it, and the doubts in respect of the attitudes taken by people in high places in the Liberal Party should be cleared up.

The Hon. N. McNeill: What was the statement of the Premier in which he, in your words, condemned indexation?

The Hon. D. W. COOLEY: I do not have the exact words but when wage indexation was first mooted by the Australian Government he was opposed to it. There is no doubt about Mr Fraser's attitude towards it. He said—

> Indexation would offer greater protection to some wage earners at the expense of other people in the community. It would reduce margins for skill. It would damage the retired who are the main losers through inflation. It would further reduce the operating surpluses of companies . . .
>
> Under current circumstances, the Opposition does oppose indexation very strongly because it believes it will be just one further ratchet in the process of wage escalation.

That is an extract from a special article by Mr Fraser in the Adelaide newspaper *The Advertiser* of the 27th January this year. So there are some people in the Liberal Party who would not like wage indexation to proceed.

The Hon. G. C. MacKinnon: There are some doubts in the minds of people in the trade union movement and the ALP, too.

The Hon. D. W. COOLEY: That is true; there are real doubts. But the Minister is not helping the situation by supporting legislation such as this.

The Hon. G. C. MacKinnon: When we try to help the Federal Government you growl at us, and when we don't you growl at us.

The Hon. D. W. COOLEY: Those in the trade union movement who have doubts are those who will exploit the situation by entering into unregistered agreements. By using industrial muscle and through other means they can enter into unregistered agreements and bypass the Industrial Commission. That is the effect this legislation will have. The sad part of it is that course could be followed by many other people who see it as their role to keep abreast of the movements made by the people who exploit the situation.

The Hon. I. G. Pratt: Which unions would you expect to do that?

The Hon. D. W. COOLEY: I am not going to name unions. I am not as silly as that. Mr Pratt purports to know what the industrial situation is but he does not know it.

The Hon. I. G. Pratt: I am asking you.

The Hon. D. W. COOLEY: I am saying there are some people, both in the trade union movement and on the employers' side, who would exploit this legislation if they had half a chance. Do not think everyone on the employers' side is lily-white.

The Hon. I. G. Pratt: I am asking for the benefit of your experience.

The Hon. D. W. COOLEY: It would be all right to indulge in levity in respect of this legislation if it were not so serious. The economy of the whole country hinges on the success of wage indexation. We should not be facetious; we should take it seriously.

The Hon. I. G. Pratt: I was not being facetious; I was asking for the benefit of your experience.

The Hon. D. W. COOLEY: There is an ever-changing situation in industrial relations, as we all know. Even since the principle of wage indexation was first enunciated by the Australian Conciliation and Arbitration Commission there have been two significant changes. There has been a change in the commission's attitude towards overaward payments. In the first place the commission said it would not index total wages but would exclude overaward payments and base indexation on award rates. In recent times that attitude has changed. Had the Federal Government rushed in with legislation in respect of the first decision which was handed down, it would now have to be amending the legislation.

This State would face a similar situation if the principles enunciated by the Western Australian Industrial Commission were changed. The trade union movement has already made an approach in respect of the application of the 0.8 per cent movement in the Consumer Price Index. The first decision was that if there were a movement of less than 1 per cent no adjustment would be made to wages. The Australian Council of Trade Unions is now asking the Industrial Commission to bypass that decision and index wages in respect of the 0.8 per cent.

Who knows whether in February when the State commission meets to review the situation in respect of wage indexation it will not abandon the system altogether? Nobody in this Chamber can tell me that. The system is on trial for nine months. If it fails and there are unregistered agreements, the Industrial Commission might opt out of indexation altogether. Those are matters we must take into consideration in respect of legislation such as this.

The legislation now before us contains a clause which will give the commission the power to refuse to register industrial agreements which are made outside of the commission. I think we should compare that proposal with the legislation which is to be introduced by the Australian Government. All the Australian Government ever wanted to do in its proposed legislation in regard to wage indexation was to give the Australian Minister for Labor and Immigration the right to appeal against any decision made by the arbitration commission. That is the arrangement the Australian Government is purported to have entered into on the 20th June, and if legislation were to emanate from the Australian Government that is all it would amount to. If the Minister saw that in the public interest there was something wrong with an award or agreement which was being made and it was outside the guidelines, he could intervene before the arbitration commission and submit a case that the award or agreement should not be accepted.

Let us have a look at the amendments in the legislation now before us dealing with the powers which will be vested in the Industrial Commission of Western Australia. A new section 71A is to be added as follows—

> 71A. (1) Notwithstanding the provisions of this Act contained elsewhere than in this section but subject to the provisions of this section, the Commission may—
>
> (a) refuse to authorise the filing of an agreement made pursuant to section thirty-seven of this Act;
>
> (b) refuse to certify an agreement made pursuant to section sixty-five of this Act; or
>
> (c) refuse to make an award or order under any provision of this Act,
>
> if, in the opinion of the Commission, the agreement or the award or order would, or any provision of it would, if in force—
>
> (d) be contrary to or inconsistent with any decision of the Commission in Court Session, whether made before or after the date of commencement of this section, expressed, subject to its terms, to be intended for general application; or
>
> (e) be otherwise contrary to the public interest.

Other subsections follow. I ask members to have regard for the words "general application". There is no reference at all to wage indexation guidelines. The reference is to matters which have "general application".

I ask members to read the Bill and understand it, because it means that if the Commission in Court Session at some time before or after this legislation comes into operation made a decision in respect of matters of general application, and a union and an employer made an agreement which had some effect on that decision, a single commissioner could refuse to register that agreement.

What does "general application" mean? It does not mean wages alone; it could mean hours, long service leave, annual leave, public holidays, sick leave, and a host of other conditions in awards which could be blocked by a single commissioner.

There is a right of appeal to the Commission in Court Session; but I have been attending the commission for 21 years and registering properly made industrial agreements, and every time I have been to the commission the commissioner or the Commission in Court Session hearing the application for the consent award or agreement has fully and genuinely congratulated the parties concerned on the fact that they had negotiated before they went to the court, and that they had made an agreement in the best interests of both the employer and the union.

However, under this measure when unions go to the Industrial Commission with an agreement that has been properly negotiated, the commission shall have the power to say, "No, that agreement will not be registered despite the fact that it has been entered into by negotiation."

The Hon. G. C. MacKinnon: May I correct you? The commission "may" have the power.

The Hon. D. W. COOLEY: I stand corrected; I should have said the commission may have the power. However, I submit that is not a proper situation at all because the basis of good industrial relations—and I do not know how many times I have said so in this place—is direct negotiation between unions and employers; and once Governments start to interfere in those negotiations and commence to place restrictions upon them we run into trouble and good industrial relations break down. Even in his second reading speech the Minister said that the terms of the Bill are very wide in their concept.

Another inaccuracy in the second reading speech of the Minister is that he said workers and employers will still have the right to bargain to reach consent agreements, but will have to do so within the guidelines which the arbitral authorities have set down to accompany wage indexation. I suppose that could be regarded as a statement of fact; but why should the arbitral authorities do this? Sure, if there are to be guidelines let the Industrial Commission decide whether those guidelines are to be followed. However, in matters of consent agreements between unions

and employers no Government or other authority should interfere in the negotiations.

The Minister's second reading speech goes on to indicate that lawful action to impose restrictions and exclude specific matters from collective bargaining or making agreements is not contrary to the principles of international conventions which have been adopted. I take strong issue with that statement because this Bill is in conflict with international conventions which have been adopted by this country and ratified after the approval of each State Government had been sought and obtained. If this Bill is not in conflict with some of those conventions, then my interpretation of it is sadly astray.

I have here two ILO conventions. One concerns the application of the principles of the right to organise and bargain collectively, and the other concerns the freedom of association and protection of the right to organise. The Minister said the restrictions in the Bill are not contrary to the principles of international conventions which have been adopted. I point out that these conventions have been adopted. Article 3 of convention No. 87 in respect of the freedom of association and protection of the right to bargain states—

> Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.

It is fair enough that they have the right to do that. The second part of this article reads—

> The public authorities—

That is, the Government, the Industrial Commission, and other authorities set up by the Government—

> —shall refrain from any interference which could restrict this right or impede the lawful exercise thereof.

Yet the Minister said in his speech that the principles of this Bill are not in conflict with any of the international conventions which have been adopted. That is not in accordance with fact at all, because the documents I have in my hand prove that the International Labour Organisation stated that industrial negotiations should be carried out by workers and employers without any interference at all from Government or other authorities. That is the very basis of good industrial relations. If the Government wants to tear down this basis and superimpose public authorities upon industrial relations it will destroy wage indexation in this country.

The other ILO convention to which I referred concerns the application of the principles of the right to organise and bargain collectively. Article 4 of convention No. 98 states that measures appropriate to national conditions shall be taken where necessary to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

If the Minister did not state a lie in his second reading speech then I do not know what is a lie. I do not know how any responsible Minister could justify such a statement in a second reading speech when there is evidence such as that I have quoted to prove the statement wrong. It is absolutely beyond my comprehension how the Minister could do that. I do not think such statements should be made in second reading speeches unless they are capable of being backed up. The Minister's speech contains many statements which cannot be substantiated by the Minister or the Government.

One such statement—the principal one—is that the Australian Government has agreed to this sort of legislation; that is what the State Government is hanging its hat on. It is not the intention of the Australian Government to have legislation such as this; in fact, it wants this Bill withdrawn.

The Hon. W. R. Withers: Mr Medcalf told you that the Australian Government had agreed with this in general.

The Hon. D. W. COOLEY: It did not agree to the legislation; it agreed to the principle and the guidelines of wage indexation. That is a different matter from agreeing to the Bill before us. It is only in the last week or so since I forwarded the Bill to the Australian Minister that he knew it existed. I am certain the State Government did not consult the Australian Minister before the Bill was introduced.

The Hon. W. R. Withers: They had a pencilled agreement.

The Hon. D. W. COOLEY: Yes, a pencilled agreement that the principle of wage indexation was agreed with. The six States and the Australian Government agreed. This State agreed reluctantly because the Premier said he did not agree with it, but went along with it. Mr Fraser did not agree with it, but he too went along with it. As all the States have gone along with it, I would say that 80 per cent of the work force is in agreement with indexation.

However, it is a different matter to impose restrictions on people entering into properly negotiated agreements. Since the time the arbitration system was first established people have been going to the commission with agreements and have been congratulated on the manner in which the agreements have been drawn up. Why

have they been congratulated? The answer is that the commissioners could see the development of good industrial relations. There are many, many more industrial consent agreements registered with the Industrial Commission in this State than there are argued awards registered. But now we have before us legislation which will give to the commission or a single commissioner the right to take that away from the negotiating parties.

I believe the Government is going too far in respect of its anti-worker legislation. We witnessed the Fuel, Energy and Power Resources Act Amendment Bill last year; we witnessed the introduction of the Workers' Compensation Act Amendment Bill recently; and we have seen the dilly-dallying of the Government in respect of the penal provisions of the Industrial Arbitration Act. Our Act has the worst penal provisions laid down by any similar legislation in the western world; I daresay that even in Russia and other communist countries restrictions such as the ones we have in respect of penal provisions are not imposed.

We in the trade union movement used to think at one time that if a Liberal Government were elected we would perhaps get some sort of anti-worker legislation once in its term of office; but this Government seems to be bringing down anti-worker measures almost every month. It seems that almost every month I am on my feet making these remarks.

The Hon. G. E. Masters: You have been saying the same thing each time, too.

The Hon. D. W. COOLEY: If Mr Masters checks back in history he will see what I have said is right. The Public Gallery in this Chamber was filled with workers about this time last year; those workers were protesting about the terrible Bill introduced by the present Government in respect of fuel and power resources.

I give an undertaking that if this Bill is passed through this Chamber I will write to the Australian Government and ask it to request the International Labour Organisation to inquire into the activities of the Government of Western Australia in respect of its anti-worker legislation.

The Hon. D. J. Wordsworth: You are threatening us!

The Hon. D. W. COOLEY: That is what I intend to do if this Bill is passed.

The Hon. Clive Griffiths: What do you think Mr Fraser will say?

The Hon. G. C. MacKinnon: We are suitably terrified.

The Hon. D. K. Dans: He will probably ask Mr Khemlani for his advice; and I hope he receives the usual good advice.

The Hon. N. McNeill: At least it would be better to ask him than to ask Mr Whitlam.

The Hon. D. W. COOLEY: I think the Government has gone too far, and it is time a halt was called. The ILO convention I have in my hand states that it would be generally expected that in emergencies temporary measures invoked by the authorities may place restraint on voluntary bargaining. However, the emergencies referred to there are the types of situations which have developed in Greece, Chile, Spain, South Africa, and other places where the workers are right under the heel of the Government. The type of emergency envisaged there is not the type of emergency facing us in this country; certainly we are not in that type of emergency situation yet. The inflation in this country is not all the fault of the workers; many other people have contributed to it.

The Hon. N. McNeill: It is only since you have been here that there seems to be this obsession with anti-worker legislation.

The Hon. D. W. COOLEY: The Minister cannot tell me that I was asleep before I came here. I have seen Bill Hegney in another place almost pleading with Liberal members to get rid of the anti-worker legislation being introduced in Parliament after Parliament. In those days such legislation was generally introduced only once in each Parliament, but now it seems to be introduced every month. I do not know why that is so. However, wage indexation is of benefit to members opposite who receive large salaries and massive incomes from their farms and other businesses.

The Hon. G. E. Masters: Be careful; remember what happened the other day.

The Hon. D. W. COOLEY: I have Mr Masters well and truly summed up. Wage indexation is to the benefit of members with their large parliamentary salaries.

Several members interjected.

The Hon. D. W. COOLEY: All right, let us leave aside the massive incomes members opposite receive from their farms and other businesses.

The Hon. G. C. MacKinnon: Hilarious laughter!

The Hon. D. W. COOLEY: However, workers on $100 and $120 a week do not receive any benefit from wage indexation; in fact, they are behind in respect of it. The prices of essential goods and services increase in a three-month period, and at the end of that period the commission says, "The Consumer Price Index has moved so much; here is some compensation for you."

What has the Commission done for the worker? In that period of three months he has suffered a decrease in his wages. Any worker who has to support a wife and family on a low income suffers a reduction in his wages every time there is an

increase in prices. I know that an increase in prices does not affect the members of this House, including myself.

The Hon. I. G. Pratt: What increase in prices?

The Hon. D. W. COOLEY: The true situation is that the honourable member is able to sustain himself despite rises in prices.

The Hon. I. G. Pratt: That is not a true situation.

The Hon. D. W. COOLEY: Wage indexation is not of much benefit to a worker on a low income. What does the Government intend to do with this legislation? The Government is saying to the worker, "Your union and the people who represent you will not have the right to go to the employers to negotiate for an increase in your real wages". Of course, the real wages for people on a low income are the wages that they can get as a result of negotiations and not as a result of wage indexation.

The Hon. N. McNeill: I would point out to the honourable member that there have been far more workers employed under a Liberal Government than under a Labor Government. Keep that well and truly in mind.

The Hon. D. W. COOLEY: Between 1971 and 1974, when the Tonkin Labor Government was in office there were fewer unemployed in Western Australia than there are now. How can the Minister say that more people were in employment under a Liberal Government than there were under a Labor Government?

The Hon. G. C. MacKinnon: That was one of the peculiar times when the Federal Government was not to blame.

The Hon. D. K. Dans: You were going to put things right! You were going to cure inflation, State by State!

The PRESIDENT: Order! The honourable member will please confine his remarks to the Bill.

The Hon. D. W. COOLEY: Yes, Mr President. In his second reading speech, the Minister speaks of a concerted approach in respect of this Bill, but there has been no concerted approach in regard to the legislation we have before us this evening. Even Bjelke-Petersen would not introduce legislation such as this which will give the Industrial Commission power to refuse to register an agreement that has general application.

The Hon. A. A. Lewis interjected.

The Hon. D. W. COOLEY: Perhaps Mr Lewis was not in the Chamber when I said that the Government has found it necessary to draft this legislation in a broad manner in an endeavour to capture the principles underlying the main decision of the Western Australian Industrial Commission on the 1st July, which is tied to the decision of the Commonwealth Conciliation and Arbitration Commission and any variations which may subsequently follow. That is not in accordance with fact, either. The Minister for Labour and Industry in another place, before he supplied speech notes to the Minister in this House, should have known better than that. Any variation which will subsequently follow as a result of a decision made by the Australian Conciliation and Arbitration Commission will not automatically follow in the Western Australian Industrial Commission, because the State Industrial Commission has set itself on a course until February of next year when it will review the situation.

The Australian Conciliation and Arbitration Commission has set itself on a course to review the Consumer Price Index and will determine the question of whether it will pass on any increases quarter by quarter. That is the difference. So if during the hearing now before the Australian commission it decides to pass on the 0.8 per cent increase, that does not mean the increase will necessarily flow on to Western Australian workers, because the principle underlying the decisions made by the Western Australian Industrial Commission is that there must be an increase of more than 1 per cent in the Consumer Price Index before any increases in wages will be made. Of course, to people on $400 a week, an increase of 3.5 per cent in the Consumer Price Index would mean a rise of about $14 a week. But what does it mean to a man on $100 or $120 a week? It would mean an increase of about $3 a week.

The Hon. G. C. MacKinnon: Here we have Mr Cooley; a man with three jobs.

The Hon. D. W. COOLEY: That statement is also a lie.

The PRESIDENT: Order! The honourable member will please resume his seat. There seems to be a growing practice in this Chamber to refer to statements that have been made as lies. The use of the expression is quite unparliamentary. I would ask the honourable member to desist from using it.

The Hon. D. W. COOLEY: Yes, Mr President. However, one cannot help saying these things on occasions.

The PRESIDENT: I ask the honourable member not to use the expression.

The Hon. D. W. COOLEY: The Minister made a statement about a concerted approach which again is not in accordance with fact. Who has the Government consulted in respect of this legislation? Has the Government consulted with Bjelke-Petersen, Hamer, or Dunstan? Of course it has not, and yet the Minister, in his second reading speech, talks about a concerted approach being made in respect of this legislation.

I do not think any self-respecting Government would introduce legislation such

as this. As I indicated previously, if Bjelke-Petersen turned his back on it it cannot be of much value.

The Hon. I. G. Pratt: Who made the pencilled agreement?

The Hon. D. W. COOLEY: I will tell the honourable member. I will keep repeating it until it penetrates. The pencilled agreement was made between the Australian Minister for Labor and Immigration and the Minister for Labour in each State. However the pencilled agreement is not binding.

The Hon. G. C. MacKinnon: Mr Dans has just said there was no pencilled agreement.

The Hon. D. W. COOLEY: At the beginning of my speech I said that today I was told that a pencilled agreement had been made. However, since that agreement was made the Australian Government has changed its course.

The Hon. G. C. MacKinnon: I'll say it has!

The Hon. D. W. COOLEY: That would not be anything new to members on the other side of the House. What does Fraser say? He says that Khemlani is going to—

The PRESIDENT: Order! The honourable member will please confine his remarks to the Bill.

The Hon. D. W. COOLEY: Yes, Mr President, but members opposite continue to goad me.

The PRESIDENT: The honourable member will have regard to the Standing Order which refers to tedious repetition.

The Hon. D. W. COOLEY: In his second reading speech the Minister also said—

> The concerted approach by the States and this Government to alleviate the situation deserves the support of all, including the unions, in its objective.

When did the Government consult with the unions in respect of this legislation it has brought down? If the Minister can answer that question when he replies to the second reading debate I will be pleased to hear it. I have not heard of any consultation in respect of this legislation and I hold a senior position in the Trades and Labor Council.

The Hon. G. C. MacKinnon: There are plenty of perks probably from that position.

The Hon. D. W. COOLEY: That is just as untrue as some of the other statements the Minister has made here. So nothing deserves the support of any organisation or any union unless that organisation or union has been consulted and its opinion sought and obtained. That has not been done on this occasion.

It is quite wrong for the Government to introduce into the Minister's second reading speech a statement such as this when it is not in accordance with fact. I will quote now the best of all the statements that have been made. It reads as follows—

> I would venture to predict, nevertheless, that an improvement in the overall position by, say, the end of next year could well merit a review of the need for the type of legislation contained in this measure.

Goodness me! How could anybody envisage a Government of this nature introducing repressive legislation such as this and then making the suggestion that at the end of next year it will not need it and that it will repeal the legislation?

The Hon. G. C. MacKinnon: Quite easily.

The Hon. D. W. COOLEY: It never has and it never will in regard to legislation that concerns working people. So how could the Minister make a statement such as that; namely, that the Government will review the legislation at the end of a year? That is a disgraceful statement to make.

The Hon. N. McNeill: It would disappoint you if we did.

The Hon. D. W. COOLEY: I would like the Minister to tell me of any occasion when his Government has ever initiated legislation that has given benefit to working people. If he can I would be prepared to retract the statement I have made.

The Hon. G. C. MacKinnon: You do not even know the history of this Chamber.

The Hon. D. W. COOLEY: Let the Minister for Education tell me when his Government has initiated that sort of legislation and then repealed it. I will even go further than that and say that for the 23 years a Federal Liberal Government was in office it never initiated any legislation that was of benefit to working people.

The Hon. G. C. MacKinnon: Oh! The ignorance of the honourable member! I have heard the members of your party often thank the Hon. Gordon Hislop for the work he did for the working people.

The PRESIDENT: Order! For the last time I must ask the honourable member to address his remarks to the Bill.

The Hon. D. W. COOLEY: I have not far to go, Mr President, for which some people may be thankful. I think, in making such statements that, in some respects, this is a breach of Standing Orders. For example, people who are not so well informed may be misled by the final paragraph in the Minister's second reading speech. This reads as follows—

> Some other amendments to the Industrial Arbitration Act are contemplated for introduction before this parliamentary session concludes. These may have to be dealt with in separate Bills, as at least two are consequential and dependent upon the presentation and acceptance by Parliament of such measures as an industrial training Bill

and an employment agents Bill. There is also a Bill to be presented shortly to cover some machinery and administrative amendments, these matters having already been examined and concurred in by the Confederation of Western Australian Industry and the Western Australian Trades and Labor Council.

Why was it necessary to include those words in the Minister's speech if it were not meant to be a subterfuge by trying to make people think that the Trades and Labor Council had agreed to this legislation when, in fact, it had not done so? Mr Pratt is talking to his colleague while I am speaking and therefore he is out of order.

The Hon. I. G. Pratt: I was talking to Mr Lewis personally.

The Hon. D. W. COOLEY: In that case the honourable member is speaking too loudly.

The PRESIDENT: Order! The honourable member will pay no attention to other members and will get on with his speech on the Bill.

The Hon. D. W. COOLEY: I repeat that the second reading speech made by the Minister on this Bill is in fact a false document from start to finish. He has said that approaches have been made to other States and that there has been concerted action, and that is misleading in the extreme. Also there is the statement by the Minister that the legislation could well merit a review at the end of next year. That is nothing more than a pie in the sky so far as working people are concerned because they know the policies of the present Government and the type of legislation it introduces. Working people also know that the Government will never introduce legislation that will prove to be of benefit to the working man.

I must return to the point on which I started my speech. There is extreme doubt in regard to this legislation on the attitude adopted by the Australian Government, and the State Government should ascertain from the Australian Government what its present attitude is. The Australian Minister for Labor and Immigration, through his advisory committee, has indicated to me that it wants the Western Australian Government to desist with its introduction of this Bill. With those remarks I oppose the legislation.

THE HON. D. K. DANS (South Metropolitan) [8.45 p.m.]: I oppose this Bill. I think Mr Cooley has adequately covered all the facets of this reprehensible piece of legislation which has been introduced in another place and brought to this Chamber.

It is hard for me to believe that any responsible Government, or any responsible Minister, would bring to Parliament a Bill like this—particularly at a time when the economy is starting to turn up—unless he had some mischievous intent.

It is a fact that indexation—despite its critics on both sides of the industrial field—is starting to work; and this is reflected in the latest consumer index figures which show a 0.8 per cent increase. It is most unlikely that the Commonwealth commission will grant any increase for the September quarter.

The Hon. N. McNeill: I thought it was due to Medibank.

The Hon. D. K. DANS: If the Minister wishes to debate some of the facets of Medibank he may do so. It may have been a contributing factor, but it was certainly not the whole factor.

The fact is that indexation is starting to work. If members would like to take time to examine the decisions of the Industrial Commission and examine the entire industrial field they will find that indexation does work.

The Hon. N. McNeill: I was recalling one of the official reports.

The Hon. D. K. DANS: The Minister will have a chance to acquaint the House with his knowledge in this regard, and I will be pleased to hear him.

If there is one action of this Government that is designed to set aflame the oil on the industrial water this is that action—it is contained in this document.

I would agree with Mr Cooley when he says that this entire document, either by intent or by plain incompetence, is simply a document of untruths; and I am referring to the second reading speech that accompanies the Bill.

I would like the Minister handling the Bill in this Chamber—the Minister who is responsible for it; and I know he does not shirk his responsibilities—to let members know which other States have enacted similar legislation. The only other State that has attempted similar legislation has been Queensland, and even the Government of that State had better sense than to proceed with it; it decided against doing so and pulled the legislation out.

I would advise the Minister to adjourn the debate on this Bill so that some consultation may be had with the Australian Government. As I understand the situation what was said on the 20th June was that the proposed Australian Government legislation which was eventually abandoned was intended to give the Minister for Labour the right to appeal to the Full Bench against the certification of an agreement or an award, and including a consent agreement.

As I understand the position—and I do not want to go into all the ramifications of pencilled agreements and so on—that was the intention of that particular conference; that was what the Ministers for Labour were asked to do at that time. Despite the fact that some people say

pressure has been brought to bear on the Australian Government to get it to change its mind this is not true.

What has happened is that those employers who have resisted attempts to increase their wages outside of the guidelines have been substantially backed up—and I am not saying I agree with it—by the officers of the Commonwealth Department of Labour, and this is one of the reasons for the slowing down in wage demands.

Because of the course of events in the last couple of weeks in Canberra we find the trade union movement and the whole of the Labor movement has been galvanised into action. These events have more than ever reinforced our call for wage indexation. But we could only get wage indexation to work if we approach it from a position of mutual respect and mutual trust; and it is this which has caused the legislation to be withdrawn in Queensland; it is this which has precluded the other States from rushing in where angels fear to tread.

I have heard the members of the Liberal Party in the Eastern States referring to their brothers in the party here as the wooden-headed fundamentalists from the west. The Government has charged in madly on this issue and I tell the Minister now the legislation is not going to work, because it cannot work.

People have spoken about guidelines in the Federal sphere. I would like members to ask any responsible industrial officer, or any personnel manager, or any responsible member of the Confederation of Western Australian Industry what are the guidelines; whether he would like to be responsible for setting down guidelines across the board for all the industrial situations that could arise in the metropolitan area of Perth. Of course nobody would like to do that.

Common sense rules the day in these matters and I must agree with Mr Cooley that the Bill before us is the most repressive and reprehensible piece of legislation that has come here for consideration.

The Hon. R. F. Claughton: That is a good word.

The Hon. D. K. DANS: I think the Bill was introduced because of sheer incompetence by a Minister who has been badly advised and who has not seen fit to get out of the trench in which he sits in order to examine the position. The people who are advising him are leading him to folly; because it is hard to comprehend that anyone would introduce a Bill such as this accompanied by the second reading speech which has been delivered.

The Government does not have to take my word for it. All the Minister need do is adjourn the House for half an hour and phone his colleagues in the other States, and he will soon find that the accompanying document to this Bill is full of untruths. To my way of thinking the people advising the Minister on this issue should be sacked for incompetence.

Does the Minister think that even the most nonmilitant unions of this State will accept the provisions of this Bill? Or will it be only a piece of paper? Because I can well understand a responsible commissioner of our own Industrial Commission thinking very carefully before he denies an agreement to two parties who had made such an agreement quite amicably without any work stoppage; who had made the agreement freely having regard for all the factors involved. I certainly would not like to be the commissioner who would have to say, "I have decided we must have some kind of guidelines and that we just cannot proceed." I would not like to be the commissioner who would say that to the parties who had reached a mutual agreement.

If members opposite believe that will happen then they will believe in fairies; and I know the members of the Liberal and Country Parties do not believe in fairies.

The legislation just will not work. I have just as much interest as members opposite in making the system work in the interest of all Australians. We must have economic good sense in every field of endeavour today, and if I were the Minister I would simply say, "What is a day, after all! Let us take the Bill out of this place for a day; let us adjourn it and see whether the speakers from the Opposition side are correct. Let us see whether we have been misinformed and whether the Minister's officers have been incompetent and have completely misrepresented the situation to him."

I know some of these officers and I do not think they have intentionally misled the Minister; but they have missed the bus and have come to some false conclusions. I do not want to engage in repetition because Mr Cooley has been over—

The Hon. G. C. MacKinnon: The odds.

The Hon. D. K. DANS: —the entire field of this legislation. Once the legislation is in; once we let it loose in the community we will not be able to do anything about it. There is a saying in Malaya—which I think Mr MacKinnon would know well—that he who rides a tiger can never dismount; and that is the situation in which we will find ourselves. We will be the only State in Australia with this type of legislation.

I do not suppose this will really matter because we are the only State with fuel and energy legislation; and we are the only State with the type of penal provisions that we have.

All this Bill will do is to make people fight harder and, as a result of their

fighting, they will achieve their aim. I agree with Mr Cooley that despite all the flares fired here about industrial relations, the vast majority of industrial agreements and the vast majority of conditions under which the workers operate in this State have been arrived at by negotiation and have been registered by consent at the Industrial Commission.

What would any sensible employer do? This is where the danger arises. What would any sensible union official do after having had a look at some of the decisions of the commissioners in respect of denying consent agreements, because it will be on his sayso—and no matter what the guidelines may be he could refuse to register that agreement.

I think common sense should prevail because there is no requirement on individuals. We still have freedom of assembly; we still have freedom of association to go along and make a sweetheart agreement, if we want to call it that.

The Hon. G. C. MacKinnon: I did not call it that.

The Hon. D. K. DANS: What would be wrong with a bit of feather-bedding before approaching the commission to register an agreement? I think indexation can work. I might add that I am not a complete fan of indexation, but that is the kind of thing that seems to be operating now. There are a lot of people with muscle who will try to come in, but they will be advised by more astute industrial managers and union officials who will say, "Listen, we are in this business; so do not start flexing your muscles too far because you will have us in trouble."

Let us go about this in an easy manner. There is no doubt that indexation is working and we cannot inflict these provisions on people. If the Government tries to do so it will find there will be sour grapes.

The Hon. R. Thompson: They will make sure it does not work.

The Hon. D. K. DANS: Of course they will. Not only will the employees make sure it does not work but the employers also will make sure it does not work, because they will not like to think that somebody is telling them how to enter into a consent agreement which may be made without any duress; they would not like to think that anyone is telling them that this is how they will do their business; and I suppose in their run to the judge that is their right.

However, for better or for worse most of the people approach the commission after they have reached agreement and then register it. This gives legal standing to such an agreement and it gives some protection to both the parties and allows the commission and other people to acknowledge any wage fixation; quite apart from which it enables the States to chart the Consumer Price Index, the movement in the total wage, and to arrive at a decision in respect of what is the average wage. But if we do not have these agreements registered we are then confronted with a number of unknown variables which will be operating in the community.

When we talk about unions and workers, we are talking about 98 or 99 per cent of the Australian people, because one way or another they all work. How do we provide a standard guideline? How can we go to six individual commissioners from time to time and get six decisions that are all exactly the same?

This morning I heard the Minister for Social Services in Canberra—Senator Wheeldon—agree to a rise of 15 per cent-odd for the doctors. It was said by interjection that that was not indexation. From my listening to the radio I was satisfied by the Minister with regard to the position which doctors are placed in—as people who operate small businesses. Surely, no-one would suggest that we apply indexation to members of the medical profession. I would not agree with that proposal. There are other situations which obtain and which are similar to the medical profession.

The people best equipped to decide what is to happen, having regard to the general provisions of indexation which have been laid down, and which are working, are the people who are closest to the matter. I refer to the employers and the employees. I am making the point that the best agreements are those which are made without any duress or pressure. I think members will agree, generally, that the pressures which have been exercised and considered to be excessive—and that is a matter of opinion—have been resisted in the Eastern States and by the Commonwealth by the intervention of the Commonwealth Arbitration Commission.

The application of "catch up" has been interpreted in many different ways. It was applied to members of Parliament, and I know that some members of Parliament did not agree with the theory put forward with regard to "catch up". The point I am making here is that this type of legislation seems to emanate in this particular portfolio which seems to require a steam hammer to crack a peanut

I am quite genuine in my appeal to the Minister—free of any rancour—to delay this Bill until tomorrow afternoon so that some consultation may be held with the Commonwealth Department of Labor, and our own State Department of Labour and Industry, to see what has actually been said. I do not think that what is set out in the second reading speech notes is correct.

Surely I am not asking too much. To not grant my request means that the Government is going off at a tangent again.

I can only reach the conclusion that having set its course, as a result of incompetence or straight-out vindictiveness—I would not like to accept the last theory—the Government intends to stick to it, come hell or high water. If that is the case, then what the Government reaps will be its own business. I cannot assist any further in that matter.

I suggest, in the interests of the community, in the interests of economic stability, in the interests of industrial peace, and in the interests of the people generally, a delay of some 12 hours—in order to set the record straight—is not asking too much. At present the Government is playing with dynamite. This Bill is all-embracing.

I agree we do not have to follow the standards and activities of other Governments with regard to similar legislation. Similar legislation was introduced in Queensland and the Queensland Minister saw fit to take it out of the Parliament. I do not think he tossed the legislation out; he withdrew it because commonsense prevailed.

If the Minister really has the interests of the State at heart—and the State is the people, do not let us talk about unions and bosses—then a delay of some 12 hours will not affect the passage of the Bill. The Minister will be able to ascertain whether the legislation is in step with the Australian Government and the other States, or whether it is out of step. Personally, I do not think this is a very big request. If it is the intention of the Government to steamroll this Bill through it will not accomplish anything.

The Hon. D. J. Wordsworth: What do you mean by steamroll? How long has this Bill been before the Parliament?

The Hon. D. K. DANS: It has been before us tonight. However, if it is steamrolled through tonight then I suppose it will be just as flat as a tack as if it were left until next week to steamroll. All I ask is that the Bill be delayed until tomorrow in order to obtain some additional advice so that we can come to a logical conclusion.

The Hon. D. J. Wordsworth: We might end up having another Khemlani affair.

The Hon. D. K. DANS: I do not want to be associated with that shady character.

The Hon. G. C. MacKinnon: Do not be led away from the Bill.

The PRESIDENT: Order, please.

The Hon. G. C. MacKinnon: I think it was your friends who brought him into the country.

The Hon. D. K. DANS: I have other thoughts. I am opposed to the Bill and I hope the Minister who is handling it will delay its passage for 12 hours so that at least some of the matters which have been raised can be proved to be correct or proved to be false. If what we have said is not correct we will still oppose the Bill, but I would be the first one to admit that some of the statements made tonight were the result of having been misinformed in my research, and perhaps some of the things which have been said about the Department of Labour and Industry were not correct.

There is no need for the Bill to pass tonight. This is something we should not hasten to pass.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [9.07 p.m.]: I suppose Mr Dans is getting a little sick of me commencing my remarks in the same fashion whenever he speaks. However, I am genuinely grateful to him for changing this debate from a tirade of abuse on a class hatred basis to a reasonable discussion on the merits of the Bill, more especially with regard to its industrial relationship. I am genuinely grateful to him for that because he has given me something I can answer with some degree of reasoning and some degree of logic without getting down into the old fashioned class hatred venomous sort of attitude.

I am grateful for the fact that Mr Dans pointed out some 90 per cent of the population is involved in some form of union activity.

The Hon. D. K. Dans: I did not say that they were involved in unions; I said that 97 per cent were workers.

The Hon. G. C. MacKINNON: Indeed, a large proportion are engaged in union activity as defined in our industrial legislation, because a union is defined as an organisation, whether employers or employees. Yet, we have to listen to this class hatred type of speech irrespective of the nature of the Bill under discussion. The nature of the Bill just interposes between little sections of the speeches; a reading of *Hansard* will show that speech after speech is on the same subject. This principle was applied tonight and, as I have said, I am very grateful to Mr Dans, indeed—and I think members of this House generally ought to be grateful to him—for bringing the debate back onto a reasonable sort of basis.

The arguments put forward by Mr Dans were quite reasonable because legislation such as this can be argued according to individual opinion.

The absolute crown of glory was reached when we were accused of having done nothing in the way of legislation for working people. In your time, Mr President, you will remember the work done by Dr Hislop in the way of industrial legislation for the benefit of workers and miners in this State.

The Hon. R. F. Claughton: As an individual.

The Hon. G. C. MacKINNON: He had to get party support, and he got it willingly and without trouble. In the face of that sort of ignorance I do not know what one

can do. Let us look at the record. I will quote what Senator James McClelland had to say recently—

> Senator McClelland also said he would be asking the States to legislate to control "sweetheart" agreements between employers and unions.
>
> The states are expected to agree to this.

And further—

> The WA Premier, Sir Charles Court, said yesterday that he had undertaken to legislate to give WA industrial tribunals the necessary authority to deal effectively with wage indexation.

The leading article in *The West Australian* of the 23rd June, 1975, read—

> An orderly and just system of wage-fixing will not be achieved without some sacrifices or some sense of economic nationalism by workers and their employers in both the public and private sectors.

Of course, that is absolutely in line with the recent arguments put forward by Mr Dans, with which nobody disagrees. The leading article continued—

> There is already evidence that the new Federal Minister for Labour, Senator J. McClelland, will take a stronger line on wage restraint than did his predecessor, Mr Cameron.

I think that was evident. It appears that the stronger line he took got him into some trouble, and I will discuss that matter subsequently. Referring to the most unusual statement by Mr Cooley, according to *The West Australian* of the 9th June—

> Senator McClelland said that a unionist was cutting off his nose to spite his face if he went for increases which were beyond what the economy could bear.

So, after the necessary conference—as Mr Medcalf has said—these statements were made and these requests were brought forward.

The Hon. D. W. Cooley: Requests for what?

The Hon. G. C. MacKINNON: Requests for legislation. To quote again—

> Senator McClelland also said he would be asking the States to legislate to control "sweetheart" agreements between employers and unions.

Mr Medcalf was present and heard the statement, and he heard the agreement. He was representing the State.

The Hon. D. K. Dans: I did not disagree with that.

The Hon. G. C. MacKINNON: I have already said I have little argument with Mr Dans' interpretation of some aspects. I said he gave a reasoned address, and I thank him because he has given me some reasoned arguments to answer, and not the usual tirade of abuse.

As I mentioned, Mr Medcalf was present and he heard the statement. One thing which I think ought to be refuted is the statement that henceforth all consent agreements will automatically be banned.

The Hon. D. W. Cooley: Nobody said that, you are distorting again.

The Hon. G. C. MacKINNON: Let me be perfectly clear and again say this was to be the situation. I remember that Mr Cooley used the words "the commission shall" and I had to correct him. He quickly agreed that he had made a mistake, but I had to correct him.

The Hon. D. W. Cooley: Have you ever made a mistake?

The Hon. G. C. MacKINNON: Mr Cooley made a mistake. It is set out in the Bill that if, in the opinion of the commission, the agreement or the award or order, is in force, the commission may do certain things.

The Hon. D. W. Cooley: Read out the general application.

The Hon. G. C. MacKINNON: It does have some general applications. It is a possibility, and not an inflexible rule. I agree with Mr Dans that a tremendous number of agreements which are accepted by the commission are arrived at by consent. Indeed, I have been a party to such consent agreements. They are taken along to the court and registered, generally amicably and to everyone's entire satisfaction. That is all right. I have also been party to a case which was opposed, and I have no doubt that Mr Dans has also. Even in those cases, we finished up with satisfactory decisions.

I suppose it is a cliche to say that virtually all laws on the Statute book are there to control the minority of people who kick over the traces—people who try to work the system. Indeed, I would like quickly to look through my notes to find the exact words used by Mr Cooley. He said that people could "exploit the situation". The Statutes are designed to control people of that sort. One would have thought that the appeals of the Prime Minister (Mr Whitlam), the Federal Minister for Labor and Immigration (Senator James McClelland), and the President of the ACTU and of the Australian Labor Party (Mr Hawke), would ensure that the vast majority of unions and employers in this State would make every endeavour to see that indexation works. We have heard impassioned pleas from these three men at different times in this vein. Therefore, one would think that very few consent agreements reached now and in the near future will be so-called sweetheart agreements.

We were asked to pass the legislation, and the agreement, as Mr Dans said, was arrived at with reluctance.

The Hon. D. W. Cooley: Have you any documents confirming the request to pass the legislation?

The Hon. G. C. MacKINNON: I will come to that in a minute. I see nothing odd in the sincere hope that by the end of next year we will be able to repeal the legislation. All I know is that a perfectly reliable Minister whom I have never known to tell a lie—and I never accept that anyone is a liar until they lie to me—came back from the conference and said that this was the situation. I have heard a perfectly reliable Honorary Minister (Mr Medcalf)—again whom I have never known to lie, so I could not in any way suppose that he would—state that he heard this with his own ears.

The Hon. D. W. Cooley: What—tell us what he heard?

The Hon. G. C. MacKINNON: He heard a request by Senator McClelland to introduce legislation in order to control sweetheart agreements—exactly what we are doing. It is normal procedure that while Ministers meet once a year for conferences of that sort, departmental officers meet repeatedly and give information one to the other.

Let me deal with the message I received today. It really is an extraordinary notification because it states that the Minister decided not to proceed with proposals, according to Mr Howard Nathan—a gentleman whose name we have heard mentioned here today. All of us who have been or who are Ministers know that at times an officer may come to one and say, "Look, you cannot take this as official, but I happened to be speaking to Mr X today"—his opposite number in Canberra—"and he advised me unofficially that so-and-so may happen." The officers must work on this level, but the information cannot be treated as official. In my experience, the officers are always at pains to point out that nothing official can be made of it. So I have this document before me. Again, I refer to Mr Dans because he used the words, "experience in the market place is established that parties may fail to present such awards for certification". Everybody knows that, because it has happened in the past, even without this legislation. It is likely to happen in the future, but there are advantages in certification, as Mr Dans well knows. So this tends to put at some disadvantage those who, to use Mr Cooley's words, "would exploit the situation".

Tonight we have heard a vast number of interpretations of different aspects of various statements. Therefore, I am emboldened to make an interpretation of some aspects of this message.

The Hon. D. K. Dans: I have not seen the message.

The Hon. G. C. MacKINNON: The honourable member made some interpretation along the lines—

The Hon. D. W. Cooley: Will you read the message out?

The Hon. D. K. Dans: Not of that message.

The Hon. G. C. MacKINNON: I realise that, but some interpretations have been made.

The Hon. D. W. Cooley: Will you read the full message to the House?

The Hon. G. C. MacKINNON: I will come back to that in a minute. Because of the number of interpretations made, I feel emboldened to place some on this message. I will not read the message for these reasons: I do not know whether it was received on a telex but by its presentation I imagine it was not. Probably it was received over the phone, and it could be subject to errors and omissions. I take it that Mr Howard Nathan dictated it, but the person receiving it could have made some errors. If it is recorded in *Hansard*, at some future date it could be the subject of endless argument whether or not some words were correct. All I propose to do is to give the sense of it.

The Hon. D. K. Dans: Are you prepared to table it?

The Hon. G. C. MacKINNON: Not without conference, because I do not know whether or not it was written down fully.

The Hon. D. K. Dans: It would not go into *Hansard* if it were tabled.

The Hon. G. C. MacKINNON: No, but it would be available. I think these are perfectly valid reasons for not reading the message or tabling it. I will make the necessary inquiries, and if the officer concerned is sure enough of his facts, I will lay it on the Table of the House at a later stage.

To return to my interpretation, I believe this message represents a complete capitulation by the Federal Government to certain militant unions. It has all the signs of being so.

The Hon. D. K. Dans: And all of the other State Governments too—put that in!

The Hon. G. C. MacKINNON: All right, I will branch off and deal with State Governments. In my second reading speech I stated that there has been movement towards this action in a number of other States. Now movement does not mean that legislation has been passed or an Act assented to; it means that some action has been taken. My information is that some action has been taken, but whether or not the matter is now in a state of suspended animation, I know not. But I do know that some action has been taken in New South Wales, Victoria, South Australia, and Queensland, and of course, the implication made by Senator James McClelland was that some movement had taken place in Federal spheres also.

Let me continue with my interpretation. As I say, I have proved quite conclusively, I believe, through references to Mr Medcalf, the Premier, Press reports, and the like, that Senator McClelland made the request.

The Hon. D. K. Dans: I said that, but he changed his mind.

The Hon. G. C. MacKINNON: I know the honourable member did, but he was not the member who doubted it.

The Hon. D. W. Cooley: I did not doubt it.

The Hon. G. C. MacKINNON: Opposition members have now changed their minds. As I say, I am entitled to suggest the interpretation is that Senator McClelland, still new to his portfolio and in the throes of enthusiasm, stepped out of line and was pulled back into line very smartly by the more militant unions. That is a perfectly reasonable interpretation.

The Hon. D. W. Cooley: That is in your view.

The Hon. G. C. MacKINNON: It is also a perfectly reasonable interpretation to say that this backtrack could well throw indexation into the melting pot, because it does not take many unions—or even large unions—to force such a sweetheart agreement to crack indexation. I think I quoted the Prime Minister who said that indexation is a delicate plant. If he did not use those exact words, they were very similar.

The Hon. D. W. Cooley: "Fragile package" were his words.

The Hon. G. C. MacKINNON: Thank you very much—fragile package.

The Hon. D. W. Cooley: It was not the Prime Minister who used those words, it was the chairman of the—

The Hon. D. K. Dans: Would you not agree that indexation is working in view of the application by the ACTU to seek an 0.8 per cent increase only?

The Hon. G. C. MacKINNON: I think something is working, and I have seen a number of reasons which could be responsible for the slowdown. I believe indexation has had quite an effect.

The Hon. D. K. Dans: On wages.

The Hon. G. C. MacKINNON: That is right, on wages. I believe the cost of living has been affected by the lack of productivity more than by the rise in wages. I think one of the things we have to thank for that is the more fair-minded unions whose members, thank God, vote for the Liberal Party in their thousands.

The Hon. D. W. Cooley: They do not have to thank you—you were opposed to it in the beginning.

The Hon. G. C. MacKINNON: These union members know that while we were in Government they all had jobs. A greater percentage of men were working, and more of them in more than one job—like Mr Cooley.

The Hon. D. W. Cooley: Like you too.

The Hon. G. C. MacKINNON: More men working than at any time since.

The Hon. G. E. Masters: You are wrong about the Minister.

The Hon. G. C. MacKINNON: Not me.

The Hon. D. W. Cooley: Yes you do—you have your chairmanship and other jobs.

The Hon. G. C. MacKINNON: I would like just to correct this because members of the Press are here.

The Hon. D. K. Dans: You know when I first came here, I addressed 700 unemployed men at Kwinana. They did not have jobs.

The Hon. G. C. MacKINNON: Mr President, as you well know, I have no chairmanships whatever. I do my job here, and this job alone. The only position I hold is vice—

The Hon. D. W. Cooley: Do you get paid as much as I do for it?

The Hon. G. C. MacKINNON: —president of the Scout Association.

The Hon. D. K. Dans: I commend you for it, but I was worried about you when you dwelt on that word "vice".

The Hon. G. C. MacKINNON: I attend one meeting a year, and I buy my own dinner. Let us pin down that accusation. Mr Cooley holds three jobs, whether he is paid for them or not.

The Hon. D. W. Cooley: That is a lie.

The Hon. G. C. MacKINNON: He introduced this hate campaign.

The Hon. D. W. Cooley: That is untrue.

The Hon. G. C. MacKINNON: He holds three positions; he is a member of Parliament, Chairman of the TLC, and secretary—

Point of Order

The Hon. D. W. COOLEY: Mr President, it is untrue for the Minister to say I hold three jobs, and I ask that the words be withdrawn. It is not in accordance with fact to make such a statement, and I believe the Minister knows it. I do not hold three full-time positions; my only full-time job relates to my parliamentary duties. I am not paid for my work with the Trades and Labor Council and—

The Hon. G. E. Masters: What about your expenses?

The Hon. D. W. COOLEY: Mr Masters is telling untruths again, because I do not receive expenses from the TLC.

The PRESIDENT: Order! The honourable member is on his feet to take a point of order. Will he please take it?

The Hon. D. W. COOLEY: My point of order is that the Minister is not telling the truth when he says I am being paid by the TLC. I have served in the position of President of the TLC for 11 years and have not received one penny as remuneration. I do not think it becomes the Minister to make such accusations, and I ask him to withdraw.

The PRESIDENT: Order! Ordinarily, a statement by one honourable member to another requires withdrawal upon request. But unless I heard the statement incorrectly, I did not hear the Minister assert that the Hon. D. W. Cooley was being paid for his jobs.

The Hon. G. C. MacKinnon: I made no such statement.

The PRESIDENT: I will leave the Chair until the *Hansard* record is available for perusal.

Sitting suspended from 9.31 to 10.01 p.m.

The PRESIDENT: I have checked the *Hansard* report. I want to relate this to members: the Minister for Education gave voice to these words—

> Mr Cooley holds three jobs, whether he is paid for them or not.

The words which Mr Cooley claimed the Minister uttered were that he was being paid by the TLC. There is a pretty fine line. The Minister for Education did not actually say that Mr Cooley was being paid for his jobs. In my view this is a storm in a teacup. I suggest that the debate be continued.

Debate Resumed

The Hon. G. C. MacKINNON: I was discussing a message which I had received before the suspension. In the meantime I made some inquiries, and I am now prepared to table the message for the sake of the record.

The Hon. D. W. Cooley: Did you ring somebody?

The Hon. G. C. MacKINNON: Mr Dans asked me about this.

The Hon. D. W. Cooley: Did you ring somebody?

The Hon. G. C. MacKINNON: No. I thought about this and I decided to do what I did. In this House I am responsible for the Bill. I gave my answer at the time, and I said I might well do what has been proposed later, perhaps tomorrow. However, I shall do that now.

Members should bear in mind that I was giving my interpretation of what the message implied. It is addressed to the Minister. I scribbled some notes at the bottom of the message, and I have torn that part off. The message is as follows—

> I have received the following note for urgent transmission to you from Mr Howard Nathan, advisor to Senator McClelland.
>
> 1. Re amendments to the Conciliation and Arbitration Act.
>
> The Minister has decided not to proceed with the proposals to attempt to amend the Act so as to give him the right of appeal to a Full Bench of the Commission against the certification of an agreement for the making of an award including a consent award, by a single Member of the Commission of or the Flight Crew Officers Industry Tribunal.
>
> Experience in the market place has established that parties fail to present such awards for certification if they believe they will not be so approved. Secondly, where such a law is honoured, more in the breach than the acceptance, it brings the entire system into disrepute.
>
> I have advised Mr Cooley of the Minister's attitude to this matter and you will of course receive formal and proper notification of this note.
>
> As a matter of courtesy the Minister was anxious to deliver this to you prior to the debate of your Bill this evening.
>
> Received at office of Minister for Labour and Industry at 12.30 p.m. 29th October, 1975.

I shall table that message later.

I want to give some of my interpretations of that message, and to highlight a few things to indicate the absolute amazement of the responsible Minister in this State when he received this message. Firstly, twice in the last three months there has been total agreement to proceed on the lines requested by the Federal Government, and that total agreement was with all the States.

Two days ago, after the debate had commenced in another place, the officers in this State rang the Federal officers and were advised that the desire for the legislation to continue still remained. I repeat that was two days ago.

Members can imagine the amazement when this message was handed to the Minister for Labour and Industry at approximately 2.00 p.m. today. I think members would appreciate the absolute amazement of the Minister for Labour and Industry in this State (Mr Grayden); and I think I am entitled to attribute this situation to the fact that pressure from some militant unions has prevailed. We still have no official notification. We are repeatedly accused of refusing to comply with requests of the Federal Government. We agreed to this legislation at the request of the Federal Government and without a great deal of enthusiasm at the time. We are now asked to back off.

The Hon. D. K. Dans: Over a month ago Queensland withdrew its legislation.

The Hon. G. C. MacKINNON: That is another matter. This State has no official notification that any State has

backed off. There is a rumour that Tasmania and South Australia have done so.

The Hon. D. K. Dans: It was in the Press about Queensland.

The Hon. G. C. MacKINNON: There is no factual information available.

The Hon. D. K. Dans: The Press reported it when I was in Melbourne.

The Hon. G. C. MacKINNON: The Federal Government asked us twice to legislate along these lines, once at a Premiers' Conference and once at a conference of Ministers for Labour; and there may have been other occasions at conferences of officers. However, the request was made twice at ministerial level, and twice all the States agreed. As late as two days ago—

The Hon. D. W. Cooley: You are not being truthful when you say the Federal Government agreed to the legislation you have before the House tonight.

The Hon. G. C. MacKINNON: The request was as I have stated, and this legislation accomplishes it. It may well be different from the legislation introduced in the other States because, as Mr Cooley well knows, there are differences in the methods of administration in the Acts from State to State.

The Hon. D. K. Dans: There was only one State—Queensland—which withdrew it, to my knowledge.

The Hon. G. C. MacKINNON: Here we see once again this blatant failure of the Commonwealth to adhere to agreements and its blatant habit of bypassing agreements which have been reached and reiterated twice at ministerial conferences. One can readily understand the feelings of the Government of this State, and in view of all these circumstances it is with regret that I have to advise Mr Dans I am not prepared to hold up the Bill. I believe it should proceed until such time as we receive notification, not only from the Federal Government but also from the Governments of the other Australian States.

I therefore table the message and sincerely hope wisdom will prevail and that the House will support the second reading of this Bill.

The message was tabled (see paper No. 413).

Question put and a division taken with the following result—

Ayes—15

Hon. C. R. Abbey	Hon. M. McAleer
Hon. N. E. Baxter	Hon. N. McNeill
Hon. G. W. Berry	Hon. I. G. Pratt
Hon. Clive Griffiths	Hon. J. C. Tozer
Hon. T. Knight	Hon. R. J. L. Williams
Hon. A. A. Lewis	Hon. D. J. Wordsworth
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. G. E. Masters	*(Teller)*

Noes—7

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. D. W. Cooley	Hon. R. Thompson
Hon. S. J. Dellar	Hon. D. K. Dans
Hon. Lyla Elliott	*(Teller)*

Pairs

Ayes	Noes
Hon. V. J. Ferry	Hon. Grace Vaughan
Hon. J. Heitman	Hon. R. H. C. Stubbs

Question thus passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. G. C. MacKinnon (Minister for Education) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 71A added—

The Hon. D. W. COOLEY: I think the attention of the Chamber should be drawn to the provisions of this clause because tonight much play has been made of the Australian Government's attitude towards this Bill. It has been said quite untruthfully that the Australian Government agreed to the principles contained in this Bill at a meeting on the 20th June; in fact it did not.

Point of Order

The Hon. G. C. MacKINNON: I have several times requested that attention be drawn to the fact that I do not like my veracity to be impugned. The principle in this Bill is the banning of "sweetheart" agreements. Senator McClelland was quoted in the newspapers, and did not deny it—indeed, I believe he reiterated it—as saying the principle of the legislation was the control of "sweetheart" agreements; and he was heard to say it by the Honorary Minister. That is what was requested. I have not been telling a lie and I ask that the words be withdrawn.

The Hon. R. Thompson: You didn't wait for him to finish his statement.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): The Minister for Education has requested that Mr Cooley withdraw the words impugning the Minister's veracity. Will Mr Cooley withdraw?

The Hon. D. W. COOLEY: I did not say anything about his veracity. I said it was untrue for it to be said that the Bill before us is the same as that agreed to by the Australian Government, when it is not. However, if the Minister is that touchy I will withdraw whatever he wishes me to withdraw.

The Hon. R. Thompson: What does he want you to withdraw?

The Hon. D. W. COOLEY: I do not know.

The Hon. R. Thompson: You can't withdraw something unless the Minister asks for the words to be withdrawn.

The Hon. G. C. MacKINNON: Mr Deputy Chairman, the honourable member stated that it was untrue. The only member who has spoken on this side of the Chamber is myself. What I said is not untrue, and I want the words that my statement was untrue withdrawn.

The DEPUTY CHAIRMAN: The Minister is asking that the word "untrue" be withdrawn.

The Hon. D. W. COOLEY: I will withdraw the word "untrue" Mr Deputy Chairman, if it has any meaning. I think the Minister's attitude would be better if he stuck to his boy scouts rather than industrial matters.

The DEPUTY CHAIRMAN: Order! If you withdraw a remark—

The Hon. R. Thompson: He is carrying on with his speech.

The DEPUTY CHAIRMAN: I do not think so; I think he is qualifying his withdrawal.

The Hon. D. W. COOLEY: Mr Deputy Chairman, I withdraw.

The DEPUTY CHAIRMAN: Thank you, Mr Cooley. You may continue.

Committee Resumed

The Hon. D. W. COOLEY: Clause 4 adds proposed new section 71A to the Act. Subsection (1) states—

> . . . if, in the opinion of the Commission, the agreement or the award or order would, or any provision of it would, if in force—
>
> (d) be contrary to or inconsistent with any decision of the Commission in Court Session, whether made before or after the date of commencement of this section, expressed, subject to its terms, to be intended for general application; or

I am worried about the term "general application". The Minister gave no interpretation of this term in his second reading speech. He indicated that the Australian Minister for Labor asked that the guidelines of the Australian indexation decision be observed. I thought the guidelines of the indexation decision dealt with wages, but if this Bill becomes an Act of Parliament it will mean that if the Commission in Court Session at some time before or after the proclamation of the Act makes a decision and a union or employer approaches the commission to register an agreement, then if the agreement is contrary to the decision taken by the Commission in Court Session it may refuse to register it.

My understanding of "general application" in industrial language is that it means things that are agreed to by all parties. At one time we used to have a general inquiry which had general application to all workers in Western Australian industries. I think this provision could include matters such as leave, hours, and other conditions of awards. Before the Chamber agrees to this proposal, as no doubt it will, the Minister should explain what the term means and how it relates to the guidelines of the wage indexation decision.

The Hon. G. C. MacKINNON: The words "general application" have the meaning defined in the *Concise Oxford Dictionary*; "general" means "universal" or "across the field", and "application" means just what it says.

The Hon. D. W. COOLEY: That means the provision would have effect in respect of any condition in an award or agreement that is contrary to the decision of the Industrial Commission.

The Hon. G. C. MacKINNON: No. If in the opinion of the commission that specific agreement or award has general application across the State, the commission may refuse to file it.

The Hon. D. W. COOLEY: With respect, I cannot see that it refers to any general application across the State.

The Hon. A. A. Lewis: I am not surprised.

The Hon. D. W. COOLEY: Perhaps we are not all as bright as Mr Lewis.

The Hon. A. A. Lewis: I am glad you admit that.

The Hon. D. W. COOLEY: However, at least we should have an appreciation of something before we approve of it. I again refer the Committee to the wording of the provision. It makes no reference at all to awards. The Minister simply says it will have general application to the whole of Western Australia. I must say I find that rather hard to follow.

The Hon. G. C. MacKINNON: Mr Cooley is a specialist in industrial matters. One would expect that he would be able to stand up and explain this to us in detail. The provision appears to me to mean precisely what it says. I think the meaning is crystal clear, and I can see no point in explaining it.

If Mr Cooley has specific experience as a result of which he thinks we may get into difficulty through the use of the wrong verbiage, I wish he would explain the matter to us. To my mind the provision has no hidden meanings or traps.

The Hon. D. W. COOLEY: I thought the purpose of Committee debate was to inform members in respect of matters before them so that they may vote intelligently. In my second reading speech I explained what I think the term means. I am trying to ascertain from the Minister whether the commission can refuse to

authorise the filing of an agreement if that agreement is for the purpose of amending, say, the long service leave or annual leave provisions of an award. Is it as wide as that?

The Hon. G. C. MacKINNON: I would expect so. I would expect that if an agreement is entered into which, to use Senator McClelland's phrase, qualifies as a sweetheart agreement and provides conditions above and beyond those normally covered by the indexation provisions, the commission may refuse to file the agreement. If it is clear that in lieu of a rise workers will receive a bonus or some other advantage, this should be taken into consideration by the commission. When all is said and done there is no condition applied to a worker which cannot be transferred into monetary terms. The proposed new section includes a grandfather provision in the words, "be otherwise contrary to the public interest", which is at the same time a widening and a narowing of the section.

The Hon. D. K. Dans: Did you say a widening and a narrowing?

The Hon. G. C. MacKINNON: In some respects that would widen the provision, and in some respects it might allow the commission to be more generous. In his inimitable style, Mr Dans has indicated some doubt regarding the words I used.

The Hon. D. K. Dans: I think you have been insulated from reality for too long.

The Hon. G. C. MacKINNON: Let us say that we have an extremely hot summer in which it is necessary to reach special agreement in respect of the fire brigade workers so that they are paid a great deal more money to cope with a dangerous situation in the public interest. In that case it could be in the interest of the public to go beyond indexation. I do not think I can advance any further explanation.

The Hon. D. W. COOLEY: The comments of the Minister have fortified my belief and are in conformity with my interpretation of the provision. I think the Committee should be even more resolved not to agree to this clause, because throughout the debate in this Chamber and the other place the Minister in this place and the Minister in the other place have indicated that this proposition was put forward to the six States in respect of wage indexation. The Minister introduced the question of annual leave and long service leave. The Australian Government at no time suggested that, as is exemplified in the Minister's speech.

In his speech the Minister said this Bill emanates from a conference of State Premiers with the Prime Minister held on the 20th June, 1975, when it was agreed that the States would adhere to the principles laid down by the Commonwealth Conciliation and Arbitration Commission in respect of the implementation of wage indexation. Members should bear in mind the number of times the Minister has referred to that conference.

Nothing was laid down by the Industrial Commission in respect of annual or long service leave or other matters that have general application to the work force.

The Hon. A. A. Lewis: Or bonuses or anything like that.

The Hon. D. W. COOLEY: They were talking about wage indexation.

The Hon. A. A. Lewis: Can you explain your theory of having indexation without controlling those things as well?

The Hon. G. C. MacKinnon: You may well be right; they may not take that into consideration.

The Hon. D. W. COOLEY: Then why is it in the Bill?

The Hon. G. C. MacKinnon: Because it could be done by way of bonuses.

The Hon. D. W. COOLEY: That does not come within the principles laid down. The Minister said the Bill emanated from a conference of Premiers with the Prime Minister when it was agreed that the States would adhere to the principles laid down by the Commonwealth Conciliation and Arbitration Commission. I think the Committee should report progress in order that we may consider the decision of the Commonwealth Commission in respect of this matter.

If now we are to introduce such a provision into this legislation it will give the Industrial Commission power to refuse any agreements which involve annual leave, sick leave, and long service leave.

The Hon. G. C. MacKinnon: You are drawing a long bow.

The Hon. D. W. COOLEY: I am not drawing a long bow. Why does the wording in the Bill refer to general application? That has nothing to do with wage index guidelines. If this Bill is passed it will further encourage people to enter into agreements outside the Industrial Commission. How do we overcome that situation? How do we control that situation in accordance with the guidelines? There should be a better way to control what is laid down in this legislation. Surely it would not be beyond the power of the Committee to report progress in order that we may have a look at the message received from the Australian Minister for Labor and Immigration to see what the other States are doing.

The Hon. A. A. Lewis: You are so quick to say that we are slow about doing anything for the worker, and yet the Federal Government asked you about this twice before.

The Hon. D. W. COOLEY: I never accused the honourable member of being

slow about trying to break down the conditions of workers. However, if there is any question that is adverse to farmers the honourable member and his colleagues squeal like stuck pigs.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): I would ask the honourable member to please address his remarks to the Chair.

The Hon. D. W. COOLEY: I am, Mr Deputy Chairman.

The Hon. A. A. Lewis: Squeal like stuck pigs!

The Hon. D. W. COOLEY: I do not think it would be asking too much if the Committee were to report progress at this stage so that we can clear up this position and see what is happening in the Commonwealth sphere and in other States. At the moment we just do not know what we are doing. We have the Australian Minister for Labor and Immigration saying that what we are doing is wrong and he has made an official request by telephone for us to postpone this legislation. Why not wait to hear his official viewpoint which will probably be here tomorrow?

The Hon. W. R. Withers: Was that official message conveyed by telephone?

The Hon. D. W. COOLEY: I think the Minister indicated that the Federal Minister had suggested that a letter would be following indicating the attitude of the Australian Government. Therefore I suggest that we report progress at this time so that we can review the attitude of the Australian Minister for Labor and Immigration when he communicates with the State Minister for Labour and Industry.

I remind the members of the Committee that the principal argument put forward by the Government for submitting the legislation to this Parliament is that the Australian Government made a request at a conference of all State Ministers to have this legislation introduced.

The Hon. A. A. Lewis: At a conference of Ministers for Labour, and also confirmed two days ago. How much do you want?

The Hon. D. W. COOLEY: The position has changed since that conference, and this has been confirmed by the message that was received today. What is wrong with the Committee reporting progress? Surely members of the Government are not so hell-bent on knocking the workers that they cannot wait for another week before we agree to pass this legislation. The Minister would not only be showing some courtesy to the Opposition, but also to the whole Committee if he now reported progress.

The Hon. G. C. MacKINNON: I think the request made by the Federal Government was answered by a very useful and apt interjection made, I think, by Mr Lewis. Two requests, together with a telephonic communication two days ago have been made. By the way I must admit that the stand taken by the Federal Government makes me feel like a Hindu. It is a great shame that none of us is an Australian any more. Apparently if one is to be an Australian one has to live in Canberra for half a week. According to the Constitution it is the Federal Government or the Commonwealth Government.

In an endeavour to assist Mr Cooley, and in trying to accede to his request, I find that there is no definition of "general application" and therefore one has to refer to the *Oxford Dictionary*. The only use of the word is under "industrial matters" which means all matters affected or resolved. That definition appears, as I said, in the *Oxford Dictionary*. There is another definition which reads, "under established custom, or in use, either generally, or in the particular locality affected."

So I would say that my original statement was correct and the Bill's general application is strictly in accordance with the definition in the *Oxford Dictionary*. That is the only help I can give to Mr Cooley and I think we should let the matter go through as being crystal clear.

The Hon. D. W. COOLEY: I have now had the advantage of reading this message that has been received. It does say that the Minister has decided not to proceed with the proposal to amend the Act.

The Hon. G. C. MacKinnon: You said that the Minister said that, but that is a message from a third person.

The Hon. D. W. COOLEY: The point I am making is that we have this advice now.

The Hon. G. C. MacKinnon: There is no notification from the Minister.

The Hon. D. W. COOLEY: I think Mr Withers said that nothing was said about an official communication.

The Hon. W. R. Withers: I did not say that.

The Hon. D. W. COOLEY: In this message the following appears—

> I have advised Mr Cooley of the Minister's attitude in this matter and you will of course receive formal and proper notification of this note.

What is wrong with waiting for this note seeing that we have placed great reliance all through this debate on the Minister's second reading speech and what the Australian Government's attitude is on the matter? If the debate on the Bill was postponed for another week nobody will rush in and enter into some outrageous agreement.

The Hon. A. A. Lewis: If the Australian Minister is so keen he could have telephoned the Minister in this State. Is that beyond the bounds of possibility?

The Hon. D. W. COOLEY: I did say that I initiated action this morning with the special adviser to the Australian Minister for the purpose of trying to get this information to the Minister for Labour and Industry.

The Hon. A. A. Lewis: You arranged with the Federal Government to send that message back to us and now you are asking us to postpone the Bill virtually at your convenience.

The Hon. D. W. COOLEY: The Australian Minister has indicated to us that he does not want us to proceed with this legislation. The only point I would like to make is that on the strength of this advice being received no possible harm would be done if the debate on this Bill were postponed to ascertain the attitude of the Federal Government.

The Hon. W. R. WITHERS: I have listened to Mr Cooley at great length tonight. Possibly I may be able to shorten this debate for the benefit of Mr Cooley and other members. If he cares to look at tomorrow morning's issue of the newspaper I think he will find a byline on the front page which says, "Switch on sweetheart deals". This may explain the situation.

The Hon. D. K. DANS: There seems to be a fair degree of confusion on clause 4, the operative clause in this Bill. That confusion seems to be in the minds of people in regard to what was intended in the Australian Minister's advice to the State Labour Ministers on the 20th June. Let me make it clear to the Committee that the Minister for Labor and Immigration had the right to appeal to a full bench of the commission against the certification of an agreement for the making of an award, including a consent agreement. We can see the inconsistency in the legislation that is before us now.

The message that was received today through the medium of the special adviser to the Federal Minister again spells that out. I want to emphasise this. The Federal Minister and the other State Ministers are trying to avoid entering into agreements which will not be registered, but the message received today indicates that the Federal Minister has decided not to proceed with the proposals at the moment. They were the proposals agreed to on the 20th June. The message that was received today contains the following—

> The Minister has decided not to proceed with the proposals to attempt to amend the Act so as to give him the right of appeal to a Full Bench of the Commission against the certification of an agreement for the making of an award including a consent award, by a single Member of the Commission of or the Flight Crew Officers Industry Tribunal.

That is the kernel of the matter. They were the proposals that were agreed to on the 20th June, but those proposals have now been abandoned. The proposal that was put to the State Minister was that where a single commissioner registered a sweetheart agreement, it permitted the Minister, through his State department—or the Australian Government Minister—to intervene in that agreement if it went beyond the general application of wage indexation.

However, what have we here? We have a Bill that is not worth the paper it is written on, and if it is agreed to it will give rise to a number of inconsistencies. I would therefore ask the Minister handling the Bill to make some inquiries before we agree to this legislation. If he does so he will find that a great deal of pressure was brought to bear by employer organisations who have a full knowledge of what goes on. This is borne out in the second paragraph of the message that has been received.

Experience in the market place—

How many times have I heard Mr MacKinnon use that term? To continue—

> —has established that parties fail to present such awards for certification if they believe they will not be so approved. Secondly, where such a law is honoured, more in the breach than the acceptance, it brings the entire system into disrepute.

That is the real situation. Senator James McClelland was a very fledgling Minister. Organisations said to him, "We will go along with you, but clip your wings a little. You are going too fast too quickly, and in too straight a line."

In the Bill is a provision which will inflame the situation. Paragraph (e) of proposed new section 71A (1) reads—

> be otherwise contrary to the public interest.

Mr MacKinnon has been too long in this Parliament and too long a Minister, both in this Government and in previous Governments, to try to put it across me that this can be a narrow situation or a wide situation. The question of the public interest, particularly in the industrial field, has possibly caused more arguments and more disputes than any other single term, phrase, or provision. Learned judges of the Commonwealth commission vary greatly in their interpretations.

Paragraph (d) of the same proposed new section reads—

> be contrary to or inconsistent with any—

That is the operative word. To continue—

> —decision of the Commission—

It is qualified. To continue—

> —in Court Session, whether made before or after the date of commencement of this section . . .

It even goes a little further and is something like the fuel and energy Bill. It is retrospective legislation because of the provision I have just read. That means that if an agreement were registered, say, last week, and the judge gets toothache tomorrow and shuffles through his file—

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

The Hon. D. K. DANS: It was always possible to tell when a certain judge of the Australian commission had toothache because he used to record his displeasure. Judges are subject to the same kind of pressures we all face. Once this legislation is passed, if a judge thinks that an agreement registered previously does not fit in with his ideas of indexation, he can recall that consent agreement back into court to amend it. Does it mean that?

The Hon. G. C. MacKinnon: No.

The Hon. D. K. DANS: What does it mean? I have just read the provision and it says nothing about indexation. The Minister was quite honest in saying that the provision could refer to leave or other things.

I suppose Mr Cooley would agree that we could get as good a rally on this provision as we did for the fuel Bill. However, that would not be the way to go about things. The only course for the trade union movement to follow is to disregard the provision.

One of the tragedies of this kind of legislation is that the number of unions registered with the Western Australian Industrial Commission is decreasing day by day. More and more unions are applying for Federal cover, so it will not be long before the number of unions registered in this State will be minimal. This is obvious by the appointment of a new Commonwealth commissioner who will be resident in this State. If the Government wants that situation, which is obvious when it submits this kind of legislation, we can expedite it by indicating to the unions in Australia what the situation is in Western Australia.

To my way of thinking this legislation is simply not good enough. In the first place it bears no resemblance to the subject matter discussed on the 20th June and, secondly, it bears no resemblance to the message received by the Minister which seems to suggest that at some time official confirmation will come. It is a complete departure from those principles we all value.

It does not mean a thing to this Government that the Commonwealth has decided not to proceed with the legislation. It does not mean a thing to the Government that this is a completely different document. It is the brainchild of this Government and, to use the "in" word, it is reprehensible legislation designed to further shackle the trade union movement of this State. It goes without saying that the trade union movement will not be shackled.

At least no Federal Liberal Government has ever attempted such legislation. Previous Federal Liberal Governments have had more sense and understanding.

The only way to fight fire is with fire and if it is not possible to obtain one's just desserts through one's elected representatives in Parliament, the only course open to one is to go outside Parliament. That has been occurring with increasingly monotonous regularity for some time. Obviously those involved will disregard this legislation, because that is what it deserves. It is a snide attack on the well-established industrial conditions in this State. It includes a provision which was first presented in the fuel Bill. It backdates a provision.

It refers to anything which has occurred before or after the legislation. That could involve something which occurred two years previously. The Minister should reconsider this Bill. If he does not want to amend the whole Bill he should at least study the retrospective clause because if he does not do so he will be looking for trouble. He has here the perfect document to wreck wage indexation. It will achieve the opposite result to the one envisaged.

I cannot go along with the suggestion that this legislation has been introduced in all innocence. It is the brainchild of a conniving person and I do not think that the Minister here or the Minister in another place realises the implications in the Bill. It would be better for the Minister to report progress and to reconsider the Bill.

The Hon. A. A. LEWIS: I have heard some fairly weak arguments in my time, but Mr Dans has just topped the bill.

The Hon. D. K. Dans: You prove me wrong—

The Hon. A. A. LEWIS: I intend to do just that.

The Hon. D. K. Dans: —by reasoned and rational debate.

The Hon. A. A. LEWIS: I intend to do just that, if I can get a word in edgeways. I do not think that Mr Dans has read subsection (2) of proposed new section 71A. Mr Dans spoke a lot about toothache and a fledgling Minister. Was that Minister still a fledgling two days ago when he still agreed to the legislation? Apparently there has been considerable pressure from militant people to get this fledgling of some months now to change his mind. One would have thought that by now he would have lost his down, settled into his job, and made some decisions so that he would not have to change his mind within two days.

Several members interjected.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order! The Hon. A. A. Lewis.

The Hon. A. A. LEWIS: Thank you, Mr Deputy Chairman. All the talk about the backdating of provisions, and so on, is peculiar when we consider the retrospective provisions which are applied to salaries and so on in union awards.

I consider that proposed new subsection (2) does a very good job and covers all the arguments raised by Mr Dans. I will not go any further.

He was dead right when he said that Federal Liberal Governments did not attempt this sort of legislation. No Federal Liberal Government ever acted in the way the present Federal Labor Government is acting. This Bill has been passed in another place, was agreed to by the Commonwealth over the phone, and two days later the Federal Minister sent a message to the Minister the last paragraph of which reads—

> As a matter of courtesy the Minister was anxious to deliver this to you prior to the debate of your Bill this evening.

In view of all the fuss in Canberra about the lower House being so important, and all the talk about the Senate at the moment, one would have thought that that courtesy would be extended to the Minister before the legislation was introduced in another place.

In my view the Opposition has presented no argument which the Government has to answer.

The Hon. G. C. MacKINNON: I listened with great interest to Mr Dans' argument, but something kept running through my mind which seemed totally to destroy what he said. Senator James McClelland asked the States to legislate this way because—and I paraphrase his words—there was authority in the Federal Act for the Federal commissioner—

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

The Hon. G. C. MacKINNON: —to take this action in the public interest against any sweetheart agreement, but such power did not exist in the States.

The Hon. D. K. Dans: That is not correct either.

The Hon. D. W. Cooley: That is not true.

The Hon. G. C. MacKINNON: That is a public statement by Senator James McClelland.

The Hon. D. K. Dans: He should have done his homework again.

The Hon. G. C. MacKINNON: That is one of the reasons he asked for it. It was in the public interest.

The Hon. D. K. DANS: I listened with interest to the opening remarks of Mr Lewis but I very soon lost interest. It is now apparent he is without one of his faculties—not sight nor voice, but certainly the faculty of hearing. I have told him time and time again that cant, bluster, and sophistry are no substitute for rationale and reasoned debate.

The Hon. G. C. MacKinnon: I thought he was quiet and reasonable.

The Hon. D. K. DANS: I will repeat, the Federal Minister did all the things which the Minister said he did. He asked the State Ministers to go away and put into operation the right to appeal to a Full Bench. He went further than "sweetheart" agreements. There are various methods of getting around the "sweetheart" agreements.

Subsequently, after further consultation, Senator James McClelland found that the proposal was not going to work and he desisted from proceeding. There is nothing wrong with that, and he has stated that fact in the message received today.

My point is different. No-one can convince me that the proposition put before the State Ministers for Labour on the 20th June, has any shred of similarity with what Senator James McClelland said.

This is oppressive legislation. It has been designed either by a very vindictive person in the State Department of Labour and Industry, or by an incompetent person. It will do nothing for industrial relations, and it will do nothing in the field of indexation. It will only bring into disrepute the actions of this Government and will lead to the proliferation of agreements which will not be registered.

Surely members in this Chamber with any experience are aware that a whole host of agreements are unregistered. I am even able to say that the Federal Government was tardy in supplying the right kind of information, and that it is not proceeding with its Bill. However, the Bill now before us in no way resembles what was proposed on the 20th June, 1975, and in no way resembles the information in the message which has been placed on record today.

The Minister has taken no notice of what the Federal Government has said. This legislation is designed to inflame the trade union movement. It goes further and makes the provisions of the Bill retrospective. It uses the term "general application" and brings in the question of public interest.

Surely, this is only an amendment of the present Act and it will strengthen the hand of the industrial commissioner, whoever he may be. If the Government was following the suggestions put forward on the 20th June there would be some validity in the presentation of the Bill.

I ask the Minister handling the Bill to point out to me the similarity between what was proposed on the 20th June and what was contained in the message.

The Hon. G. C. MacKinnon: I have already done that, to my satisfaction.

The Hon. D. K. DANS: The Minister may have explained the similarity to his own satisfaction. He does not have to satisfy me; he has to satisfy the many

people in this State. They will not be satisfied easily. It seems strange to me that this is the only State which has proceeded along these lines. The other States have not even proceeded along the lines of what was proposed on the 20th June and one can only reach the conclusion that this State Government is interested in causing industrial disputation. Any Government which has a vested interest in disputation, in the present economic climate, should be looked at carefully. For the first time in a number of years industrial conditions have improved. Under the provisions of the Bill before us the Industrial Commission will be able to go back a couple of years and look at consent agreements.

The Hon. G. C. MacKinnon: It will not do that at all. We will be able to go back and examine the rulings of the Industrial Commission.

The Hon. D. K. DANS: There is reference to decisions of the commission before or after the date of commencement of proposed new section 71A. There are ways of dealing with a matter such as this, and they are not contained in the Bill. Paragraph (d) of proposed new section 71A reads—

> (d) be contrary to or inconsistent with any decision of the Commission in Court Session, whether made before or after the date of commencement of this section, expressed, subject to its terms, to be intended for general application; or

That goes beyond indexation. It seems to me that the Government has no intention of allowing common sense to prevail.

I think we would be better served if progress were reported so that the Minister could bring forward an opinion from the Crown Law Department as to the meaning of the words contained in the clause. I suppose at the very best we are all guessing. I have recollections of having been told, while discussing various Bills, the opinion of Crown Law officers. However, since a particular piece of legislation has come into operation it has been completely different in its application from what was explained to us. Once an Act comes into operation it is beyond our control. The onus is now on the Government. This measure will be regarded only as a piece of paper. The Government considers it has struck another blow at the Federal Government.

The Hon. D. W. COOLEY: Perhaps we have not made any impression on the Minister or the members opposite in respect of the policy of the Australian Government. Members opposite have made great play on what was purported to have been agreed upon with the States.

If by some misdeed, or through bad luck, we had a Liberal-Country Party Government controlling the Treasury benches at the national level, let us look at the industrial policy it would be implementing.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order! The honourable member should be discussing clause 4 of the Bill.

The Hon. D. W. COOLEY: I am trying to impress the Committee that the contents of the clause will run contrary to the Liberal-Country Party Federal policy. I have a document and I think that if I quote from it I will provide grounds for the Committee to report progress in this matter in order to check the situation with its Federal organisation. The document to which I am referring is titled, "Employment and Industrial Relations Policy". It is put out by the Liberal Party and the National Country Party, and authorised by Mr Tony Eggleton, Federal Secretariat, Liberal Party of Australia in Canberra, A.C.T. The policy set out in the publication is relevant to the contents of this Bill.

Under item VIII appears—

> Industrial agreements freely entered into and awards should be observed by all involved. The law must support that observance.

Surely that is saying that the law must suport the observance of industrial agreements entered into between two parties. The State Branch of the Liberal Party—this Government—is at complete variance with that policy. To continue quoting—

> The emphasis is upon discussion between the parties, with or without the aid of a conciliator. Our purpose is to strengthen the process of free and proper negotiation.

Surely if Senator James McClelland has been at fault in changing his policy this Government is at fault in bringing forward legislation in the light of its Federal policy. To continue quoting—

> The Conciliation and Arbitration Act will be revised to strengthen Dispute Settling Procedures to see that there is a greater obligation to talk, negotiate and conciliate.

The provisions of the Bill now before us will take away the right of people to talk, negotiate, and conciliate.

The Hon. D. K. Dans: They only say that before an election, not after.

The Hon. D. W. COOLEY: Surely to goodness, if Senator James McClelland is at fault there has also been some change of ground on the part of the Liberal Party and the National Country Party in respect of their attitude. I think we should not proceed until the situation is properly cleared.

Clause put and a division taken with the following result—

Ayes—14

Hon. C. R. Abbey	Hon. G. E. Masters
Hon. N. E. Baxter	Hon. M. McAleer
Hon. G. W. Berry	Hon. N. McNeill
Hon. Clive Griffiths	Hon. I. G. Pratt
Hon. T. Knight	Hon. J. C. Tozer
Hon. A. A. Lewis	Hon. D. J. Wordsworth
Hon. G. C. MacKinnon	Hon. W. R. Withers (*Teller*)

Noes—7

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. D. W. Cooley	Hon. R. Thompson
Hon. S. J. Dellar	Hon. D. K. Dans
Hon. Lyla Elliott	(*Teller*)

Pairs

Ayes	Noes
Hon. V. J. Ferry	Hon. Grace Vaughan
Hon. J. Heitman	Hon. R. H. C. Stubbs

Clause thus passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 11.19 p.m.

Legislative Assembly

Wednesday, the 29th October, 1975

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

QUESTIONS (20): ON NOTICE

1. HOUSING

Koongamia

Mr SKIDMORE, to the Minister for Housing:

(1) How many homes in the Koongamia area are allotted to the armed services for their personnel?

(2) How many of these homes are unoccupied and what is the length of time that they have been so vacant?

(3) In view of the acute shortage of homes for rental, would he make an approach to the authorities concerned with a view to their releasing homes that are surplus to their requirements and thus allow housing of other than service personnel in these homes?

(4) Would he supply the addresses and sizes of all homes allotted to the services in the Koongamia area?

Mr P. V. JONES replied:

(1) Ninety-three houses.

(2) The management of these houses is not under the control of the commission, and this information is not known to the commission.

(3) Where the commission's attention is drawn to units vacant under this scheme, the commission notifies the appropriate Commonwealth authority. From time to time, where units under this scheme become surplus to the service requirements, they are returned to the commission control.

(4) This information will be directed to the Member by mail at first opportunity.

2. WESTERN TITANIUM PROJECT

Leeman: Water and Electricity Supplies

Mr CRANE, to the Premier:

(1) Is it the intention of this Government to provide water and electricity within the Leeman townsite to the Western Titanium developments only and to exclude established residents and facilities from these services?

(2) If not, will he advise when both mining and private interests may be serviced respectively?

(3) Is he aware of the good community spirit existing at Leeman?

(4) Does he appreciate that any preferential treatment to one section of the town will impede the successful and desirable integration of the two communities?

Sir CHARLES COURT replied:

(1) and (2) Initially, services will be provided to an area being developed for the Western Titanium workforce as only company funds are being used for the purpose. The services will be extended progressively to the balance of the town as a part of the service department's normal programme for such works.

(3) Yes.

(4) The establishment of the company workforce in Leeman will permit the provision of services to the existing residents well in advance of that which would have otherwise been possible.

3. LAND TAX

Receiving Agency: Fremantle

Mr FLETCHER, to the Treasurer:

(1) Is a provision made for the payment of land tax to any office or agent in the City of Fremantle?

(2) If not, will such an arrangement be made for the convenience of people of that general area and for the purpose of saving in postage to and from the department?

Sir CHARLES COURT replied:

(1) No.

(2) The matter will be investigated.