hours. First of all the closing time in Brisbane is 6 p.m. In Melbourne and Sydney, petrol cannot be purchased after 1 o'clock on Saturdays; but anyone who goes 15 to 20 miles beyond the city can get it. If the Bill becomes law, the general public, for the first fortnight or three weeks might suffer to a small degree, but not afterwards; and I think that this legislation will, if passed, be most successful.

I point out that the Bill proposes that a person who commits a breach of these regulations will have a penalty of £20 imposed upon him. The resellers themselves have also decided that should any of their service stations, rostered to give a service, fail to give that service, a fine of £20 shall be imposed. That is an imposition that they have placed on themselves, and it is outside the law altogether.

Hon. H. K. Watson: How can it be enforced?

Hon. F. R. H. LAVERY: By the agreement they have all reached on the roster system. The Queensland Liberal Government has a copy of this agreement and has agreed to attempt to roster for some Saturday afternoon and Sunday trading that has not previously existed there. As Mr. Diver told us, a three months' trial by the Arbitration Court has been agreed to. If any member has a doubt as to whether this can work, I suggest he give the Bill the benefit of that doubt; because, as Mr. Diver said, we meet again next July or August.

Hon. H. L. Roche: How do you alter it?

Hon. F. R. H. LAVERY: The same as we alter other legislation. Plenty of Acts have been altered this year; and they are just Acts now and not very effective. Dr. Hislop read a letter from a taxi company. I suggest that Dr. Hislop is sufficiently educated to know that any taxi driver in the city or metropolitan area knows where he can get petrol—and plenty of it—after hours; because several taxi firms have their own industrial pumps. That letter, I suggest, is not worth the paper it is written on. I support the Bill.

On motion by Hon. H. L. Roche, debate adjourned.

House adjourned at 4.58 p.m.

Legislative Assembly

Thursday, 7th November, 1957.

CONTENTS.

The SPEAKER took the Chair at 2.15 p.m., and read prayers.

QUESTIONS.

ELLEKER-DENMARK AREA.

Transport Arrangements.

Hon. A. F. WATTS asked the Minister for Transport:

With reference to transport arrangements in the Elleker-Denmark area, in consequence of the cessation of operation of the railway—

(1) Are farmers and/or local carriers allowed to carry goods without permit within a 35-mile radius of Elleker siding, and if there are any restrictive conditions attached to the right, what are they?

(2) Can local carriers compete with the recognised contractor within the radius mentioned, and if so, are there any conditions attached to this?

(3) If local carriers can carry under No. (2), could the consignee concerned claim the subsidy in respect of goods coming under "M" class?

(4) Are local carriers allowed to carry timber, fruit, and other farm products from the Denmark district to Albany, and if so, are any conditions attached to this right?

(5) Could local carriers carry petroleum products from the depots at Albany to Denmark—

(a) if such carriers are also oil company representatives, and

(b) otherwise?

(6) Will he provide a list of "M" class goods upon which a subsidy is paid, as considerable uncertainty exists as to what goods are covered under this heading?

(7) Is he aware that while trucks are usually available at Elleker siding for loading with perishables brought into that siding, there is no cover provided for goods arriving by train at Elleker which are subsequently to be carried to districts westward, and that in consequence they are frequently exposed to the elements for a long time?

(8) Will arrangements be made to provide protection for such goods in the form of a transit shed or otherwise, and if so, when?

(9) Is he aware that when parcels come by passenger train from Perth consigned to Denmark, and freight is stated to be paid to Denmark, subsequently additional freight on the railway bus has to be paid from Albany to Denmark?

(10) Regarding No. (9), is it not possible to treat the railway and the railway bus service as one service at one charge, to avoid the considerable additional cost imposed on the consignee?

The MINISTER replied:

(1) Farmers and/or local carriers may carry goods without permit within a 35-mile radius of Elleker siding provided the vehicle is being used solely for any of the following purposes—

(a) the carriage of goods within a radius of 20 miles from the place of business of the owner;

(b) the carriage of produce of farms or forests or farming requisites or requisites for the production of timber between any farm or forest and the railway station or town nearest to such farm or forest;

(c) the carriage of household furniture or personal effects of a householder or a member of his family when the furniture or effects are being moved—

(i) from residence to residence;

(ii) from storage to residence;

(iii) from residence to storage or sale;

(iv) from a vendor to the residence of the purchaser;

(d) the carriage of milk or cream to the nearest factory;

(e) the carriage of livestock;

(f) the carriage of livestock, poultry, fruit, vegetables, dairy produce or other perishable commodities or wheat or oats or barley from the place where they are produced to any other place in a vehicle owned by the producer thereof and on the return journey the carriage of requisites for the domestic use of such producer or for use by him in the production of the commodities herein named;

(g) the carriage of bees, bee hives, honey, beeswax and beekeepers' requisites and appliances in the course of the production of honey in a vehicle owned by the producer thereof;

(h) the transport by a farmer in his own vehicle of his own farm machinery in the course of procuring the repair of such machinery;

(i) the transport by a farmer in his own vehicle of firewood produced on his own farming property;

(j) the carriage by a farmer in his own vehicle of all his own produce and requirements between Albany and a farm in the South Stirling area;

(k) the transport of clover seed for grading and/or cleaning in a producer's own vehicle;

(l) the carriage of goods off any route or outside any area in respect of which the board has granted a licence pursuant to its acceptance of a tender called for by it under the provisions of the Act and within a radius of 35 miles from any one country railway station or railway siding: provided always, that such goods have been or are to be transported by railway for a distance of not less than 12 miles to or from such railway station or siding as the case may be.

(2) Local carriers can compete with the recognised carrier while operating as provided in paragraphs (a) to (e), inclusive, of the answer to Question No. (1).

(3) No. Only the service conducted by the recognised contractor is subsidised to carry "M" class goods at railway rates.

(4) No. The cartage will be done by the contractor.

(5) In accordance with State-wide policy licences are granted to carriers upon application to distribute petroleum products within a radius of 35 miles from Albany.

(6) Miscellaneous Class Traffic (Minimum 8 tons unless otherwise specified)—

Ashes.
Barley (bulk barley for stock food not for resale, minimum 6 tons).
Barley Meal.
Blackboy.
Blocks, cement or concrete for building.
Bonedust.
Bones.
Bran.
Bricks, building (common).
Building blocks.
Briquettes.
Charcoal.
Clay, fire.
Coal.
Earth.
Firewood.
Flax, refuse.
Flour (plain).
Glass (broken for melting).
Grain (refuse from breweries for feeding stock).
Gravel.
Gypsum.
Ironstone.
Iron (billets or blooms).
Iron, pig.
Iron, scrap.
Iron (sulphate of for manure).
Lintells (cement or plaster) not reinforced.
Lime.
Limestone.
Lime dust (for manure).
Maize.
Malt combings.
Manganese, sulphate of for manure.
Manures, organic or artificial.
Marl.
Metal (road).
Oats (bulk for stock feed and not for resale, minimum 6 tons).
Ores (not exceeding £30 gross value per ton at point of use).
Oyster shells.
Pipes, agricultural drain.
Pollard.
Potatoes, minimum 6 tons.
Potash.
Rye.
Salt, crude or crushed other than for household purposes.
Sand.
Sawdust.
Semolina (in bags).
Shale.
Sharps.
Slag.
Stone, rough or undressed.
Straw refuse.
Sugar, filterpress residue.
Sulphur for manufacture into manure.
Tan, spent.
Timber joggled, pitwood, props, propwood or slabs for mining purposes, underground logs, rough sawn timber or plants to a mill outside suburban area, for conversion into fruit cases, shooks, M. 25 per cent.
Timber to Eastern States. Special rate, M. class note: (not applicable to timber for Commonwealth railways).
Tin, scrap.
Turf.
Wheat, bulk for stockfood and not for resale, minimum 6 tons.
Water.
Water for stock or domestic purposes 3d. per ton mile if cheaper than M class.

Note: Clean up of bulk storage bins, M class, actual weight. One clean up per season only.

(7) A small shelter is already in existence at Elleker and work is now in progress to enlarge this. The need for shelter is minimised by the practice of the recognised contractor to meet trains and take immediate delivery of perishables.

(8) Answered by No. (7).

(9) The payment of additional freight in the circumstances quoted is incorrect. If particulars are submitted of any departure from this the matter will be investigated.

(10) The railways will accept "through" booking of parcels to Denmark in which case no additional freight is payable for road delivery from rail to Denmark.

REGIONAL HOSPITALS.

(a) Decision Regarding Site, Bunbury.

Mr. ROBERTS asked the Minister for Health:

When is it contemplated that a decision will be arrived at in relation to the area and location of the seventeen acres at present set aside for a regional hospital at Bunbury?

The MINISTER replied:

This matter is being investigated by the Town Planning Commissioner.

(b) Plans and Commencement of Work, Albany.

Mr. HALL asked the Minister for Health:

(1) Have plans been completed for Albany regional hospital?

(2) When is work to commence on the foundations of Albany regional hospital?

(3) What is the target date for completion of the Albany regional hospital?

The MINISTER replied:

(1) No, but they are well in hand.

(2) Before the end of this month.

(3) June, 1960.

CHEMICAL INDUSTRY.

Negotiations for Establishment at Bunbury.

Mr. ROBERTS asked the Premier:

(1) Are negotiations still proceeding between the Government and another company much bigger than Laporte?

(2) If so, when is it contemplated a public statement will be made re the final decision on such negotiations?

(3) At the present time are the prospects of the industry establishing itself in this State good?

(4) Is Bunbury to be the location of the industry if established?

The PREMIER replied:

(1) Yes.

(2) This will depend on the negotiations.

(3) The negotiations are not yet sufficiently advanced to justify any decisive public statement.

(4) This will depend on the result of the current negotiations.

LESCHENAULT ESTUARY.

Investigation Regarding Marine Growth.

Mr. ROBERTS asked the Minister for Works:

In view of the prolific marine growth this year in Leschenault Estuary especially in the area between Turkey Point and the head of the estuary—

(1) Has this problem recently been surveyed or investigated by any officer of a Government department?

(2) If so, what were the findings of such survey or investigation?

(3) If not, will prompt action be taken to ascertain the cause of this problem?

The MINISTER replied:

(1) No.

(2) Answered by No. (1).

(3) The matter will be investigated.

GARDEN PESTS.

Eradication of Ti-Tree Moth, White Butterfly and Argentine Ants.

Mr. ROSS HUTCHINSON asked the Minister for Agriculture:

(1) Is it not a fact that in recent times there has been an extraordinary increase of ti-tree moth and white butterfly in the metropolitan area?

(2) Has there been an increase in similar or other types of garden pests?

(3) If so, what are the pests?

(4) To what extent have these pests affected market gardens as well as domestic gardens?

(5) Has any relationship been established between the eradication of the Argentine ant and the increased incidence of the above-mentioned pests?

(6) Is any action proposed as a follow-up to the Argentine ant war campaign to counter the depredations of the pests, or is it proposed to leave their eradication to private individuals?

(7) Can he give any information or assistance in regard to the eradication of these pests?

The MINISTER replied:

(1) The ti-tree moth has been troublesome in some suburban areas in the last few seasons. No unusual increase in cabbage white butterfly has been observed.

(2) An increase in the activities of some other garden pests has been observed.

(3) The main insects involved are spring tails, rutherglen bug and, in some areas, house flies.

(4) Rutherglen bug caused more damage than usual in market and home gardens last year. The ti-tree moth is mainly a pest of domestic gardens.

(5) The numbers of all the pests concerned are subject to great seasonal variations. No definite relationship has been proved between insect outbreaks and Argentine ant spraying. There is now some evidence, however, to suggest that spring tails (of little or no economic importance) and ti-tree moths may be encouraged by ant spraying.

(6) A wholesale campaign against the insects mentioned would be uneconomic. The individual householder has always had a responsibility with regard to the control

of certain pests and there seems no reason for departing from this policy in the present instance.

(7) The pests mentioned can be effectively controlled by periodic spray treatments. Advice is available from the Department of Agriculture.

ESTIMATES, 1957-58.

Estimated Rebates, Rural and Industries Bank.

Mr. COURT asked the Minister for Lands:

(1) What are the details of Estimated Rebates, £50,000 in Division 32 of the Estimates (R. & I. Bank)?

(2) What is the effect of the establishment and expansion of the R. & I. Savings Bank on the agreement with the Commonwealth for an annual payment in respect of the former State Savings Bank?

(3) What have been the annual amounts received from the Commonwealth under this heading for each of the last three years?

(4) If there has been a variation, what has been the reason for such variation?

The MINISTER replied:

(1) This amount is the estimated recoup from the Commonwealth Government, in accordance with the agreement between the Commonwealth and the State, of expenses incurred by the bank in all activities under the Commonwealth Re-establishment and Employment Act, 1945-1952.

(2) The first 25 year term of the agreement expired in August, 1956, and its renewal was deferred for three years.

(3) 1954—£33,217.
1955—£26,284.
1956—£12,211.

The Commonwealth Savings Bank claims to have made a loss in this State for the 12 months to the 30th June, 1957, but the amount of that loss has not been revealed.

(4) Answered by Nos. (2) and (3).

POLICE TRAFFIC OFFICE.

Removal from James-st., etc.

Mr. CROMMELIN asked the Minister for Transport:

(1) Is it intended to remove the present police traffic office from James-st. and if so, when is it likely to occur?

(2) How many men are employed in the present room and what is its size?

(3) Is it possible for accident witnesses to be overheard by the public?

(4) Does he consider the present room satisfactory for a metropolitan traffic office?

The MINISTER replied:

(1) There are no immediate prospects of obtaining alternative accommodation, but the position is being continually investigated.

The licensing section is now satisfactory, following recent additions to space by the transfer of the Factories and Shops Department and renovations.

(2) In licensing section of main building—63 males, 72 females, area 220 x 60 ft.

In accident inquiry cottage, 28 males, area being 45ft. x 45ft.

(3) Yes.

(4) The main licensing section is satisfactory at present.

Accident inquiry and road patrol sections most unsatisfactory.

RAILWAYS.

(a) Diesel Locomotives in Use and on Order.

Hon. Sir ROSS McLARTY asked the Minister representing the Minister for Railways:

(1) What are the respective numbers of—

(a) diesel locomotives;
(b) diesel railcars;

now in use by the Railway Department?

(2) How many are on order in each case?

The MINISTER FOR TRANSPORT replied:

(1) (a) 69.
(b) 34.

(2) diesel locomotives—nil.
diesel railcars—10.

(b) Disused Lines, Leasing of Land to Property Owners.

Mr. BOVELL asked the Minister representing the Minister for Railways:

(1) Where disused railway lines divide farms owned by any primary producer, will he approve of relative railway land being utilised under lease for the purpose of combining into single units the farm properties so affected?

(2) If the answer to No. (1) is "Yes," under what conditions would railway land be leased?

The MINISTER FOR TRANSPORT replied:

It is considered that closure of the railways is necessary before leases or sales of the land to adjoining farmers can be finally arranged.

MAIN ROADS DEPARTMENT.

Intention re Certain Work Done By Local Authorities.

Mr. HEARMAN asked the Minister for Works:

Is it the intention of the Main Roads Department to continue the practice of allowing local authorities, which have the

necessary plant and equipment, to do work in connection with special grants, as in the past?

The MINISTER replied:

Yes, the existing practice will continue.

M.V. "KOOJARRA".

Air Conditioning System.

Mr. RHATIGAN asked the Minister representing the Minister for Supply and Shipping:

Is the air conditioning system on the m.v. "Koojarra" considered satisfactory?

The MINISTER FOR MINES replied:

The air conditioning system operates satisfactorily in the cabins. Endeavours are being made to improve its efficiency in the dining saloon, smoking room and lounge.

WAR SERVICE HOMES.

Country Entitlement.

Mr. W. A. MANNING asked the Minister for Housing:

Has he received any reply from the Federal Minister for War Service Homes, which would enable replies to be given to my questions of the 15th October, relative to entitling a person to receive a war service home on his farming property?

The MINISTER replied:

A reply has not yet been received from the Federal Minister for War Service Homes. A reminder has been forwarded.

STATE HOUSING COMMISSION.

Pingelly Programme.

Mr. W. A. MANNING asked the Minister for Housing:

What housing programme is planned for Pingelly by the State Housing Commission for this financial year?

The MINISTER replied:

One house was programmed for this financial year. A tender has recently been accepted by the commission.

SWAN RIVER CONTROL.

Introduction of Legislation.

Hon. D. BRAND (without notice) asked the Minister for Works:

Is it his intention to introduce legislation this session for the control of the Swan River?

The MINISTER replied:

Yes. I hope to be in a position to give notice of such a Bill on Tuesday next.

GOVERNMENT EMPLOYEES.

Estimated Number at 30th June, 1958.

Mr. COURT (without notice) asked the Premier:

Has he had an opportunity to ascertain the figures upon which he was going to try to make a calculated guess regarding the estimated number of employees in the Government service as at the 30th June, 1958?

The PREMIER replied:

Yes. The figures are as follows:—

(a) Public Service Act	4,500
(b) Other salaried appointments	*
(c) State Trading Concerns	2,972
(d) Railways	13,609
(e) Other Government employment	27,575
(f) Total Government employment	48,656

* The item, which appeared in the original question—Other salaried appointments—is included under the headings for which I have given figures.

FRUIT-FLY SUBSIDY.

(a) Payment to South Suburban Baiting Committee.

Mr. WILD (without notice) asked the Minister for Agriculture:

(1) Is he aware that the subsidy to the south suburban fruit-fly baiting committee has not been received?

(2) When is it likely that the payment will be forwarded?

The MINISTER replied:

(1) Yes.

(2) Payment of the first portion of the annual subsidy of £1,500 to this committee is delayed pending consideration of means of avoiding a substantial deficit anticipated in implementing the programme as submitted for the coming season.

(b) Relieving Committee's Financial Position.

Mr. WILD (without notice) asked the Minister for Agriculture:

Further to my question in connection with fruit-fly baiting, can the Minister give some indication as to when payment can be received, because I understand from the secretary of the committee that within a fortnight's time they will be in grave financial difficulties?

The MINISTER replied:

I only received the question at about 12.40 p.m. today, so I was unable to get full details that I wanted myself. I cannot say with any certainty when the payment will be made, but the department is anxious to check up on several other angles to see if expenditure can be reduced

in some way, because of the anticipated heavy losses. In any case, I can assure the hon. member that I will take the matter up with the department first thing next week and ensure that there is no undue delay.

UNFAIR TRADING AND PROFIT CONTROL ACT.

(a) Breach of Secrecy Provisions by F. E. Chamberlain.

Mr. COURT (without notice) asked the Minister for Labour:

In circulating copies of the A.L.P. complaint to the Commissioner for the Prevention of Unfair Trading, under dates the 23rd October and the 1st November, 1957, did not Mr. F. E. Chamberlain commit a breach of the secrecy provisions of the Unfair Trading and Profit Control Act?

The MINISTER replied:

In the first place, I am not aware that those copies were circulated, but assuming that they were, if Mr. Chamberlain did something in his capacity as general secretary of the A.L.P., I would say there is nothing violating the secrecy provisions of the Unfair Trading and Profit Control Act. I suggest that the Deputy Leader of the Opposition have a good look at the secrecy provisions of the Act mentioned, and also have regard to the position which Mr. Chamberlain holds.

I might add that the Commissioner of Unfair Trading and Profit Control has never attempted to restrain any member of the advisory committee from voicing any complaint on the committee or exercising the right of free speech which is open to any member of the public.

Mr. Court: But there are some secrecy provisions in the Act.

The MINISTER: I point out that Mr. Chamberlain is not the only person who has had something to say in regard to the Unfair Trading and Profit Control Act because a very prominent member of the advisory committee whose name I mentioned yesterday—Mr. C. G. Hammond, a very able man in the field of commerce and who holds a prominent position, I understand with Sandovers—recently had something to say in regard to the Act. I refer to a report in "The West Australian" on Tuesday, the 22nd October, 1957, under the heading "Business Man Blames Government," as follows:—

> Geraldton, Mon.—The encouragement of overseas capital to Western Australia is being made difficult by the State Government. C. G. Hammond, of Perth, said this at the Federated Chambers of Commerce conference here today.
>
> He blamed restrictive and discriminating legislation and the Government's entry into fields of commerce which should be left to private enterprise.
>
> Hammond was moving that the attention of the State and Commonwealth Governments be drawn to the need for encouraging the investment of overseas funds in Australia and for refraining from legislative and administrative acts likely to discourage this.
>
> Hammond cited the Unfair Trading Act, excessive land tax and various State enterprises.
>
> The motion was carried. H. J. Kendall (Perth), who moved for the discontinuance of the Unfair Trading Act, said that chambers of commerce wished business to be free of fetters which might affect free, competitive trade.

I am not going to criticise Mr. Hammond.

Mr. Court: He was not referring to a specific complaint.

The MINISTER: The hon. member asked me a question and I am trying to give him a comprehensive answer. Mr. Hammond, as the representative of the Chamber of Commerce, made those statements in all good faith, and from his own point of view. How would Mr. Hammond know whether or not the Act was unfair.

Members: Oh!

The MINISTER: I would not suggest for one minute that Mr. Hammond spoke at this conference in the light of knowledge he had gained as a member of the advisory committee, in the same way as the Leader of the Opposition is trying to impute certain motives to Mr. Chamberlain. The direct answer to the question asked is, "No."

(b) Statement by F. E. Chamberlain and Relationship to T. Burke.

Mr. WILD (without notice) asked the Minister for Labour:

Would the charge by Mr. Chamberlain, general secretary of the A.L.P. against "The West Australian," a copy of which has been forwarded to most members of Parliament, have anything to do with the outburst by Mr. T. Burke, ex-M.H.R. which was published in "The West Australian"?

The MINISTER replied:

I think it would be only a person with a mind like that of the member for Dale who would think in the affirmative.

(c) General or Specific Statements by Advisory Committee Members.

Mr. COURT (without notice) asked the Minister for Labour:

Does he not agree that the comments he read out from Mr. Hammond, are general comments on legislation in this State; whereas the statement circulated by Mr. Chamberlain is a specific and detailed statement of a complaint?

The MINISTER replied:

I indicated that the report which I read of Mr. Hammond's speech was a criticism of the Act itself. I am not saying that they were specific complaints made by the representative of the Chamber of Commerce on the committee. But I also mentioned that if Mr. Chamberlain, as general secretary of the A.L.P., makes a complaint, I do not see that there is anything violently wrong with it.

Mr. Court: There is everything wrong with it.

The MINISTER: He is the general secretary of the A.L.P. and he is a representative on the advisory committee constituted under the Unfair Trading and Profit Control Act. I see nothing wrong with his statement. I must admit that I did not know that circulars were being sent out, but it shows that Mr. Chamberlain and the A.L.P. have nothing to hide if they are prepared to advise members of Parliament of particulars of complaints against any firm or newspaper.

Mr. Court: You are breaching the whole spirit of the Act, and what you told us when you introduced the Bill.

The SPEAKER: Order! Members must understand that this is question time. It is not debating time, and as there is a Bill on which members can discuss these questions, I think it should be left until the Bill has been introduced for general discussion. The Minister is answering a question and not replying to a general debate.

COLLIE COAL.

Production of Metallurgical Coke.

Mr. HEARMAN (without notice) asked the Minister for Industrial Development:

Has the Minister received any report from the German firm of Lurgi in connection with the production of metallurgical coke from Collie coal?

The MINISTER replied:

No. The report was to be sent on the 12th October. Up to the end of October the report had not come to hand and we cabled asking for the report to be sent immediately.

LEGAL PRACTITIONERS.

Ratio to Population and Effect of Act.

Mr. EVANS (without notice) asked the Minister for Justice:

(1) Is he aware that the estimated ratio of 3.3 legal practitioners per every 10,000 of population in Western Australia is the lowest in the Commonwealth?

(2) Is he further aware that this ratio has decreased from 5.1 in 1921 to the present day figure and that trends indicate the figure will most likely decrease further?

(3) Does the Barristers' Board view this state of affairs with concern?

(4) Is it not significant that this ratio is so low in Western Australia where provisions embodied in Section 13 of the Legal Practitioners' Act, 1893-1957, apply, and yet is not nearly as low in the other States where no provisions similar to those of Section 13 apply?

(5) If not, why not?

(6) Why is it considered necessary in Western Australia to retain provisions such as those included in Section 13, when no other States in Australia require these conditions?

The MINISTER replied:

The hon. member was good enough to give me notice of this question.

The SPEAKER: This is one of those hybrid questions; we get a lot of them here.

The MINISTER: The replies to the hon. member's questions are as follows:—

(1) This estimate was given in an article in the "Daily News" under date the 16th September, 1957. It is not known if the figures are correct, but it is assumed that they are approximately correct.

(2) See answer to No. (1).

(3) The question is one that is not the concern of the Barristers' Board which is a statutory body having certain defined functions, and the increase or falling off in the number of legal practitioners is not their concern.

(4) No.

(5) The drop in the ratio in the legal profession is, it would appear, caused by the fact that the financial rewards are not commensurate with the work involved in qualifying as a solicitor.

(6) Section 13 was enacted in 1893 and has been on the statute book since that date. There is no known case of its enforcement having caused any loss in membership of the profession. The falling off in the number of qualified legal practitioners is of only fairly recent origin.

CIVIL DEFENCE.

Premier's Impressions of Macedon School.

Hon. D. BRAND (without notice) asked the Premier:

In view of the importance of the subject and in the light of the fact that he has just attended the Civil Defence School at Macedon, could he give to this House his impressions of the value of such a school, which was attended by the leaders of the various States?

The SPEAKER: This is question time. The Premier can only answer questions at this stage, but if it is the wish of the House that he should make a statement, that would be all right. I cannot allow the Premier to make a statement unless the House agrees to it.

Hon. D. BRAND: I move—

That permission be granted to the Premier to make such a statement.

Question put and passed.

The PREMIER replied:

The training which is given at the Civil Defence School at Mt. Macedon is of considerable value, providing some steps are taken in the reasonably near future to put civil defence training in all States on a practical basis, even if only on a limited practical basis. At the present time the whole matter of civil defence is in the planning stages, and on a completely planning basis, with nothing beyond that If civil defence is to be extended and placed, to some extent, on a practical basis in peacetime, it would be a very great help to the community in the six Australian States.

To do that, a training school will have to be set up by the Commonwealth in each of the six States. The present school at Mt. Macedon can be retained as the chief school, and the key personnel for the States can be trained there. That school could provide the instructors to operate the State schools. My own view is that these State schools can be operated within existing military establishments. I should think the present total Defence Vote for Australia is heavy enough to enable some money to be used for civil defence purposes.

Civil defence training can be developed in such a way as to give us another organisation which can operate in peacetime and help with peacetime emergencies. It could be joined together, to some extent with the St. John Ambulance Association, with the Red Cross organisation, with the Surf Life Saving Association, with fire-fighting organisations and so on. By operating on, at least, a semi-practical basis, the value of that training which would be received in the civil defence schools would be retained, and to some extent would be used in peacetime. Therefore, the training would be kept alive and would be available in case war did develop, and the services of these skilled people were required to meet the emergency which war might create.

As part of this plan, first-aid or something akin to it could become part of the schools' curriculum, with the result that children would be taught and trained in first aid, and, in effect, in a class of civil defence, if that is the right term to use. As a result of receiving that training and tuition during their school days, the children of both sexes would grow into young men and women well-equipped, well-trained, and well-qualified to play a very important part in the fields to which I have just made reference.

We are all aware of the increasing toll which motor traffic, for instance, is taking in the community, a toll which unfortunately will continue to rise unless more effective ways and means are brought into being to deal with the situation. It seem to me that the more people there are in the community, all the time trained, taught and qualified in these matters, the better it is for the community generally.

In other words, it is better to have double, or even ten times the number we have at present trained to render first aid, to fight fires, to fight floods, to assist in surf life saving and all the other activities which are carried on today by a very small percentage of the community. If this training were to be extended and put on a practical, or semi-practical basis, very considerable benefits would be conferred on the community.

BILL—NORTHERN DEVELOPMENTS PTY. LIMITED AGREEMENT.

Introduced by the Minister for Lands and read a first time.

BILL—TRAFFIC ACT AMENDMENT (No. 1).

Returned from the Council with amendments.

BILLS (2)—THIRD READING.

1, Housing Loan Guarantee.

2, Noxious Weeds Act Amendment.

Transmitted to the Council.

BILL—OPTOMETRISTS ACT AMENDMENT.

Report of Committee adopted.

BILL—BUNBURY HARBOUR BOARD ACT AMENDMENT.

Message.

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR MINES (Hon. L. F. Kelly—Merredin-Yilgarn) [2.50] in moving the second reading said: I am introducing this measure on behalf of the Minister controlling harbour boards. The purpose of the Bill is to make provision for an increase in fees for the chairman and members of the board. The parent Act, which was originally passed in 1909, provides under Section 12 that fees payable to the chairman shall not in any one year exceed £100, and those payable to any member other than the chairman shall not in any one year exceed £50.

No doubt this limitation, when provided, was more than adequate; but at present it is not sufficient to enable payment of fees in keeping with present-day standards. The Bill therefore repeals Section 12 and makes provision for an addition to Section 61 empowering the board to

make regulations for the purpose of prescribing fees payable to the chairman and members of the board. Similar legislation to this was passed in 1955 on behalf of the Albany Harbour Board and is in line with legislative provisions applying to the Fremantle Harbour Trust.

I might mention that any proposal for increasing fees and allowances is first considered by Treasury officers, and the regulation has then to be approved by the Governor and tabled in both Houses of Parliament, being an amendment to regulations. The increase in fees which has been requested by the board and which has necessitated this legislation is, in respect of the chairman, from £3 3s. to £4 4s.; and for members, from £2 2s. to £3 3s. The increased fees are the same as those at present paid to the Albany Harbour Board. I move—

That the Bill be now read a second time.

On motion by Mr. Roberts, debate adjourned.

BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT (No. 3).

Second Reading.

THE MINISTER FOR TRANSPORT (Hon. H. E. Graham—East Perth) [2.55] in moving the second reading said: The provisions of this Bill are old friends, as it so happens that this is the third occasion this session I have had to submit them to the pleasure of this House. It will be recalled that in the first instance a point of order was taken in connection with the title under which leave was granted for the introduction as against the title appearing subsequently when the measure actually appeared before the House. It was necessary a few days later to put that position in order.

I notice that one or two members are diving for their Standing Orders, so perhaps I should give an explanation at this stage. It will be noted that the principal provisions—the controversial ones—of the previous measures are not contained in this Bill. I discussed the matter at some length with the Clerk of the Legislative Assembly and subsequently with Mr. Speaker; and also with the President of the Legislative Council and his principal advisers; and I am assured that the Bill is in order.

If members desire any reference in detail to the points now being submitted, might I suggest that they refer to the Parliamentary Debates of this session commencing at pages 870 and 1023. There are only four points included in the Bill. The first is for the Commissioner of Main Roads instead of the Commissioner of Police to be the authority for fixing omnibus stands in the metropolitan area. That is to conform to recent practice; but, at the same time, the police, the Transport Board, the local authority, and the bus operators are also consulted.

The second provision is to increase fines already in the Act to be imposed on operators who carry goods on a road without a licence; or who, having a licence, carry goods other than those specified in that licence. At present the maximum penalties are £20 for the first offence, £50 for a second offence, and £100 for a third offence. It is proposed that the maximum fines shall be £40, £100 and £200 respectively, but, in the last-mentioned case, not less than £40.

In respect of this provision, I can give an instance that occurred within the last fortnight. A person who had been caught previously was on Wednesday and Thursday of last week caught by officers of the Transport Board. He thinks so little of the penalties that on Friday, Saturday, Sunday and Monday—I have not had any reports since then, and these subsequent reports came from private individuals—he went blithely on his way as though there was no law in operation. That indicates that the penalties are so ridiculous that the law is brought into contempt and operators of this type are putting their thumbs to their noses at Parliament, as the makers of law.

The third provision of the Bill is to allow the Transport Board to make allocations for the erection of bus shelters in certain central positions or in other places where the main users of the shelters and forms of transport would be other than those resident in that particular local authority's district. The shelters, of course, would be erected with the concurrence and full agreement of the local authority in whose area it was proposed that they should be built.

The fourth amendment is to abolish reference to the Dendy Marshall formula and substitute in lieu the R.A.C. formula, to accord with the practice elsewhere in the Commonwealth of Australia and also to bring it into line with amendments made to the Traffic Act approximately twelve months ago. I move—

That the Bill be now read a second time.

On motion by Mr. Hearman, debate adjourned.

BILL—STAMP ACT AMENDMENT.

Second Reading.

Debate resumed from the 5th November.

HON. A. F. WATTS (Stirling) [3.2]: There is only one reason that I can see for the introduction of this small measure, and that is the acquisition of more revenue by the Government. It must be a matter of concern to everyone to give consideration to the constant demands that are now being made upon the public,

in almost every way, in order to maintain the functions of government, not only here but also elsewhere.

The situation of the Treasurer in Western Australia, in search of funds, is nothing uncommon. It may be a question of degree of desire, or necessity in this case may be greater, or in some cases less, than in other places, but the fact is that it is becoming more and more difficult for the public to contend with the various newly devised taxes being imposed upon them by one Government or another in an effort to secure more revenue with which to meet the demands of the Government concerned.

Of course, a Bill of this nature is probably considered less obnoxious from the taxpayer's point of view than are a great many others. It is a comparatively simple matter, I suppose, to be the person who has extracted from him an additional one penny every time he draws a cheque. To some extent the additional expense, I have no doubt, would be obviated by drawing fewer cheques. I am not suggesting to the Treasurer that that means persons should not pay their debts by cheque, but it might be possible to pay two debts with one cheque and therefore evade the responsibility for increased payment of this tax.

I would like to have had this measure disposed of after certain other taxation measures now before us had been given consideration. I would be in a brighter and better position to form a final judgment on this Bill if I knew what was going to happen to the others, because if the Treasurer is going to continue to receive the revenue which he is now able to receive under the other legislation which is up for renewal, I am not a bit disposed to be enthusiastic about giving him this measure. On the other hand, if he is not going to receive such revenue from that legislation, I might be more kindly disposed towards this measure.

Before concluding I would like to say a word or two about an observation which was made, in the absence of the Premier, by the Minister for Transport the other evening, in the course of which that gentleman said the necessity for the Government to derive more revenue from this tax, with which he was then dealing, was occasioned by the inflationary processes that had taken place since 1949. Being interested in that statement and anxious to see just what relativity it had to the subject matter which the Minister was then discussing, I took the opportunity of making some little inquiry. I find that in December, 1949, the basic wage was £6 15s. 11d. and at the 30th July, 1950, it was £7 3s. 6d., so that as between December, 1949, and the present time it has risen by just under 100 per cent. It is almost double what it was at that time.

So, following the Minister's argument in regard to the necessity for this tax as occasioned by that, it would only be necessary to establish that compensation to the extent of 100 per cent. had already been derived from additional revenues, in order to show that the Minister's argument was somewhat fallacious, and that is what actually happened. For the year ended the 30th June, 1949, the estimated revenue of the State was £20,327,257 and there was an estimated deficit of £164,000, so that would mean about £20,500,000 as the total contemplated expenditure of the Treasury in that year.

For the year ended the 30th June, 1950, the estimated revenue was £22,670,946 and the deficit estimated for that year was £838,927, making a total of approximately £23,500,000 for that year. For the year now current—in other words, the year ending the 30th June, 1958—and taking into consideration the same estimates, we find that the estimated revenue is £55,899,417. That is considerably more than 100 per cent. of the revenue derived for the year ended the 30th June, 1950—very considerably more—because 100 per cent. would be approximately £47,000,000 on the total amount, including the estimated deficit for that year.

I am including the deficit because I contend it is an expenditure which the Treasurer had in mind at that time and from which he felt the State could not escape, and so I give the benefit of those figures. But I do not take that into consideration for this current year, but only the estimated revenue which is therefore, being £55,899,000, just £8,000,000 more than 100 per cent. of the amount in 1950. So as far as that aspect of the matter goes, the argument of the Minister on Tuesday night does not seem to me to have much substance.

Furthermore, I was also interested in ascertaining what part of that revenue was represented by payments from the Commonwealth. In this calculation I have excluded any payments made by the Commonwealth other than those which came through the Commonwealth Grants Commission and from income tax reimbursements, because I recognise that there are a number of other small contributions that are made which, while they collectively may add up to something, I do not think should be taken into consideration in making a comparison of this nature. For the year ended the 30th June, 1950, the amount collected from the Commonwealth Grants Commission was £4,100,000 and for this year it is approved at £10,623,000, so there we have a situation where the Commonwealth grant, so far from not being equal to the inflation which I think is reasonably disclosed by a comparison of the basic wage of just 100 per cent., has exceeded that 100 per cent. by approximately £2,300,000, so that it is at least 125 per cent.

Now we turn to the income tax reimbursement and find that for the year ended the 30th June, 1950, that was £5,150,000, whereas the figure agreed upon for this year from the Commonwealth is £14,974,000, so the ratio of increase there is not 100 per cent. but over 150 per cent., if my calculations are correct, and the two, totalled together, come to £9,250,000 for 1950 and £25,597,432 for 1958.

Therefore the total of Commonwealth grants for the year ended the 30th June, 1958, will exceed by approximately £2,000,000 the total amount of State revenue for the year ended the 30th June, 1950, as budgeted for in that year, so there must arise grave doubts, in the minds of all of us, as to whether, in view of the fact that clearly the revenue of the State has compensated for the inflationary process that has been going on in the meantime and has left a reasonable surplus above that, we are wise in acceding to a proposition such as is in this Bill. I feel that a lot more justification in the circumstances I have tried to discuss in the last few minutes, will have to be displayed to me before I can work up any enthusiasm for this measure.

MR. COURT (Nedlands) [3.16]: The Minister for Transport, in the absence of the Treasurer, spoke on this measure the other night and I would like to deal very briefly with the main points which were touched on by the Leader of the Country Party. The proposition put forward by the Minister for Transport was that we should acknowledge the change in money values and that Government charges and income must increase proportionately. Superficially, that might sound a convincing argument but in point of fact it is not. It is completely out of step with what industrial leaders, and Government leaders, are telling industry from day to day. The plea over the last few years has been to industry, "You must absorb costs if you are to remain competitive; you must absorb costs if you are to maintain economic stability."

I think to a large extent the industries have made a contribution—if not to the fullest possible extent, to a very considerable extent—towards cost absorption. There are some industries which are very restricted in their capacity to recover costs, and as costs rise against them, they have to be absorbed. One method of absorbing costs is by greater efficiency and productivity, and the other by a reduction in the profit margin. It is fair to say that over the last two or three years there has been a combination of both those factors.

There is another argument that can be used against the proposition put forward by the Minister for Transport on this matter and that is that natural expansion takes place both in Government revenue and industrial revenue. For instance, the Government in respect of such matters as stamp duty on receipts, stamp duty on land transfers, and other revenue—for instance, probate is very much affected by the increased revenue that flows from an expanding economy. There is an increasing amount of money circulating for which receipts have to be issued under the Stamp Act and that brings in natural increases in the total amount of money that the Government has, without any legislative or administrative change.

Increased values are reflected in probate through higher values on estates, and increased revenue is reflected in land tax through higher values, and those values in turn are reflecting the changed money values to a certain extent and the changed circumstances. My view is that we should review all these taxing measures no matter how small they may be—and this is not small, because it is anticipated that there will be an increase of £80,000 per annum in a full financial year. These measures should be reviewed very critically, because all of them added together represent the burden that people and industry have to stand in a State such as this which is battling all the time to compete with other States and other countries because of its geographical and other difficulties.

We are told that this can be regarded as an easy tax; its full impact will not be great on the people, and we are informed that the people signing cheques will not be conscious that they are paying 3d. and not 2d. Reduced to that form of thinking, is does not sound much, but in the aggregate an increase of £80,000 in a full year is considerable.

A further argument advanced during this debate referred to the Grants Commission's attitude towards our taxing. It is true that they do make an appraisal not only on our income but on our rate of expenditure in comparison with the non-claimant States. But I feel that this is going too far. We have certain natural disabilities and the time has come when we will have to adopt a different attitude and endeavour to get the Grants Commission and the Commonwealth Government to take a different attitude in the assessment of our disabilities in comparison with those of the other States. If we are not careful, we will finish with a hotch-potch of finance and taxes which will not have any relationship to good government finance.

The Minister for Native Welfare: It would be far better if the Commonwealth Government gave us more money for native affairs.

Mr. COURT: The Minister is particularising. If we adopted that attitude, the Premier could ask for more money for hospitals, for education, water supply, etc.

—there would be no end to it. I am talking about the overall financial relationship between the Commonwealth and States. We cannot plead that this is being done solely on the grounds of uniformity because we have a Stamp Act in respect of receipts which is out of line with every other State.

I do not want to draw comparisons, but I think we would produce more by our method of stamp duty on receipts than would the other States, where the general attitude is to have a standard stamp duty regardless of the amount. In other words, it is not based on an ad valorem method. There is no suggestion that we bring ours into line with the method in the Eastern States but we should receive some credit from the Grants Commission in their overall appraisal.

To my mind, there is a general tightening of the attitude of members of Parliament with respect to these taxes. We find that the members in the Commonwealth Parliament are getting critical of the Federal Government for wanting to impose taxes and charges by regulation. We have seen one or two so-called revolts at the Commonwealth level where members have started to express very vocally their objections to this method of giving the Government the power through regulations to increase charges. Not only is it a revolt against government by regulation, but it also shows a greater awareness of members of Parliament through the Commonwealth to methods of taxation.

I was very disturbed to hear the comments of the member for Leederville when he was advocating a higher probate tax and other things as a means of solving our financial problem. If we want to frighten people away, one of the best methods by which to do so would be to threaten to increase probate duties. Indeed, if any State could come out with a dramatic reduction in probate duties over a period of, say, 20 years, there is no doubt at all that it would attract a flow of capital that would be amazing. One of the most disconcerting things for those who have been fortunate enough, or who have the ability, to amass some money during their lifetime, is that when they die a big portion is taken away from them.

The Minister for Education: They are the least concerned.

Mr. COURT: That may be so, but it does not stop them worrying about it. I am sure the Minister for Education has worried about this matter on more than one occasion. I feel sure he has worked out how much the Treasurer will take away from him. Of course, it will not matter a darn to him because he will be dead, though it will possibly be a worry to his family. I have no doubt that the hon. member has thought how he can pay as little as possible to the Treasurer by legitimate means.

The Minister for Education: I will pay as much as I can.

Mr. COURT: For those reasons and the fact that we should not be tempted to take these taxes lightly, I join with the Leader of the Opposition in opposing this measure.

THE TREASURER (Hon. A. R. G. Hawke—Northam—in reply) [3.24]: We have seen a rather classical example in the speeches of the Leader of the Country Party and the Deputy Leader of the Opposition, of members who are keen to increase government expenditure in many directions being strictly opposed to the Government obtaining any adequate additional revenue with which to finance that expenditure. We had a meeting in this Chamber this morning of members of Parliament and all those present voted in favour of the motion which, if it is put into effect, will increase the Government's expenditure during the current financial year and in future financial years.

It is unfortunate that there are many people in Parliament, and outside, who are always very keen for the Government to spend more money on this, that and the other, but who are never prepared to assist the Government in getting one extra penny with which to finance the additional activities which any Government takes on from year to year.

Hon. D. Brand: Was that your attitude at the last Federal election?

Hon. Sir Ross McLarty: You remember the "Tax-us Rangers".

The Minister for Mines: And the public remember too.

The TREASURER: Judging from the appearance of the member for Murray, it would seem that he remembers them. However, that is by the way.

Hon. Sir Ross McLarty: That's politics! What a game!

The TREASURER: The justification for this Bill can be found by anyone who is willing to look at the matter in a responsible way, in the Estimates of Revenue and Expenditure which are at present before the House. So far, I have not heard any member who criticised the proposed items of expenditure—not to any worthwhile extent, anyway. Therefore, it can be taken for granted that most members, if not all, favour the proposed items of expenditure set out in the printed papers.

If they study those estimates sufficiently, they will find that a deficit of approximately £2,600,000 is anticipated in the Consolidated Revenue Fund during this financial year. So I suggest to the Deputy Leader of the Opposition he should remember that, to a large extent, the costs of government in regard to the Consolidated Revenue Fund are being absorbed; they are being absorbed in the deficit. In other words, instead of the Government setting out to raise sufficient revenue to

balance the budget, it has decided—whether wisely or not—to finance a deficit of £2,600,000 for the current financial year.

Mr. Court: You still have to produce money to cover it.

The TREASURER: It does not come from additional taxation which would be imposed on the people. I would also point out that the Estimates of Revenue and Expenditure included this additional tax. During my Budget speech I indicated that it was proposed to increase the stamp tax and the amount which it is expected this Bill will raise by way of additional revenue, is already included in those Estimates. Therefore I hope that members who spoke this afternoon on this Bill will consider the matter much more closely and take a broader view of the total situation and, as a result, support the second reading of the measure.

Question put and a division taken with the following result:—

Ayes	29
Noes	9
Majority for	20

Ayes.

Mr. Andrew	Mr. Moir
Mr. Cornell	Mr. Nalder
Mr. Evans	Mr. Norton
Mr. Gaffy	Mr. Nulsen
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Oldfield
Mr. Hawke	Mr. Owen
Mr. Heal	Mr. Potter
Mr. W. Hegney	Mr. Rhatigan
Mr. Jamieson	Mr. Rodoreda
Mr. Johnson	Mr. Sleeman
Mr. Kelly	Mr. Toms
Mr. Lawrence	Mr. Watts
Mr. W. Manning	Mr. Sewell
Mr. Marshall	*(Teller.)*

Noes.

Mr. Brand	Mr. Mann
Mr. Court	Sir Ross McLarty
Mr. Grayden	Mr. Wild
Mr. Hearman	Mr. Roberts
Mr. Hutchinson	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. May	Mr. Bovell
Mr. Hoar	Mr. Crommelin
Mr. Brady	Mr. Perkins
Mr. Tonkin	Mr. I. Manning

Question thus passed.

Bill read a second time.

In Committee.

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

BILL—LONG SERVICE LEAVE.

Second Reading.

Debate resumed from the 31st October.

THE MINISTER FOR LABOUR (Hon. W. Hegney—Mt. Hawthorn—in reply) [3.35]: I would like to briefly comment on a few of the remarks made by the Deputy Leader of the Opposition. At this stage I think I should indicate that there is absolutely no substance in the charge he made against the Government of political manoeuvring. This Government is not disposed towards political manoeuvring. It likes, as far as possible, to carry out its policy, or attempt to carry out its policy.

When introducing this Bill I indicated that there were some 50,000 employees in this State who enjoyed long-service leave on the basis of 10 years' service or better and it is hoped, in due course, that the standard for long-service leave in Western Australia will not be 20 years, but 10 years. The Deputy Leader of the Opposition also made reference to the code. The code is apparently some form of a draft agreement. As far as I know, there is nothing official about it and there is no finality in regard to this alleged code.

Mr. Court: You cannot be sure of that.

The MINISTER FOR LABOUR: I propose to indicate that I am sure and if the Deputy Leader of the Opposition likes to check the position, he will find that, as a result of recent negotiations between representatives of the A.C.T.U. and some of the employer organisations in the Eastern States, this code will be submitted to a meeting of the A.C.T.U. on the 25th November, and it appears, at this stage, that the negotiations which have taken place refer particularly to Federal awards.

Mr. Court: With a view to having uniformity throughout the Commonwealth.

The MINISTER FOR LABOUR: This is a case where the Deputy Leader of the Opposition seems anxious to have uniformity. It is evident, of course, that on this occasion there seems to be a very great anxiety to have uniformity, but on quite a number of other matters uniformity is the last thing that is desired. I do not propose to expound on that.

Mr. Ross Hutchinson: This affects the economic structure of the country.

The MINISTER FOR LABOUR: It is amazing that the member for Cottesloe should come in at this stage and talk about the economic structure. When he was a highly distinguished member of the teaching profession, not so long ago, he enjoyed long-service leave on a basis which was as high or as liberal as under this Bill, and if he desires to be consistent, he will extend those rights and privileges to other people and vote in support of this measure.

Mr. Court: You completely missed the point.

Mr. Ross Hutchinson: Yes, you missed the point. That is aside from the point I made.

The Premier: He received 12 weeks in addition, too.

The MINISTER FOR LABOUR: At this stage I would like to thank members on this side of the Chamber for their support

of the Bill. The member for Claremont made a few references to certain individual instances, but the Deputy Leader of the Opposition—who, I presume, spoke to this matter on behalf of the Opposition or the Liberal Party—made no reference to individual cases. He was all for the code.

The member for Narrogin made a very significant statement and it is as well to have this cleared up, because it is covered in the Bill. He said, in words to this effect, that it is rather a strange thing that if a man, working for an employer, takes part in an industrial dispute, his service is to be counted as continuous. The member for Nedlands is 100 per cent. for the code and provision in regard to the particular position mentioned by the member for Narrogin, is included in the code.

Mr. Court: I said we would take the pluses and the minuses.

The MINISTER FOR LABOUR: We will take the pluses and the minuses, but I would like to indicate that the code or draft agreement—as it is sometimes called—which apparently exists between the A.C.T.U. representatives and the employers—

Mr. Court: It does exist.

The MINISTER FOR LABOUR: —represents a bare minimum. Therefore, I would say here and now, clearly and emphatically, that this Government does not propose to swallow hook, line and sinker all the provisions of the code.

Mr. Court: Which ones are you going to swallow?

The MINISTER FOR LABOUR: We will deal with each item as we come to it, and I wish to indicate clearly where the Government stands on individual clauses in the Bill. However, we are certainly not going to be slavish in regard to this particular measure because there is a code in existence which is not an official agreement. We do not feel disposed to accept every dotting of the "i" and crossing of the "t."

Mr. Court: You are not suggesting that the A.C.T.U. did not acknowledge this agreement.

The MINISTER FOR LABOUR: I am not suggesting that the organisation did not acknowledge it; I did not imply that at all. I said that negotiations had been taking place, I think, last August and in the early part of September between representatives of the A.C.T.U. and Eastern States employers. I am saying now that there has been no official agreement. As a matter of fact, I will read a few sections of a message from Mr. Souter, secretary of the A.C.T.U., which are as follows:—

1. Code will only be minimum.
2. Looks like applying only to Federal awards.
3. Matter not yet finalised or accepted by all—there is a meeting of A.C.T.U. on the 25th November, 1957, to further consider the matter.
4. The negotiations are only agreeing at this stage to certain principles in the code.

Mr Court: Who was that from?

The MINISTER FOR LABOUR: This message is a section of a telephone message from Mr. Souter, the secretary of the A.C.T.U. to Mr. Chamberlain, the state secretary for Western Australia.

Mr. Court: Did you have discussions with Mr. Evans last week?

The MINISTER FOR LABOUR: No.

Mr. Court: Didn't you speak to him?

The MINISTER FOR LABOUR: I did not know he was here.

Mr. Court: His name was in the paper every day.

The MINISTER FOR LABOUR: That is beside the point.

Mr. Court: Are you going to give your ideas on the cost?

The MINISTER FOR LABOUR: The member for Nedlands indicated what the cost was and said, "His calculation may be wide of the mark."

Mr. Court: I did not say that.

The MINISTER FOR LABOUR: I do not intend to contribute anything further at this stage, but the Deputy Leader of the Opposition said it is difficult to arrive at a reasonable estimate.

Question put and passed.

Bill read a second time.

Sitting suspended from 3.45 to 4.5 p.m.

In Committee.

Mr. Heal in the Chair; the Minister for Labour in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Interpretations:

Mr. COURT: I have a fairly formidable list of amendments on the notice paper, and there is good reason for it, which members will appreciate, namely, that an attempt is being made to induce the Government to rewrite the Bill so that it will conform to the national agreement. Many of these amendments will have consequential effect, and therefore it is important to establish the principle as we go along, and no doubt the Minister will declare the Government's attitude. I was not sure from his speech whether the Government was going to accept some of the code, none of it or all of it.

Hon. D. Brand: Ask the Minister about the estimated cost.

Mr. COURT: If I heard him aright, he might be going to accept some of the code.

The Minister for Labour: Without going into detail, some of the clauses in the code are already in the New South Wales, Tasmanian and Victorian Acts. In other words, some of the provisions of the code will be accepted.

Mr. COURT: Anyhow, we will work it out as we go. The first amendment on the notice paper, dealing with the interpretation of "award" must be taken in conjunction with a subsequent amendment to Subclause (2) of Clause 6, so that it can be thoroughly understood.

The basis of the amendment is to provide for the conditions appearing in the national agreement, which is intended to become standard throughout Australia, to be in the legislation and not in an award. In the Commonwealth sphere it is anticipated that the code will be adopted through the Federal Arbitration Court. There have been one or two announcements in the last few days which indicate that the principle has been accepted by both employer and employee. I notice that one had accepted the principle except that it had a 20 years' retrospectivity dating back from 1955, and not from 1957. If an employer, or group of employers, decides to depart from the code by granting some extra concessions, that is quite bona fide. I have never heard it suggested in this Chamber, on either side, that there should be anything to prevent an employer from doing that.

If this becomes the minimum, as the Minister suggests, it does not automatically become the maximum. It means that employers can arrange with their employees to introduce any other concessions that they might think fit. However, we are legislating for the provision of long-service leave; and we cannot have it both ways. We cannot leave it to the Arbitration Court to fix, and at the same time try to claim that right for this Parliament.

Mr. Johnson: Are you trying to interfere with the powers of the Arbitration Court?

Mr. COURT: Not for one second. The Government has decided that it wants to legislate for long-service leave, and it has specified the conditions in the Bill. Once we accept that principle, and Parliament has to lay down the conditions, we cannot pass the power over to another body and let it make its own arrangements. We have passed over to the Arbitration Court power to fix margins, and consequently we do not pass legislation in this Chamber disagreeing with any margin fixed by the court. The original conception of long-service leave, when it was under discussion between employer and employee bodies was that the Commonwealth arrangements would initially be established through the Federal Arbitration Court.

Mr. Johnson: That will stop our court having any power over it.

Mr. COURT: In this State the Government has decided to do it by legislation.

Several members interjected.

Mr. COURT: It seems that it is almost impossible to get a simple story over.

Mr. Johnson: It is stupid.

Mr. Jamieson: Your reasoning is very complex.

Mr. COURT: We cannot have it both ways. If members opposite want to do it their way, they should get the Government to withdraw the Bill and amend the Industrial Arbitration Act.

Mr. Andrew: What about South Australia?

Mr. COURT: It has not got the agreement yet.

The CHAIRMAN: I think the hon. member had better address the Chair and forget about the interjections.

Mr. COURT: As the Government in this State is legislating for long-service leave we cannot have a provision in the Bill for awards.

Mr. Johnson: Why not?

Mr. COURT: Because we are laying down something that will apply to workers within the meaning of the Industrial Arbitration Act, whether covered by awards or not. I do not know whether the hon. member knows it or not, but there is very grave doubt as to whether the Arbitration Court has the necessary power, and if it were challenged, I think it would be found that it has not that power in this State. I move an amendment—

> That the interpretation of "award" in lines 31 to 33, page 1, and in lines 1 to 6, page 3, be struck out.

Mr. ANDREW: The hon. member is basing his argument on the so-called national code. He should not be proud of how that came into being. In reality there is no code in existence.

Mr. Court: I dispute that.

Mr. ANDREW: There is no signed agreement.

Mr. Court: This is acknowledged by the A.C.T.U.

Mr. ANDREW: I shall prove my point. I shall give the history of the negotiations in regard to the code because the Deputy Leader of the Opposition has attempted to mislead the Chamber. The Victorian Government introduced legislation to grant long-service leave to employees in private industry in that State, the same as is being done by the Western Australian and the South Australian Governments. The employers in Victoria considered that there was a concession for the workers and they decided to oppose it, the same as the member for Nedlands is now doing.

It was contended that the Commonwealth employees did not come under the award of the Victorian Government, but

the metal trades unions took a case before the industrial magistrate in that State. The magistrate decided against the employers. He was satisfied that those workers did come under the award. The employers then took the case to the High Court of Australia and that court again found in favour of the employees. The employers then appealed to the Privy Council and the appeal was dismissed.

The Privy Council pointed out that a Federal award can take precedence over a State Act. The employers then made an approach to the Federal Arbitration Court for an amendment of the award. They offered the unions six weeks' long-service leave after 25 years' service, and that is the concession which the member for Nedlands has asked us to support.

Mr. Court: That is not in the national code.

Mr. ANDREW: There is no national code. I am pointing out how those negotiations came into being.

Mr. Court: You are misleading the Chamber.

Mr. ANDREW: The A.C.T.U., on behalf of the metal trades unions and others, submitted there was no dispute. The Federal Arbitration Court upheld the submission of the A.C.T.U. and ordered the parties to confer. That was how they started to negotiate on the so-called national code. I have here a copy of a draft, which has not yet been signed, stating "the result of conferences between representatives of the employers and the unions on the 14th and 15th August, and the 5th and 6th September, 1957, subject to draft by joint drafting committee." That is the position up to the present. The member for Nedlands said that had been signed.

Mr. Court: I did not say it had been signed. I said agreement had been reached. It was publicly announced that an agreement had been reached.

Mr. ANDREW: There is only a measure of agreement because I myself was almost directly in touch with the secretary of the A.C.T.U., and I know that nothing has been signed. Further action will have to be taken before the negotiations can become an agreement. If two parties negotiate for an agreement, and reach a certain measure of agreement, there is no agreement unless it has been signed. That was where the member for Nedlands tried to mislead the Committee.

Mr. Court: That is not true.

Mr. ANDREW: After the member for Nedlands stated that I was wrong and that he was right, I obtained some information which proved that I was correct, and that certain principles of the code had not yet been agreed to. The drafting has not yet been completed. Possible final approval may be given by the interstate executive of the A.C.T.U. at its meeting in Melbourne on the 25th November, 1957.

After that comes the question of implementation. This still has to be determined, i.e., whether the Federal unions will seek agreement with the Federal employers, or whether application will be made to the Federal Arbitration Court for the issuance of an award as related to specified parties. If this were done, it would then mean unspecified parties, i.e., Federal unions, seeking similar awards. Whatever methods are used, it should be noted that it will apply only to workers under Federal awards. The Government of this State is legislating not only for workers under Federal awards, but also those in private employment.

The member for Nedlands seems to think that we should slavishly follow the so-called code, which is not yet in existence. Here is a very important point. This statement was made by Mr. Souter, secretary of the A.C.T.U. He understands that where action has been taken and agreement reached, or determinations have been made by any industrial authority for long-service leave conditions which are superior to those contained in the proposed national code, such superior conditions would be exempt from the code. I would ask the member for Nedlands to note that point.

Hon. L. Thorn: You said there was no code.

Mr. ANDREW: I refer to the proposed national code. I was speaking in the future tense. I said that such superior conditions would be exempt from that code. I would also ask the member for Nedlands to note that the South Australian Government brought in long-service leave, which is inferior to the national code. That Government did not feel it was bound by the proposed code. If the member for Nedlands wants to establish his case he will have to justify the South Australian Government departing from the so-called code. I submit that the Government of Western Australia has in no way departed from any principles in introducing this Bill. It supported provisions which were in the Bill years ago. The Premier referred to them in his policy speech. The Bill would have been introduced in the last session of Parliament if it had been ready.

The MINISTER FOR LABOUR: The Deputy Leader of the Opposition in moving his amendment to delete the interpretation of "award," referred to another amendment which he has in mind to one of the vital clauses in the Bill. So far as I am concerned, I refuse under any circumstances to agree to it. I would like to correct any misapprehension in regard to the national code. As far as I know, there is none. There is a proposed code

from which the member for Nedlands lifted a number of provisions. If we were to make a study of the Tasmanian, Victorian and New South Wales legislation, it would be found that substantially the provisions of the code have been extracted from those Acts. It was only in the last week or two that the code was referred to.

Mr. Court: It took you a long time to introduce a Bill.

The MINISTER FOR LABOUR: This Bill has been introduced in accordance with the Government's policy declared during the last elections. I have scrutinised the various State Acts and compared them with the provisions in this Bill. The vital difference is that the Government of this State has set a standard of 10 years' instead of 20 years' service. The clause we are dealing with contains the definition of "award," and it is affected by one of the amendments proposed by the Deputy Leader of the Opposition. He has given notice of his intention to move the following new subclause:—

> This Act shall apply in respect to any worker entitled to long-service leave under any industrial award or agreement made or registered under the Industrial Arbitration Act, 1912, notwithstanding the provisions of any such award or agreement and the Court of Arbitration shall on the application of any person interested cancel any provisions in any such award or agreement relating to long-service leave.

Mr. Court: I read that out.

The MINISTER FOR LABOUR: I am reading it, too, in order to place emphasis on the effect of that amendment. In no circumstances would this Government accept that proposition. What would happen? Recently the Arbitration Court awarded long-service leave, on the basis of 10 years, to the employees at Yampi Sound. It would be incumbent on the court on the application of any interested person, to cancel that award. Again, in the Government service there are a number of unions which have regulations regarding long-service leave on the basis of 10 years incorporated in industrial agreements registered at the court.

Mr. Court: But they are exempt from the Act.

The MINISTER FOR LABOUR: This provision, so far as I can see, would require the court to cancel those awards and agreements.

Mr. Court: You are misleading the Committee.

The MINISTER FOR LABOUR: I am not deliberately doing so.

Mr. Court: Look at page 4 of the Bill.

The MINISTER FOR LABOUR: That is what the amendment provides, and that is the hon. member's object. I come to the third phrase used by the Deputy Leader of the Opposition, who said that we "cannot have it both ways." The Government's view is that this standard shall be fixed by Act of Parliament; and if any union wants to go to the court, it should not be precluded from doing so.

There is a provision in the Factories and Shops Act—Section 163—that "nothing in this Act contained shall in any way affect the jurisdiction conferred on the Arbitration Court established under the Industrial Arbitration Act, 1912-1941." The provisions in this measure are only minima; and if the court provides something over and above, we do not propose to remove that section from the Act. I make it definite that we are opposed to the fullest extent to the deletion of the term "industrial agreement," because we think it is of vital importance.

Mr. MOIR: I consider that the Deputy Leader of the Opposition, in moving this amendment, has deliberately tried to kill the Bill; he could have no other object. He knows perfectly well that no self-respecting Government could accept it.

Mr. Court: Don't you want long-service leave?

Mr. Norton: Is that a threat?

Mr. MOIR: We want long-service leave; but we want it under decent conditions, and we do not want to be taking anything away from the workers that they already enjoy—

Mr. Court: They don't enjoy long-service leave at the moment.

Mr. MOIR: —on the hon. member's terms.

Mr. Court: They don't enjoy it at the moment. We are trying to give it to them on a nation-wide basis.

Mr. MOIR: There has been a lot of talk about this nation-wide basis. The Deputy Leader of the Opposition knows perfectly well that the code he has been referring to is designed to apply only to employees working under a Federal award.

Mr. Court: You haven't read the utterances of your own body.

Mr. MOIR: The hon. member knows that, despite what he says, it is in keeping with some of the other things he has said here in trying to mislead members. He made a definite statement the other day during the second reading that this code had already been agreed upon. Nothing of the sort!

Mr. Court: I reiterate that it has been agreed upon; and I will read it out to demonstrate that it has been agreed upon and is being acted upon.

Mr. MOIR: Fortunately we have sources of information, the same as the Deputy Leader of the Opposition; and our information is that it has not been agreed on.

Mr. Johnson: It can't be agreed on until the 25th of this month.

Mr. MOIR: No agreement is agreed on until the parties negotiating the agreement—

Mr. Roberts: Agree on it!

Mr. MOIR: —sign the agreement and undertake to abide by it; and up to the present these parties have done nothing of the sort. They have reached the stage in the negotiations where they are referring the whole matter back to their executives; and until those executives give instructions to that effect, the agreement will have no more effect than something the Deputy Leader of the Opposition might submit.

Mr. Court: They are already acting on it. You must be behind the times.

Mr. MOIR: Not as far behind as the hon. member might think, and not so far behind as to fall for some of the stuff he has been putting over.

Mr. Court: They have acted in two very big cases in the last few days.

Mr. Johnson: You are taking your information from a newspaper.

Mr. MOIR: I can only conclude that the Deputy Leader of the Opposition is badly informed indeed. The effect of the amendment he is leading up to would be that no one could have long-service leave through the jurisdiction of the Arbitration Court, and no agreement could be registered with that court for long-service leave on better terms than would be laid down in the Act.

Mr. Court: You are distorting the position.

Mr. Johnson: That is what you said.

Mr. Court: The employer could provide what he liked. There is no law against an increase.

Mr. MOIR: The Deputy Leader of the Opposition must think we are very naive in this Chamber. We know perfectly well that in industrial matters agreements are not worth the paper they are written on unless they are registered with the court. The hon. member is trying to tell us that an employer could agree with his employees and it would be quite okay. We know that when agreements are reached between employers and employees, those agreements must be registered in court to have any effect; otherwise if an agreement were broken, the parties would have no recourse to its enforcement and could not even have it adjudicated upon.

The amendment which is proposed to follow the one under discussion is rather outstanding. It reads—

> Notwithstanding the provisions of any such award or agreement, the Court of Arbitration shall on the application of any person interested cancel any provisions . . .

There is no doubt that it could be argued that any person—even one not a party to the agreement—could make application; and it would be quite mandatory on the court to cancel. That is what the Deputy Leader of the Opposition is trying to provide for. We find that in other States there are provisions for long-service leave in private industry. In Victoria, New South Wales, and Queensland, Acts are in operation. The so-called national code to which the hon. member referred, is not in any circumstances designed to supersede the State Acts.

Mr. Court: That is the intention—that there should be uniformity.

Mr. MOIR: That is not the intention.

Mr. Court: You are wrongly informed.

Mr. MOIR: No, I am not. The present negotiations are being conducted on the basis of Federal employees who do not come under any definite long-service leave provisions under the Federal Supreme Court; and if the Deputy Leader of the Opposition would have us believe that industrial leaders in the other States who are represented on the A.C.T.U. body will agree to something that will interfere with the State Acts, he needs to reorient his thinking in that regard.

Mr. Court: You know that Western Australia was represented on the employees' side in these negotiations, don't you?

Mr. MOIR: Naturally.

Mr. Court: And was in agreement with them.

Mr. MOIR: The Deputy Leader of the Opposition is very persistent about this agreement. It shows how he will try to stick to this business of the agreement, even though it has been pointed out to him that there is no such agreement. As I see the position, the Government cannot possibly accept this amendment with the implications behind it.

Mr. COURT: The statement has been bandied about quite freely that I have been trying to mislead this Chamber. I want to contradict that forcibly. It is not so. I have tried to approach the Bill in a straightforward and decent manner. The Minister has not reciprocated. He gave no indication of costs but left it to our own surmise, and neither accepted nor rejected the figures advanced on a very important issue.

I have not attempted at any stage to mislead members. I have tried to stick to the documented facts, and I am amazed at members of the Government and the Government's supporters not being fully aware of what has been going on, as they should be. There is one point on which I agree with the member for Boulder. He mentioned arguments that had taken place regarding varying conditions in the different States and the court cases that

have resulted from it. That is one of the main reasons why the parties got together —to try to iron out these problems.

Mr. Moir: I never mentioned anything about court cases.

Mr. COURT: The hon. member referred to the Privy Council.

Mr. Moir: No. That shows how far away you are. It was the member for Victoria Park who said that. You don't know who is speaking!

Mr. COURT: It was a member on your side of the House who mentioned High Court cases and the Privy Council.

Mr. Moir: I did not.

Mr. COURT: I am reminded that it was the member for Victoria Park. I apologise. At all events that was one of the reasons why the parties got together. They had to try to effect improvements. Two attempts were made to improve the Victorian Act—one by a Labour Government and one by a non-Labour Government—with a view to overcoming anomalies. Members opposite will know that the attempts to amend the law were blown out both times. The Tasmanian legislation was successful in overcoming the anomalies; and attempts are being made to provide legislation throughout the Commonwealth under which none of these matters will be in dispute, and under which there will be agreement.

Bearing in mind that there are many employees not covered by long-service leave provisions, we are trying to get together—or I hope we are—on a proposition that will be fair and equitable and within the reasonable limits of this State and the Commonwealth to absorb. The Government does not care a damn about the cost and the Minister will not hazard a guess. I said if the Minister would give us information as to how he arrived at his figure, I would show how I arrived at mine.

The Minister for Labour: I did not quote any figure.

Mr. COURT: That is what I am complaining about. The Government is repudiating negotiations entered into by the A.C.T.U. I am not trying to mislead the Committee and I simply quote what has been said. I feel that if this law is to be rewritten it must be rewritten in full. It has been said that there is no agreement, but I repeat that there is an acknowledged agreement between the parties, and the Minister knows that.

The Minister for Labour: He does not know it.

Mr. COURT: Then he is out of touch with a part of his portfolio that he should be familiar with. In the Press on the 9th of October there was a statement dealing with the agreement reached on the national code and it is obvious from that that agreement was reached.

Mr. Jamieson: How long have newspaper statements been factual?

Mr. COURT: If they supported the Government's case, it would acclaim them. On the 25th September there was an A.C.T.U. conference at which Western Australia was represented and the result of that conference was that the council hoped that a code based mainly on the New South Wales long-service leave provision would incorporate the best features of similar State Acts. That was what they set out to do. The basis of the negotiations was to take the existing Acts, based on the experience of employer and employee organisations and bring down what they thought would be a reasonable proposition within the capacity of the economy of the country to absorb. That was the objective of the A.C.T.U. and the employers—

The CHAIRMAN: The hon. member's time has expired.

Mr. JOHNSON: It is a pity that the member for Nedlands strives so hard on such an unsure basis. I believe he has been misinformed and should examine his source of information. We, on this side, occasionally quote Press reports because on the odd occasions when they agree with our arguments, it shows that our case is much stronger than the Press publishes. A Press argument supporting the employers must be treated with reserve as the employers own the Press. Before the member for Nedlands makes a more obvious ass of himself, he should check his sources of information.

The fact is that the alleged code will come before a meeting of the A.C.T.U. on the 25th of this month and so no agreement will be possible for at least another fortnight. The fact that there may be the beginning of an agreement is not binding, and the hon. member could find in the Press two or three reports to the effect that certain large unions had decided not to accept the code. When the A.C.T.U. meets, those unions may carry the day and the code may not be agreed to in that form.

Mr. Court: Only by repudiating their undertaking.

Mr. JOHNSON: No undertaking has been given and no agreement has been reached, except to the extent that the matter would be referred back to those with authority to make an agreement. The amendments on the notice paper, together with other matters, indicate that the member for Nedlands wishes to prevent the Western Australian Arbitration Court from granting any provisions better than the minimum. His clear intention is to place the State Arbitration Court in shackles and to prevent it from improving on the code.

I regard the figures given by the hon. member as a deliberate endeavour to mislead the Committee. At the appropriate time, I will give my figures. I take it the figures quoted by the member for Nedlands came from the same source as his other information, but that source is so tainted and unreliable that it should be totally disregarded. I suggest to the hon. member that he examine the source which gives him information that results in his appearing before members here as an uninformed or ill-informed person or otherwise one trying deliberately to mislead the Committee. It is one or the other, but I prefer to think he is ill-informed.

Mr. COURT: We have heard a typical outburst by the member for Leederville. It is interesting that the Minister did not use the figures referred to by the member for Leederville. As regards being ill-informed, there are certain sources of information available and my information is not tainted. We are not opposing long-service leave but are trying to achieve a workable measure. Members opposite maintain there is no agreement. I have here a Press report, under date the 9th October, which is headed "Long-Service Leave Terms in South Australian Code," and reads as follows:—

> Adelaide, Tues.: Representatives of employer organisations and trade unions reached agreement in Adelaide today on a code of long-service leave which they hope will eventually affect all South Australian employees covered by awards, industrial agreements or wages-board determinations.
>
> The code provides for 13 weeks' long-service leave after 20 years' service, with pro rata entitlement after ten years' service, and 20 years' retrospectivity.
>
> Employer and union representatives said after the conference that their agreement was a step towards obtaining uniform long-service leave throughout Australia.
>
> A conference of representatives of employer and union groups throughout Australia will be held in Melbourne on Thursday.
>
> This conference is expected to ratify the code on an Australia-wide basis.
>
> Organisations represented at the conference today were the South Australian Chamber of Manufactures, Metal Industries Association of South Australia, Australian Council of Trade Unions, and about 15 unions—mainly those in the metal trades.
>
> Chamber of Manufactures general secretary C. W. Branson said that the conference had discussed the federal long-service leave code approved recently by the A.C.T.U. Congress in Sydney and its application to South Australia.
>
> It had been agreed that the A.C.T.U. and the employer organisations would seek to get the maximum coverage for the code among trade unions and employers.

In the Press on the 2nd November the matter was again referred to as follows:—

> South Australia Starts Long Leave.
>
> Adelaide, Friday: Long-service leave agreements, which employers and trade union officials estimated would immediately affect about 125,000 workers in South Australia, were signed today.
>
> The Federal Long-Service Leave Code, which is the subject of the agreements, provides 13 weeks leave after 20 years' service, with 6½ weeks further leave for each additional ten years' service.
>
> Officials estimated that of the 192,000 workers employed in South Australia, 150,000 would be bound by the Federal code,

Mr. Moir: But that was somebody in South Australia who was going to sign that agreement, and not the A.C.T.U.

Mr. COURT: Read in conjunction with other Press statements that proves that the agreement is real. It has been agreed to by the officials of the A.C.T.U. and the employers.

Mr. Moir: It has not.

Mr. COURT: Why are they prepared to sign up so freely at present with any employer? I think one member on the Government side earlier in the afternoon summed up the situation, and said that the whole of this thing had been agreed to in principle and referred to a drafting committee which was tidying up some of the details. The basic principles have been agreed to beyond any doubt. The Government has decided that it will deal with long-service leave through a special Bill. If it wanted the Arbitration Court to deal with long-service leave it would have introduced a Bill amending the Industrial Arbitration Act in order to remove any legal doubt about the powers of the court. The Minister was too long in control of trade unions not to know that there is grave legal doubt about the powers of the Arbitration Court, under the present law, in respect to long-service leave.

The Minister for Labour: They have exercised it.

Mr. COURT: But that does not alter the legal doubt.

The Minister for Labour: Then why aren't they challenged?

Mr. COURT: That is only making my point. Employers can give better conditions, if they want to do so.

The Minister for Labour: But the court gave the ten-years provision and not B.H.P.

Mr. COURT: B.H.P. have not challenged it. They could have challenged the constitutional power of the court to give that award. But they have accepted the situation. We cannot have it both ways. If we want the court to fix long-service leave conditions, we have to amend the Industrial Arbitration Act and impose that responsibility on the court. If we want to do it by legislation we have to put the terms and conditions in here, and make them applicable to every worker, whether covered by an award or not.

Mr. ANDREW: The Deputy Leader of the Opposition said that the case put forward by the employers was not an effort to try to chisel down the provisions of long-service leave. That is just what they did. In trying to get out of the provisions of long-service leave under the Victorian Act, they took a number of steps but were finally ordered by the Federal Arbitration Court to negotiate.

Mr. Court: They were only trying to remove an anomaly.

Mr. ANDREW: Six weeks in 25 years!

Mr. Court: That was a basis on which to start.

Mr. ANDREW: They started very low. They would not accept the 10 weeks in 20 years which the Victoria Act provided for. I think the Deputy Leader of the Opposition is doing a bit of chiselling himself, and is trying to chisel down the conditions for private employees in Western Australia. Not long ago he said that he was not against long-service leave; but when the vote on the second reading was taken he said "No."

Mr. Court: I did not oppose the second reading.

Mr. ANDREW: We all remember Hitler and we know what he did with propaganda. There is an old saying, particularly in regard to Hitler, that the more often a lie is told the easier it is to get people to believe it. So it is with the Deputy Leader of the Opposition. He is being persistent in saying that the agreement is something real when, in fact, it does not exist at all.

Mr. Court: What about these arrangements that have been completed? Don't they count for anything?

Mr. ANDREW: There is a measure of agreement between the two parties; but that does not complete an agreement. It has long been the intention of this Government to bring in long-service leave for private employees, and the Deputy Leader of the Opposition cannot go back further than the 14th and 15th August, and the 5th and 6th September, 1957, when negotiations took place between representatives of the employers and employees. This Government has reached a stage where it will be possible, if both Chambers agree, to have long-service leave almost immediately, and before this agreement comes into being. Yet the member for Nedlands is asking us to take notice of an agreement that does not exist.

Mr. Court: Don't you believe in employer-employee negotiations?

Mr. ANDREW: Yes. But I do not think there is anything to be proud of in regard to this agreement. The employers went to every court possible to break down the conditions under the Victorian legislation.

Mr. Court: Are you suggesting that the A.C.T.U. has failed its members?

Mr. ANDREW: It has not yet considered this report. Mr. Souter says that the organisation will be considering it on the 25th of this month. He is secretary of the organisation, and I would rather take his word than that of the Deputy Leader of the Opposition on matters on which he is vitally concerned. If this Government should be bound by the proposed agreement, as the member for Nedlands says it should, so should the Government of South Australia. Why did not that Government consider itself bound?

Mr. Court: You have answered that yourself. You gave us the dates when the negotiations were completed.

Mr. ANDREW: The South Australian Bill has been in operation for only a month or so. Why did not that Government agree to act according to the code?

Mr. Court: Because it did not have it at the time.

Mr. ANDREW: The secretary of the A.C.T.U. said two things—one that it does not cover all, but only Federal employees and, secondly, it is a minimum and does not take precedence over a better agreement. I challenge the hon. member to answer those points.

Mr. COURT: Dealing with the first point, one of the reasons, of which there are many, why employers and employees have got together on this matter, is to overcome the very problem that is arising in South Australia, where the Government is making an arrangement completely out of step with the other States. The member for Victoria Park would not accept the South Australian proposition in preference to the one we are putting forward.

Mr. Andrew: Certainly not. It is no good.

Mr. COURT: The South Australian legislation was brought in before this agreement was reached and publicised. The employers and employees intend that the arrangement they have reached will eventually be made uniform for all workers in Australia. It will not be done today; it will take years to achieve. Here is one State that can give it to them. The workers could go to South Australia and

say, "This is what the Liberal and Country Parties have put forward and what the Western Australian Government has accepted as a pattern. We think it is a fair thing and that it should apply in South Australia. It is amazing how members opposite refer to South Australian legislation and conditions when it suits them.

The hon. member also referred to the question of the code. Initially it was intended that at the Federal level it would be done by the Federal Arbitration Court which would set a pattern for Australia. It is the professed desire and intention of the employers and employee representatives to have this promulgated on a Commonwealth-wide basis for all workers and that is what my amendment would do. It would make it apply to all workers.

The next point the hon. member referred to was the question of conditions better than those provided by the code. That is always a possibility. When there are two firms in one industry, it is not uncommon for them to have different conditions of service. They can still do it under the law we propose. There are many who have voluntary systems of long-service leave and voluntary systems of retiring allowance, and voluntary systems of superannuation with modifications of these benefits, but they were granted without any pressure from Governments or by awards of the Industrial Arbitration Court. It will be in the power of any employer or industry to grant additional conditions if they desire whether they be margins, general conditions of employment or annual leave, long-service leave and the like.

Mr. ANDREW: The Deputy Leader of the Opposition was non-suited on this matter. He asked if it were better to have uniformity or not. Does he not realise that he is asking for two codes in Western Australia? A large section of the public now have a 10-year code in regard to long-service leave and if he has his way a larger section will come under the 20-year period, and that cannot be justified as working towards uniformity; more so if he does not support the Government measure in relation to the 10-year period.

Hon. D. BRAND: The member for Victoria Park seems to have taken over the debate on behalf of the Minister. The hon. member cannot overlook the fact that for many years a large section of the wage earners enjoyed long-service leave after 10 years. The balance did not enjoy any service leave at all.

The Minister for Labour: You are on the wrong amendment.

Hon. D. BRAND: Any of us, even those directly opposed to the private employer, would concede that there has been some difficulty—perhaps an economic one—in respect to the granting of long-service leave to employees in private industry. The Deputy Leader of the Opposition has put forward an argument in the interests of the general case based on uniformity so that those employees in private industry who do not enjoy long-service leave would now enjoy it throughout the Commonwealth on a 20-year basis. I see no reason why this Government should not set a pattern for the Commonwealth to follow. The arguments put forward by the member for Victoria Park are parochial and have not taken into consideration the real problem, both State and Commonwealth, in regard to the granting of long-service leave to private employees of industry in this State.

Mr. COURT: The member for Victoria Park said we were trying to legislate for two codes in Western Australia. He wants to legislate for one as under Civil Service conditions. The Civil Service conditions of employment for the last 50 years have been distinct from those of employment in private industry for many good reasons. For instance, men working in the Civil Service cannot get over the award rate. In private industry there is a certain amount of flexibility in remuneration according to a man's experience, skill, loyalty and so on. When those factors are taken into account, plus the emoluments of office, it is easy to understand why there are two codes.

Hon. A. F. Watts: Also the fact that the employer has agreed.

Mr. COURT: I invite the attention of the member for Victoria Park to this final point. With the complete control of the legislature in other States, the Labour Governments have legislated for one type of long-service leave in respect of civil servants and Government employees; and another type for private industry. They have an appreciation of the problem and they have weighed up all the facts. The States controlled by Labour Governments, with no Legislative Councils to contend with, have legislated for two different systems, one on the basis of ten years' service and one on the basis of 20 years' service. The employer and employee organisations acting in concert have tried to bring about this uniformity throughout Australia.

The MINISTER FOR LABOUR: This Government does not propose to take away from the court its power to grant long-service leave if this Bill is passed.

Mr. Court: Why not bring down the proper Bill?

The MINISTER FOR LABOUR: The Government will carry out its policy without the advice of the Deputy Leader of the Opposition. In four other States there are long-service leave schemes which in the main provide for three months' leave after 20 years of service, and pro rata after ten and 15 years' service. There is a slight difference.

Mr. Court: Not a slight difference but a major one.

The MINISTER FOR LABOUR: The principle is three months' leave after 20 years' service in four of the other States.

Mr. Court: Including States controlled by Labour Governments.

The MINISTER FOR LABOUR: In all Acts of Parliament there are machinery provisions. In a measure of this type such clauses relate to what constitutes continuous employment; definition of "employer"; definition of "employee"; what constitutes continuous service; what happens in the event of the death of an employee; what is the position regarding pro rata payments, etc. These are all adjuncts to the main principle of three months' leave after 20 years' service. Let me emphasise this point: In this State the basis is three months' leave after ten years' service, and not 20 years' service. The Deputy Leader of the Opposition indicated that the civil servants operate under a different set of conditions. That is correct. Under the Public Service Act three months' leave is granted after seven years' service. That applies in the Education Department also.

Mr. Court: You say that long-service leave is based on 10 years' service in this State, but there is no long-service leave in private industry in Western Australia.

The MINISTER FOR LABOUR: I said the basis was 10 years and not 20 years' service. That has been set.

Mr. Court: By whom?

The MINISTER FOR LABOUR: The wages employees in Government service have for the last 30 years been entitled to three months' leave after ten years' service; and members of the Public Service after seven years' service. Of the 147 local authorities in this State, almost 130 have passed by-laws to grant long-service leave to their employees, and the basis is three months after ten years' service.

Mr. Court: What has that to do with this Bill?

The MINISTER FOR LABOUR: The Deputy Leader of the Opposition says he wants uniformity and that the employers in the Eastern States are tumbling over themselves to extend long-service leave to their employees. I would point out that the time has arrived when they are obliged to grant it. The machinery clauses in this Bill have been lifted largely from the legislation of the four other States. If the code is compared with the Acts of the other States, it will be found that the provisions of long-service leave are almost identical. This Government, however, does not intend to follow slavishly, word for word, the provisions contained in the code. The Government instructed the Parliamentary Draftsman to put into legal phraseology its desires. In some cases the Government is prepared to accept amendments to the machinery clauses, but it will not agree to any amendment to the ten years' service as a basis.

Mr. Court: You are not very co-operative.

The MINISTER FOR LABOUR: That is the decision of the Government. There is no reason for the unions in this State to rush in to accept the conditions contained in the code. The Deputy Leader of the Opposition contends that the workers in this State should not have the right to apply to the Arbitration Court in respect of long-service leave; if they did the court should not be empowered to grant it; and if long-service leave has been granted, it should be withdrawn. He also said there was a legal doubt. If that is the case, why have not the employers attempted to test the Yampi award or the goldmining award? They have had 30 years in which to contest the validity of the provisions in the latter award.

I would remind the Opposition that the code is only a basis or a minimum. This Government would not be worth its salt if it introduced a basis of 20 years' service, after the workers of this State have enjoyed a basis of ten years' service for many years. Any union applying to the court should not be stifled in its attempt to obtain long-service leave after ten years' service.

Mr. COURT: I feel I must reply to the Minister who has worked himself up over this. He has reflected on the workers' representatives who have shown a greater sense of responsibility in regard to this matter than the Government, because the Minister knows from the document—he has a copy as I have—that it provides for 20 years.

The Minister for Labour: I did not say it didn't.

Mr. COURT: The Minister does not make any effort to justify why the Bill should be out of step with the other States and he does not make any attempt to explain why, in the other States, where they have a Labour Government they have accepted two systems, one for Government employees and another for private industry. I want to make it quite clear that we accept the code with all its pluses and minuses; we are not asking that the eyes be picked out of the document or the Government should take what is cheaper. We are prepared to accept it, and members will see in amendments which it is proposed to submit, that we are offering more concessions than the Government is prepared to make. We accept the code with all its pluses and minuses.

The Minister for Works: All the minuses.

Mr. COURT: No, that is where the Minister is wrong. We are giving more away in the detail of the Bill than we are trying to take out.

Amendment put and a division taken with the following result:—

Ayes	16
Noes	23
Majority against	7

Ayes.

Mr. Ackland	Mr. Oldfield
Mr. Brand	Mr. Owen
Mr. Court	Mr. Roberts
Mr. Crommelin	Mr. Thorn
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. W. Manning	Mr. I. Manning
Sir Ross McLarty	*(Teller.)*
Mr. Nalder	

Noes.

Mr. Andrew	Mr. Marshall
Mr. Evans	Mr. Moir
Mr. Gaffy	Mr. Nulsen
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Hawke	Mr. Rhatigan
Mr. Heal	Mr. Rodoreda
Mr. W. Hegney	Mr. Sleeman
Mr. Jamieson	Mr. Toms
Mr. Johnson	Mr. Tonkin
Mr. Kelly	Mr. Sewell
Mr. Lawrence	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Bovell	Mr. May
Mr. Cornell	Mr. Hoar
Mr. Perkins	Mr. Brady
Mr. Mann	Mr. Lapham

Amendment thus negatived.

Mr. COURT: I move an amendment—

That the words "who is not less than eighteen years of age" in lines 11 and 12, page 3, be struck out and the following words inserted in lieu:—

> who is not less than the maximum age for compulsory attendance of children at a Government or efficient school as provided by section thirteen of the Education Act or any proclamation made thereunder.

This is an example where we are trying to put provisions in the Bill which are more far-reaching than those proposed by the Government. Under our proposition an employee would not only have retrospectivity for 20 years but it would apply from the school-leaving age, or when a person starts his normal working life. However, it would be wrong to think that we desire to include this on the basis that there is going to be a 10-year qualification period, because that would be absurd. Some would be able to take their long-service leave at the age of 24.

The Minister for Labour: They do that now.

Mr. COURT: The Minister is not happy about that. We accept this code completely and one of the provisions in the code covers a worker for the whole of his working life. Therefore, the amendment I propose is to make the period go back to the start of the working life of the employee. If agreed to, the provision will not require to be altered every time the scholastic leaving age is changed. We know the Government has introduced a Bill for a change in the school-leaving age and the wording of this amendment would deal with that situation. It will not matter if the age is raised to 16 years or 17 years in time to come, because this provision will be all-embracing. This is consequential to the 20-year qualifying period. Therefore, we have a retrospective provision for 20 years instead of the Government's provision of 1951.

The MINISTER FOR LABOUR: I have no objection to the amendment and accept it.

Mr. COURT: I want to make this clear: This amendment is submitted on the basis that there will be a 20-year qualifying period. The Minister just skids over that one. Apparently he is trying to make a 10-year qualifying period and still go back to the school-leaving age. I make it clear that it is our intention that this would be a corollary to the 20-year qualifying period and the 20 years' retrospectivity.

The Minister for Works: How are you going to give effect to that?

Mr. COURT: I want that to be understood.

The Minister for Works: You have to take it step by step.

Mr. Moir: You cannot make arrangements for us.

Mr. COURT: I am not making any arrangement, but stating our intention.

The Minister for Works: It might be your intention, but whether you can carry it out is another matter.

Mr. COURT: Surely the Minister is not going to deny us the right to state our intention!

The Minister for Works: No, but we are giving no undertaking with regard to it.

Mr. COURT: I am not binding the Minister to anything. This is on the understanding that it is 20 years.

Amendment put and passed.

Mr. COURT: I move an amendment—

That after the words "paragraph (a)," in line 18, page 3, the figure and brackets "(i)" be inserted.

That will make the line read—"paragraph (a) (i) of this interpretation." It is important that this be clear, otherwise an anomaly will be created and I do not think the Government wants to create the anomaly that exists in the Bill at present. Paragraphs (b) (i) and (b) (ii) are joined by "and." Therefore a person under paragraph (b) (i) can only be a person who is not less than the maximum school age and who is an apprentice. An apprentice is not a person described as one who does skilled or unskilled work but as one primarily indentured to an employer for the purpose of learning.

Again, it should be noted that the persons referred to in paragraphs (b) (ii) and (b) (iii) are not at present specifically referred to in the national agreement, but in the Industrial Arbitration Act they are referred to under the definition of "worker." Therefore no objection is raised by us to the adoption of the principle that this shall apply to all workers as defined in the Industrial Arbitration Act. I refer members to that definition.

The MINISTER FOR LABOUR: I assume that as the clause appears in the Bill, a person who is not less than the school-leaving age would require also to be an apprentice before he would be regarded as an employee. This looks clear. It would not affect the position regarding paragraphs (a) (ii) and (b) (iii).

Mr. Court: Paragraph (a) (ii) stands on its own.

The MINISTER FOR LABOUR: I am prepared to accept the amendment.

Amendment put and passed.

Mr. COURT: I move an amendment—

> That the words "all or any of" in line 3, page 4, be struck out.

The definition is out of step with the Industrial Arbitration Act which says a worker shall not include any person engaged in domestic service in a private home, etc. Under the Bill a worker could be included if there was a family of six persons and one boarder or lodger. Many families consisting of five or six members, living near the University take in a South-East Asian student or a country lad, and they would come under the Bill in its present form.

Amendment put and passed.

Mr. COURT: I move an amendment—

> That the words "or (v) who is deemed pursuant to subsection (2) of this section to be an employee" in lines 6 to 9, page 4, be struck out.

This is consequential on the deletion of Clause 4 (2). I do not know whether the Minister is prepared to accept this.

The Minister for Labour: That is in relation to plying for hire.

Mr. COURT: Yes.

The Minister for Labour: I cannot agree to it.

Mr. COURT: Then I had better give my reasons. In the later consequential amendment there is provision for certain people who, in my opinion, are not covered by the Industrial Arbitration Act at present to be incorporated. It is intended that the national agreement shall refer only to employees and they are widely defined in the Industrial Arbitration Act. The Minister seeks to bring in others, and establish a new principle.

The MINISTER FOR LABOUR: I oppose the amendment. This will subsequently relate to persons plying for hire and the question of bailment comes into it. The clause is taken from the 1955 New South Wales Act. The relationship of master and servant exists and the Government thinks these people should be covered.

Mr. COURT: The Minister would bring in taxi drivers, cartage contractors and others who have been so far regarded as outside the interpretation of "a worker." The clause defining these people is on page 6 and I think the Minister will admit they are not workers under the Industrial Arbitration Act. If anyone endeavours to defeat the law in this regard the Industrial Arbitration Act has plenty of power to deal with the situation.

The MINISTER FOR LABOUR: When debating the proposal to strike out the word "award," the hon. member referred to another appropriate amendment, where the court would be required to cancel any award or agreement providing for long-service leave, and he said this Act would apply to everybody.

Mr. Court: To every employee.

The MINISTER FOR LABOUR: That is so. The definition of "employee" includes a person plying for hire under the conditions set out. If the relationship of master and servant is shown, I think the worker is entitled to compensation under the appropriate Act.

Mr. COURT: The Minister seems to think this is a matter of no consequence and wants to bring in persons who are not covered as workers under the Industrial Arbitration Act. We agree that all people classed as workers under that Act should receive long-service leave, whether under awards or not, but under the Minister's proposition a really big contractor would be able to obtain long-service leave—

The Minister for Labour: No, he would be an employer himself.

Mr. COURT: He could still come within the Minister's definition, and this provision is self-contained.

The Minister for Labour: We do not have to follow this document all the time.

Mr. COURT: Does it mean that the Minister will endeavour to amend the Industrial Arbitration Act to extend the definition of "worker" to include these people?

The Minister for Labour: Not this year.

Mr. COURT: Then at a later date. It is not right.

Mr. WATTS: I agree with the member for Nedlands on this point. I have always appreciated that a Bill of this nature should apply to all those who serve under what we know as a contract of service; they are all the people who come

within the normal interpretation of "an employee." The contract of service is between two parties; one the employer and the other the person who serves him under that contract of service, whether it be verbal or otherwise. Under that contract one assumes an obligation to pay, reward or carry out certain conditions and the other assumes an obligation to give a service within reasonable limits.

But that does not apply in Subclause (2). It will rope in all sorts of people. They will be deemed to be people who are serving under such a contract of service when, in actual fact, they are not; and I refer members to the last few lines of the subclause. Obviously under those circumstances the contract of service would be recognised by the Secretary for Labour as not existing and the relationship of the employer and employee would not be there. As far as I can see, all the clause seeks to do is to bring within it people who fraudulently lay claim to be working under a bailment when actually they are working under a contract of service.

As the clause is worded everybody is deemed to be an employee until the contrary is proved. That is a most extraordinary provision and is the opposite to the usual practice. I have approached the matter in a different way to the Deputy Leader of the Opposition; but I have arrived at precisely the same conclusion. Something has to be done to the clause to ensure that the persons covered by the Act are those who are engaged in a bona fide contract of service and not otherwise.

Amendment put and a division taken with the following result:—

Ayes	16
Noes	23
Majority against	7

Ayes.

Mr. Ackland	Mr. Oldfield
Mr. Brand	Mr. Owen
Mr. Court	Mr. Roberts
Mr. Crommelin	Mr. Thorn
Mr. Grayden	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. W. Manning	Mr. I. Manning
Sir Ross McLarty	*(Teller.)*
Mr. Nalder	

Noes.

Mr. Andrew	Mr. Marshall
Mr. Evans	Mr. Moir
Mr. Gaffy	Mr. Nulsen
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Toms
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. Sewell
Mr. Lawrence	*(Teller.)*

Amendment thus negatived.

Mr. COURT: I move an amendment—

That the words "to whom paragraph (a) of this interpretation applies" in lines 10 and 11, page 4, be struck out.

There is no great principle involved in this so far as I am concerned. It is only a matter of tidying up the drafting and removing a doubt. As it stands, it has to be interpreted back to front. Does it include by inference those not covered by paragraph (a)?

The Minister for Labour: You mean domestic servants.

Mr. COURT: If the words are struck out, the Bill will not lose any force.

The MINISTER FOR LABOUR: The exceptions will then be the Public Service, the teaching services and persons engaged in those categories.

Amendment put and passed.

Mr. COURT: I move an amendment—

That the interpretation of "industrial agreement" in lines 25 to 34, page 5, be struck out.

Apart from saying that we do not agree with this provision remaining in the Bill, I propose to accept the previous expression of the Committee on an amendment moved by me as its expression on this amendment.

The MINISTER FOR LABOUR: I oppose the amendment for the reasons previously advanced.

Amendment put and negatived.

Mr. COURT: I move an amendment—

That the word "his" in line 38, page 5, be struck out and the word "the" inserted in lieu.

There is no great principle involved so far as I can see, unless the Minister has some other view. It is necessary to refer to the type of work on which each employee is engaged. For example, a pieceworker may be engaged as such, and under the provisions of this employee's contract, his rates may be fixed on the performance of a certain amount of work which is not an ordinary time rate, but the industrial award that would cover the employment of such a worker would include, in addition to the inclusion of piecework rate, which is the basis of the employee's contract, an ordinary time rate of pay for a worker carrying out the same type of work for a 40-hour week.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. COURT: I shall start on my commentary on this provision and the significance of the change of words. It is necessary to refer to the type of work upon which the employee is engaged, in order to fix an ordinary time rate. For example, a pieceworker may be engaged as such, and under the condition of this employee's contract, his rate may be fixed on the performance of a certain amount of work which is not an ordinary time rate, but the industrial award which would cover the employment of such a worker would include in addition to the inclusion of a

piecework rate, which is the basis of the employee's contract, an ordinary time rate of pay for a worker carrying out the same type of work for 40 hours per week.

In the timber workers' award, for example, there is a prescription in the award which provides that the piecework rate must be fixed to allow a person to earn a certain amount, but there is a firm provision that if the worker does not complete sufficient work in that he does not earn the ordinary time rate of pay, then he must be paid this rate for the day. In the goldmining award, for instance, we have a provision in the annual leave clause which sets out that pieceworkers going on leave shall be paid the minimum rate for his grade.

The MINISTER FOR LABOUR: I oppose this amendment. There are occupations such as the timber industry, in which piecework fallers are engaged. If they earn less than the minimum time rate, the difference is made up. Shearing is another such example. Piecework is fixed having regard to the basic wage plus a certain amount for lost time and other things. I understand that the rate of pay for piecework miners would give them at least 10 per cent. above the time rate of pay.

Although the amendment before the Committee may appear to be harmless, with only a change of the word "his" to the word "the", there is more to it. The member for Nedlands mentioned that the difference between Government employees and those in private industry is that the former are on an award rate of pay. He indicated that in private industry the employer could, and often does, pay more than the award rate. When an employer pays his employee a rate above the award rate for a long period, and then that employee becomes entitled to long-service leave, "his" ordinary time rate of pay would be greater than "the" ordinary rate of pay. Thus he would not receive his ordinary time rate of pay, and a change in the wording becomes very important.

Mr. COURT: The Minister has oversimplified the problem. We are trying to legislate to clarify the position so that there will be no argument or unnecessary litigation. What the Minister has proposed could result in untold litigation to clarify the various points. The amendment seeks to remove one of those doubts. Some awards have gone to great lengths to make sure that there would be no argument as to the correct rate of pay.

The Minister for Labour: This provision is in the Tasmanian Act.

Mr. COURT: That is where the Minister and I are at cross purposes. He is taking a provision from one piece of legislation, and a bit from another Act and putting them together. We are trying to put forward what has been agreed to by the representatives of the employers and the employees.

Mr. CROMMELIN: In this clause there is difficulty in interpreting the term "his ordinary rate of pay". After a person has been engaged in an industry for a few years where the ordinary rate of pay is £15, the employer could increase the wage by £1 a week because of the good services rendered. According to the Minister, when that employee is due for long-service leave, it will be obligatory on the employer to pay him for his long-service leave at the rate of £16 a week. In actual fact payment of long-service leave is a bonus for long-service. If this provision is agreed to, it is reasonable to assume that such an employer would reduce that person's rate to the ordinary rate of £15 a week. Just because an extra amount was paid by the employer for valuable service, it cannot be said that that was the ordinary rate of pay. The ordinary rate cannot be other than the rate fixed by the award.

Mr. JAMIESON: I cannot agree with this amendment because I feel the principle in all leave, whether annual or long-service, is that the person shall be paid at the rate he is receiving at the date of obtaining such leave. I know that a person with skill is paid a margin above the base rate, and rightly so. The base rate is only a margin to establish a rate for a particular calling. A few years ago in the building trade employers were cutting employees back to the basic rate and that is wrong. In advancing the theory a bit further I would point out that some people in the Civil Service manage to accumulate something like nine months long-service leave over the years during which they are employed, and surely when they take it they are not going to be cut back to the rate of pay they were receiving when the leave became due. I do not think the Deputy Leader of the Opposition would suggest that.

Mr. Court: There is no suggestion of that in this amendment.

Mr. JAMIESON: This is advancing the theory further. A person should be paid at the rate of pay he is receiving when his leave is due. All rates of pay are established by the Arbitration Court in awards, which are minimum rates and they are only a basis for a person to have a better margin. It is not right to say the clause should be amended in the direction envisaged by the Deputy Leader of the Opposition which would give an opportunity to a person running a business to cut people down to the minimum rate of a particular calling during the term of long-service leave.

Mr. COURT: The member for Beeloo is off on a tangent. There is provision in the Bill and in the amendment I have on the notice paper to protect the employee in regard to the rate of pay he will receive at the time he goes on leave. This clause deals with the calculation of what is ordinary time within the meaning of the

Bill. Under this code document—a copy of which the Minister has—he knows that it is referred to on page 4 as follows:—

Note:

"Ordinary time rate of pay."

1. Shall not include—

Shift premiums, overtime, penalty rates, commissions, bonuses, allowances or the like.

Payment in the case of employees employed on piece or bonus work or any other system of payment by result shall be at ordinary time rates.

That is clear and explicit. This principle has been written into awards by the Arbitration Court on many occasions. We must bear in mind that the people who are receiving bonus rates and piecework rates are in an entirely different category when they go on leave. They receive these rates because of their extra productivity. That is one of the reasons why they get the incentive pay. The proposition is that the worker's ordinary time rate will be the rate applicable to the type of work he does.

That seems to me to be fair enough. When he is on leave, he is not able to contribute to extra productivity and, because of the incentive rates, it is necessary to fix some figure for everyone to be treated fairly and equitably. Otherwise one individual will go on leave on one rate of pay and another person on another. I may appear to be contradictory, but, on analysis, members will agree that I am not. Some employers send employees on leave on a higher rate of pay, and it can continue.

Mr. JOHNSON: Once again I feel that the member for Nedlands is speaking from an ill-prepared brief. I follow his argument, but I do not think it is in relation to the matter under discussion. It appears to me to be purely a method of disallowing these employees a margin which they have acquired above the rate given by the court by virtue of skill and special responsibilities. The ordinary time rate for a job is the court rate. If a man is of such value to an employer that he is entitled to a rate over the minimum, there is no reason why the Employers' Federation should try and press the employer to send the employee on leave at the minimum rate.

Mr. Court: It is not pressing to do that.

Mr. JOHNSON: The rate an employee is receiving on Friday is the rate at which he should start his leave on Monday.

Mr. Court: You have not read the Minister's Bill if you subscribe to that.

Mr. JOHNSON: The argument of the member for Nedlands has been based on something entirely different from what I read into this particular clause and I would not agree with him, despite his argument. It is better to leave the clause as it is.

Mr. MOIR: Comparing this amendment and subsequent amendments to be proposed by the Deputy Leader of the Opposition, it becomes clear that he is not prepared to allow the employer any jurisdiction in the matter at all.

Mr. Court: The employer can still pay the higher figure if he wants to.

Mr. MOIR: That is not what the amendments say.

Mr. Court: Where does it say he cannot pay the higher rate?

Mr. MOIR: It says that payment in the case of employers on piecework shall be at ordinary time rates. Previous to that, dealing with penalty rates, it says that shift workers' overtime penalty rates, bonus allowance or the like shall be excluded. Therefore, the employer has no option. It says he shall pay on the ordinary time rate, even if he wished to pay more.

Mr. Court: There is nothing in the law to stop him paying more.

Mr. MOIR: I have had experience of piecework in the mining industry and the ordinary time rate is well understood—it is set by the court—and whatever classification a man is working under, it is his ordinary time rate, and the Bill is therefore quite clear. But if an employee is working for wages and the employer pays him beyond the award rate, and he feels inclined to continue that payment when the employee is on long-service leave, he will be precluded from doing so by the amendments foreshadowed by the Deputy Leader of the Opposition.

The MINISTER FOR LABOUR: When the Deputy Leader of the Opposition was speaking, I mentioned by interjection that the clause was taken from the Tasmanian Act. That is true. The hon. member said, "You take a bit here and a bit there." I have looked into this matter; and I find that not only is the clause practically word for word with the Tasmanian Act, but the relative provisions in the Victorian and the New South Wales legislation are practically the same although there is a slight difference in some of the wording. But in the three Acts the wording is "his ordinary rate of pay."

Mr. Court: What do you intend that this shall achieve?

The MINISTER FOR LABOUR: The expression "his ordinary rate of pay" could be vastly different from "the ordinary rate of pay." The award rate for a man might be £3 15s. above the basic wage, but he might be receiving £5 15s. a week. If the clause were worded "the ordinary rate of pay" he would go on long-service leave at £2 a week less than his usual rate.

Mr. COURT: If the Minister persists in his attitude, he is going to force the employers to review the rates they are paying, and discourage them from giving special payments to special men.

Mr. Johnson: They are not all as heartless as you.

Mr. COURT: I shall just ignore the interjection. If the Minister is not careful, he will defeat his own purpose. The tendency will be for the employers to examine their costs to see where they can offset the cost of the long-service leave.

The Minister for Labour: Do you think that for the sake of £260 over 10 years an employer will try to reduce one of his top men by a couple of pounds a week?

Mr. COURT: I have already said that an employer can pay it if he wants to; and many do. Why has the principle been accepted in the goldmining award that when a man goes on annual leave he goes on the minimum of the ordinary rate although during the year he has worked at a higher rate?

Mr. Moir: That is a pieceworker.

Mr. COURT: I think the Minister has overlooked the consequential effect of what he proposes.

Mr. OLDFIELD: According to the Deputy Leader of the Opposition, the interpretation of the Bill is that the ordinary pay would be deemed to include overtime, penalty rates and so on where no ordinary rate of pay is fixed. I fail to see it that way.

Mr. Court: The Bill provides for "his ordinary time rate" which could be entirely different from "the ordinary time rate."

Mr. Johnson: You are coming around to some sense.

Mr. OLDFIELD: That is the point. There is a lot of employment not covered by industrial awards. There are commercial travellers and salesmen who do not come under awards.

Mr. Court: Subclause (3) clarifies that position.

Mr. OLDFIELD: I cannot altogether follow the argument of the Deputy Leader of the Opposition. If a person is working from 9 a.m. to 5 p.m., or a little longer, and does not put in for overtime, I fail to see why he should, at the end of the statutory period, not enjoy the greater wage to which he has become accustomed and which the employer has been prepared to pay him for the normal hours of work.

Mr. Ross Hutchinson: Subclause (3) covers the point you raise.

Mr. OLDFIELD: I still think that Subclause (3) and this one should be in line with each other so that there will be no doubt as to the intention.

Mr. COURT: The point the member for Mt. Lawley is making is the one I am trying to clarify.

Mr. Johnson: You are getting sillier and sillier.

Mr. Roberts: The heat is getting him.

Mr. COURT: It must be the prospect of a trip to the moon. The point is that we are dealing with certain types of people for which there is an ordinary time rate fixed. There is no argument about what the time rate is because it is fixed. There is another group of people, to which the member for Mt. Lawley referred—those who have no award rate of pay because of the nature of their duties. That is clearly defined in another subclause. This has been accepted for a long time and we simply want to clarify it.

Mr. JOHNSON: Perhaps I can explain this in simple words which the member for Nedlands will understand. Let us say I have worked for 30 years in the banking industry, in which there is an award which runs to 18 years of service at the top. When I came here, I had served 29 years in the bank and was well above the eighteenth year of service, and was receiving a margin over and above the top of the scale. For the purposes of the exercise, we will say the amount was £60 per annum and so my rate of pay was £60 above the award.

Under the wording, including the word "his," my pay for three months' leave was £15 higher than that of a person who had just completed 18 years and had no margin. Others in the industry with higher or lower margins would receive their pay in proportion to the amount they were above the award and that is what we are endeavouring to maintain. The banks honour that.

Mr. Court: Many employers pay it.

Mr. JOHNSON: Many would hide behind the legal quibble.

Mr. OLDFIELD: The member for Nedlands did not answer my query by referring me to Subclause (3). On the addendum he has an amendment which would, if agreed to, make the position that which I have outlined. If a man is employed at a certain rate of pay for many years and then goes on long-service leave, should he be brought back to the lowest figure that can legally be paid?

Mr. POTTER: I have before me the Victorian Act and it reads almost identically with this. I take it the word "the" has general application. We are dealing with the individual and should retain the word "his."

Mr. O'BRIEN: In the mining industry there are marginal rates for skill, and the actual remuneration could vary considerably per shift. Would it be fair to a skilled miner to rate him at the basic wage, as I think the member for Nedlands intends?

Mr. Court: Not the basic wage.

Mr. O'BRIEN: The ordinary rate of pay would be practically the basic wage. The result would be that the goldmining industry would lose many employees because

of what they would consider to be unfair treatment. These men work all the year at rates of up to £8 per shift, or £40 per week, but the hon. member would bring them back to the ordinary rate.

Mr. Court: Are you referring to piecework?

Mr. O'BRIEN: Yes; but bring it back to their remuneration rate.

Mr. Court: On what basis do they go on annual leave?

Mr. O'BRIEN: On the remuneration rate. I oppose the amendment.

Mr. OLDFIELD: I hope it is not the intention of the Government that contract miners and others who earn very high wages should receive their average earnings when on long-service leave. A man on contract work should be a contractor. He earns additional money to take care of himself during his holiday periods. He cannot be a contractor on the one hand, and enjoy all the privileges of earning a high contract rate, and have the amenities and advantages of the employee who works at a lesser rate. He cannot have it both ways. Industry can afford to pay only one way. We should not fiddle with an important piece of legislation to bring in these contract miners who are noted for their hungriness, always have been, and always will be. They work their soul-cases out, to the detriment of their health, in order to get a few extra shillings.

Mr. Evans: Good luck to them for it!

Mr. OLDFIELD: They earn big money, while men working alongside them in the mines get only 25 per cent. or 30 per cent. of their rates, although they work the same number of hours. We must have regard for what industry can afford; we have to be fair to the employers as well as to the employees. But dealing with the amendment, I do not see how the Committee can accept what is before it and later on accept the amendment which the Deputy Leader of the Opposition has to Subclause (3). Some salesmen sell purely on a commission basis, and some of them make big salaries. Are they to be regarded as freelance salesmen; or, when they go on their long-service leave, is the salary they are to be paid only what they receive as a retainer? Or are we to add to it the average commission that they receive? I think we should report progress and have another look at this.

Mr. MOIR: I would like to clear up some doubts in the mind of the member for Mt. Lawley regarding workers in the goldmining industry. Those workers work under an award which sets the minimum. The member for Mt. Lawley referred to contractors; they are pieceworkers. They are paid according to the amount of work done. If their earnings fall below the ordinary time rate set by the award, they are paid that as a minimum; of course, in nearly all instances they earn far more than that.

Mr. Oldfield: Would that minimum rate be paid under this Bill?

Mr. MOIR: Yes. When they go on leave, they are paid at the ordinary time rate set by the award; they are not paid at their average weekly rate. It is quite clear that the amendment moved by the Deputy Leader of the Opposition will apply to people who are working under an award; and where the employer considers that the employee is worth more, he pays him so much over the ordinary time rate. Under this, if the employer has been paying his employee extra money over the whole of his period of service, he will pay at the lesser rate while the employee is on leave.

Mr. COURT: I do not seem to be successful in my efforts to expedite proceedings; it seems that we have reached a deadlock because the Minister says "No", and I still say that we want this amendment. The member for Mt. Lawley touched on the very point which has to be tidied up, and which is presented in a tidy way in the goldmining award. It states that the rate for people who are obtaining special rates of pay, such as pieceworkers, will be at the ordinary time rate for that type of work, because once they go on leave they cease to be productive in that industry.

The Minister for Labour: They get the gold industry allowance.

Mr. COURT: They would get the full ordinary rate; and that is the intention under this amendment. In spite of the amendments I have foreshadowed, Clause 3 still protects the person who is outside an award and has a contract of service as an employee with an employer. The other point raised by the member for Boulder, about the reference to "shall" should not be taken in the wrong way. It is meant to be compulsory on the employer to pay not less than that amount; he can pay more if he wants to.

Mr. Evans: You should have the words "at least" there.

Mr. COURT: That is the language used in industrial awards; and it means that the employer shall not pay less than the amount stated. The way the hon. member has interpreted the wording means that two-thirds of the employers in this State would be breaking the law. That is not so. They would be breaking the law if they did not pay the minimum prescribed by the award.

Amendment put and a division taken with the following result:—

Ayes	15
Noes	23
Majority against	8

Ayes.

Mr. Ackland	Mr. Oldfield
Mr. Brand	Mr. Owen
Mr. Court	Mr. Roberts
Mr. Crommelin	Mr. Thorn
Mr. Grayden	Mr. Watts
Mr. Hearman	Mr. Wild
Mr. Hutchinson	Mr. I. Manning
Mr. W. Manning	*(Teller.)*

Noes.

Mr. Andrew	Mr. Lawrence
Mr. Brady	Mr. Marshall
Mr. Evans	Mr. Moir
Mr. Gaffy	Mr. Nulsen
Mr. Graham	Mr. O'Brien
Mr. Heal	Mr. Potter
Mr. W. Hegney	Mr. Rhatigan
Mr. Hoar	Mr. Rodoreda
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Toms
Mr. Kelly	Mr. Sewell
Mr. Lapham	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Bovell	Mr. May
Mr. Perkins	Mr. Hall
Mr. Cornell	Mr. Tonkin
Mr. Nalder	Mr. Hawke

Amendment thus negatived.

Mr. COURT: I move an amendment—

> That after the word "lodging" in line 3, page 6, the words "for such period of the long-service leave as such board and lodging is not taken by the employee" be inserted.

This clarifies the drafting and I think it will be acceptable. It makes sure that the person who is using board and lodging does not get paid for board and lodging at the same time.

Amendment put and passed.

Mr. COURT: I move an amendment—

> That the interpretation of "Secretary for Labour" in lines 4 to 7, page 6, be struck out.

This interpretation is no longer required because of the changes proposed to be made to other clauses wherein the duties provided in the Bill for the Secretary for Labour are carried out by other persons operating at the moment under the Industrial Arbitration Act. The machinery is there; and the view is taken that a further person should not be called upon to carry out the duties closely allied with the duties carried out by other persons in the arbitration Act. The machinery of the Industrial Arbitration Act is comprehensive and works well, and there is adequate provision for people to appeal against their employers if they feel dissatisfaction.

If we accept the provision in the Bill, we are starting in an atmosphere of mistrust and law-enforcement; whereas it should be brought in on a basis of amicable arrangement. There will be a certain amount of give-and-take on both sides, and my amendment provides for this. There is no need to give the Secretary for Labour the extraordinary powers the Minister proposes. If this amendment is not accepted, then the other amendments relative to it will be of no moment.

The MINISTER FOR LABOUR: I cannot accept this amendment. The atmosphere of mistrust which the Deputy Leader of the Opposition referred to is not engendered either by the Government or any member of the Government. The holder of the office of Secretary for Labour will be the administrator; at least that is how I envisage it.

Mr. Court: With some very special and great powers.

The MINISTER FOR LABOUR: His authority is limited in character. Let us take the Factories and Shops Act as an example. He is the permanent head of the department and is over the Chief Inspector of Factories and Shops. The position there is that the Act affects quite a number of employees and employers. If members will read Clause 12 of the Bill they will see exactly the functions of the Secretary for Labour, which are set out. The limitations of his functions are deliberate. All his decisions are subject to appeal to the Conciliation Commissioner or the Court of Arbitration. I gave serious consideration to the appointment of the Industrial Registrar as the administrator under this Act. Some people seem to think that he is more suitable to act as such. The Secretary for Labour, being the permanent head of the department that deals with industrial matters generally, was, after due thought, considered to be the appropriate officer.

An amendment scheduled in the name of the Deputy Leader of the Opposition provides that appeals should be made to the Court of Arbitration. One can imagine the position that would arise if there was no clearing agency before cases reached the Arbitration Court. A number of matters, of a minor character by comparison, would be dealt with by him. It is not suggested that each and every application with a prospect of dispute will be thrown into the laps of the Arbitration Court.

One secret of industrial harmony is to enable the court to function with reasonable expedition, so that its work in the hearing of cases will not be slowed up and all applications will be dealt with within a reasonable time. If these acts of administration were to be superimposed on the court without prior consideration, there would be a tremendous congestion in the work of the court.

The present Secretary for Labour, Mr. Reeve, has a pretty wide experience of industrial matters. His occupancy of the position as administrator would be of invaluable assistance in the initial stages of this legislation. Some people would not agree to the use of any term containing the word "labour," whether it be the Labour Party or the Secretary for Labour. There is no substance in such an objection. If the Bill is passed any disputes, conflict of interpretations, etc., can be determined by the Secretary for Labour.

The approach to him would be simplified. If the parties appearing before him are not satisfied with his decision an appeal can be made to the Court of Arbitration, so the Secretary for Labour has no real power.

Mr. Court: You will be cluttering up the work of the court unnecessarily.

The MINISTER FOR LABOUR: If this clearing agency is removed, a lot of congestion within the court would be caused.

Hon. A. F. WATTS: I support the amendment. I have the greatest regard for the present occupant of the position of Secretary for Labour. This Bill will not only apply to him, even if I regarded the position which he occupies as a suitable one for the duties that are imposed under this Bill, which I do not. Let us look to the future. There is no certainty of any kind that the present Secretary for Labour will occupy this office for all time. So in regard to the duties that officer has to perform, there is no guarantee that he will have the experience or capacity of the present occupant.

Quite apart from that, the Secretary for Labour is commonly an advocate for the Crown in the Arbitration Court. A great deal of his, and his departmental officers' time is taken up with the preparation of various matters for advocacy on behalf of the Crown and the Government departments. I have known of some of those cases lasting many weeks, if not months intermittently. It does seem to me that the two duties cannot be easily and conveniently joined together.

I hope the Minister will agree to an alteration of the system. It did occur to me when I saw the appointment of Secretary for Labour in this Bill, that the Industrial Registrar was the more suitable officer as a direct link between the Arbitration Court and the public. There will be no more cluttering up of the Arbitration Court by this means, as time goes on and this position becomes more involved, than there will be with the hearing of appeals arising out of the decisions of the Secretary for Labour; particularly—I say this knowing fully what I am referring to—if there is an officer less experienced than the present occupant.

It is not often that we find a person with the industrial ability, mentality and balance of the present holder of the position. Therefore, there could be a multiplicity of appeals from such a person's decisions. I am sure the Minister would find no more cluttering up of the Arbitration Court work by having the Industrial Registrar as the administrative officer than by having the Secretary for Labour in that position. In view of his duties and the position he holds in respect of industrial matters, I am of the opinion that the Secretary for Labour ought not to be connected with this business. It would be much better if some other person is appointed, and it occurs to me that the Industrial Registrar is the man. In the hope that we will find some other alternative, I propose to support the amendment.

Mr. MOIR: The result of this amendment and of subsequent amendments on the notice paper will be to refer the smallest dispute that arises under this measure to the Arbitration Court. If one looks at the notice paper one sees that quite a lot of amendments are to delete the words "Secretary for Labour" and insert the word "court" or "Arbitration Court."

We must have someone to whom a dispute in the initial stages can be referred. I am not suggesting there would be a lot of disputes, but in the initial stages some may be referred to the court and so far as the larger employers are concerned there would be a clear understanding after the initial stages. However, a smaller employer might dispute certain matters with an employee and one can imagine the difficulties that would arise if they all had to be referred direct to the Court of Arbitration.

We know that the court is very busy and that industrial applications sometimes have to wait 12 months and longer before they can be heard. It is unthinkable that an employee should be held up for periods like that, waiting for a determination to be made as to whether the employee was entitled to long-service leave or not. It is quite clear that there should be someone, other than the court, to whom a dispute could be referred for adjudication. If that person were highly regarded in the industrial world his decision would be taken as final and the dispute, by way of appeal, which is provided for in the Bill, would not go to the Arbitration Court.

I agree to a certain extent with the Leader of the Country Party that somebody other than the Secretary for Labour could be the person, but the position as it is at present, to my mind, is quite satisfactory and I am certainly opposed to the deletion of the Secretary for Labour from the Bill.

Mr. COURT: I think the Minister has not grasped the significance of the words "court" or "Court of Arbitration." There is no need to specify the Industrial Registrar; there is need only to specify "court." The Court of Arbitration is handling a multitude of matters concerning industrial law in this State very smoothly.

Mr. Moir: They won't go smoothly for long.

Mr. COURT: The reason is that most industrial matters, as the member for Boulder knows better than anyone else, are handled between the union representatives and the employer representatives. When a question of interpretation arises, they get together and after argument and probably consultation with solicitors there is only a point or two in dispute. I suppose

90 out of 100 are washed out by commonsense and negotiation. Most of industrial law is interpreted by negotiation between union representatives, who have expert knowledge by a lifetime experience of industrial law, and employer representatives who have similar experience. The times when it would be necessary to deal with an individual employer would be comparatively few, especially after the first few years when the main points of contention would be ironed out. By that time an interpretation will be established by the court which can be agreed to between the union body and the employer body.

We need to get away from the idea that there will be a host of cases to be decided by arbitration. There is no need to specify "Industrial Registrar" because under the Industrial Arbitration Act, which constitutes the court, we find in Section 60 that the Governor may appoint such clerk and other officers of the court as he thinks necessary. Such clerk and officers shall hold office during pleasure, and receive such salary or other remuneration as the Governor thinks fit.

Subsection (2) says that the duties of the clerk of the court, and of all other officers thereof, shall be as prescribed and also as directed by the court or president. In other parts of the Industrial Arbitration Act there is provision for the delegation of certain responsibilities by the court proper —that is the president and the other two representatives—to the conciliation commissioner and the establishment of boards of reference and the like. There is full machinery in the Act to handle all industrial matters; and this is just another industrial matter.

It so happens in this State that we have not had long-service leave excepting one isolated case—the Yampi case—granted by the Court of Arbitration. Therefore, this question of long-service leave has not been an everyday administrative problem dealt with by the court. However, had the court had the power specifically stated in the Industrial Arbitration Act and had seen fit to give long-service leave, it follows that the court would have taken the administration of the long-service leave provisions in its stride between the Industrial Registrar and other officers just as they handle disputes now in regard to awards and a thousand and one other things.

Mr. Marshall: What about employees who do not belong to a registered organisation? How would they approach the court?

Mr. COURT: Surely they can go to the court! When we talk about the court, we do not mean the president in person. If one goes to the court one does not expect to see a judge; one goes to one of the officers of the court who handles one's query. One would probably get legal advice at the same time. Some people only fly to a union and want to join at that time. There is already ample machinery in the Industrial Arbitration Act to handle these cases. Also, in connection with the Secretary for Labour, I point out that he has fairly clearly defined duties and responsibilities which are adequate to keep him occupied now. We should not add any more. This will only mean an unnecessary expansion of his duties. I do not criticise the Secretary for Labour, but he is, of necessity, very close to the Minister.

The Minister for Labour: That would be an advantage just now.

Mr. COURT: This is a matter that we want to take away from ministerial direction. It should go to the Arbitration Court in which the community has great confidence.

The Minister for Labour: The Minister would not interfere with the Secretary for Labour on this.

Mr. COURT: The Minister might not mean to. With the Secretary for Labour, there will be many more appeals than under the other system. Because he is not a court in the ordinary way, people will be encouraged to try him out. If we allow the industrial machinery to work as it does between the unions, the employer bodies and the court, we will find a much smoother and better set-up.

Amendment put and a division taken with the following result:—

Ayes	15
Noes	22
Majority against	7

Ayes.	
Mr. Ackland	Mr. Oldfield
Mr. Brand	Mr. Owen
Mr. Court	Mr. Roberts
Mr. Crommelin	Mr. Thorn
Mr. Grayden	Mr. Watts
Mr. Hearman	Mr. Wild
Mr. Hutchinson	Mr. I. Manning
Mr. W. Manning	*(Teller.)*

Noes.	
Mr. Andrew	Mr. Lapham
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Moir
Mr. Graham	Mr. O'Brien
Mr. Hawke	Mr. Potter
Mr. W. Hegney	Mr. Rhatigan
Mr. Hoar	Mr. Rodoreda
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Toms
Mr. Kelly	Mr. Sewell
	(Teller.)

Amendment thus negatived.

Mr. COURT: I move an amendment—

That Subclause (2), pages 6 and 7, be struck out.

We have already touched on the principle contained in this subclause. An additional qualification as an employee is introduced here. It is contrary to the present industrial law of the State, although it is in the New South Wales long-service leave legislation; and it has

given plenty of trouble there. I think the Minister will find that under the revised code, it will disappear.

The Minister for Labour: We are not worried about the code.

Mr. COURT: We are concerned with producing something of a balanced state of affairs throughout the State. I know the Minister is not.

The Minister for Labour: We are showing a little bit of independence and commonsense.

Mr. COURT: And what independence it is! It is wrong to bring these people within the provisions of long-service leave in spite of the arrangement for the settling of disputes by the Secretary for Labour. This could produce a most anomalous state of affairs. A cartage contractor has no claims to benefits of long-service leave by the ordinary concepts, but he would qualify for it under this provision.

The MINISTER FOR LABOUR: I must oppose the amendment. It was discussed earlier. As the Deputy Leader of the Opposition has said, this provision appears in the New South Wales Act. We consider this type of person should be covered.

Question put and a division taken with the following result:—

Ayes	14
Noes	22
Majority against	8

Ayes.

Mr. Ackland	Mr. Owen
Mr. Brand	Mr. Roberts
Mr. Court	Mr. Thorn
Mr. Crommelin	Mr. Watts
Mr. Grayden	Mr. Wild
Mr. Hutchinson	Mr. I. Manning
Mr. W. Manning	*(Teller.)*
Mr. Oldfield	

Noes.

Mr. Andrew	Mr. Lapham
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Moir
Mr. Graham	Mr. O'Brien
Mr. Hawke	Mr. Potter
Mr. W. Hegney	Mr. Rhatigan
Mr. Hoar	Mr. Rodoreda
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Toms
Mr. Kelly	Mr. Sewell
	(Teller.)

Amendment thus negatived.

Mr. COURT: I move an amendment—

> That the words "for an employee's work under the conditions of his employment" in lines 7 and 8, page 7, be struck out and the words "for the type of work upon which the employee is engaged" inserted in lieu.

I dealt with the reasons for this on a previous clause when I sought to delete the word "his" and insert the word "the." This is only partly consequential, because the Minister may agree to the better definition. It is the ordinary pay for the type of work a man is engaged upon and for a piecework miner it would be the ordinary pay for his grade of work and not his piecework rates.

The MINISTER FOR LABOUR: I oppose the amendment. This clause is almost identical with a similar provision in the New South Wales, Tasmanian and Victorian Acts, and our draftsman is satisfied, having examined those Acts, that this drafting is clear.

Amendment put and negatived.

Mr. COURT: I move an amendment—

> That the words "or such greater sum as is prescribed by the regulations" in lines 1 and 2 and also in lines 3 to 5, be struck out.

Where the cash value of board and lodging is not fixed, the amount should not be prescribed by regulation, and I notice the Minister has made no provision for reduction. The provisions in the Bill are higher than those prescribed by the taxation legislation. Under the Income Tax Act board is fixed at 20s. and lodging at 5s. I am prepared to accept the figures in the Bill and I think if the Minister wants to vary the figures later, he should ask Parliament to agree to it.

The MINISTER FOR LABOUR: I will accept the amendment. In places where there is no award board and lodging might aggregate much more than £2, but I will agree that if the figures need adjustment, an amending measure could be introduced.

Amendment put and passed.

Mr. COURT: I have an amendment on the notice paper to add three subparagraphs after subparagraph (c). Would the Minister like me to move them all together, or take them one at a time?

The Minister for Labour: I think it would be better if you moved to add subparagraph (d) first and then we can deal with the others afterwards.

Mr. COURT: Very well. I move an amendment—

> That on page 8, after subparagraph (c), the following be added to stand as paragraph (d):—
>
> > where by agreement between the employer and employee, the taking of the leave due to the employee or any portion of it is postponed to meet the convenience of the employee, the rate of payment for such leave shall be at the ordinary time rate of pay applicable at the time of accrual, or if so agreed, at the ordinary time rate of pay applicable at the date he enters upon the period of leave; and

This paragraph is to ensure that there is no loss or gain by either party if at the employee's request long-service leave,

or portion thereof, is postponed. In other words, if the leave is to be taken in 1958, and the employee desires to take his leave, say, in 1961, irrespective of what changes have occurred in the rates of wages, whether upwards or downwards, the employee will receive his 1958 rate, being the rate when the leave was to be first taken. This is when the employee requests that the leave be postponed, which will often happen.

This could be of assistance in reaching agreement between the parties as to the postponement of leave, which is done in many cases to meet the convenience of employees. If we do not make this provision we will have a state of affairs where it is almost impossible for agreement to be reached between employer and employee for the postponing of leave. A man might want to defer his leave because in two years' time his youngest child will have passed the school age, and it will make it easier for the husband and wife to go away for an extended holiday than would be the case if he had to take his leave on the date it fell due.

The MINISTER FOR LABOUR: I am prepared to accept this amendment, with the alteration of two words; that is in conformity with a provision previously made by the Committee. I desire to alter the word "the" in lines 8 and 11 to the word "his." I move—

> That the amendment be amended by striking out the word "the" in line 8 and inserting in lieu the word "his."

Amendment on amendment put and passed.

The MINISTER FOR LABOUR: I move—

> That the amendment be further amended by striking out the word "the" in line 11 and inserting in lieu the word "his."

Amendment on amendment put and passed.

Amendment, as amended, agreed to.

Mr. COURT: I move an amendment—

> That after paragraph (d) the following be added to stand as paragraph (e):—
>
> (e) commission (except in respect of a person referred to in subparagraph (b) (iii) of the interpretation of "employee" in section four), shift premiums, overtime, penalty rates, bonuses, allowances or the like shall be excluded; and

This paragraph clarifies the meaning of the ordinary time rate of pay and makes it clear that an employee does not receive payment for any extras which he may have been receiving during the year for working under special circumstances. This is in line with the principle which applies when a worker proceeds on annual leave.

The MINISTER FOR LABOUR: I am inclined to agree to the amendment, provided the word "allowances" is struck out. As the Deputy Leader of the Opposition has said, it is true that penalty rates for shift work, overtime rates, and so on, are not counted in the ordinary time rate of pay for annual leave. But I would be the last to embarrass the goldminers under the goldmining industry award. They are receiving the gold industry allowance of 35s. a week when they go on annual leave—

Mr. Court: You only want to delete the word "allowances"?

The MINISTER FOR LABOUR: Yes.

Mr. Court: I have no objection.

The MINISTER FOR LABOUR: Employees in the Government service who are receiving a district allowance receive it when on leave. I move—

> That the amendment be amended by striking out the word "allowances" in line 7.

Amendment on amendment put and passed.

Amendment, as amended, agreed to.

Mr. COURT: I move an amendment—

> That the following be added to stand as paragraph (f)—
>
> payment in the case of employees employed on piece or bonus work or any other system of payment by result, shall be at ordinary time rates.

Amendment put and passed; the clause, as amended, agreed to.

Clause 5—Exemptions:

Mr. COURT: I assume that the Minister is not prepared to allow the insertion of "Court of Arbitration" in the Bill and that he proposes to stick rigidly to the provision for "Secretary for Labour."

The Minister for Labour: Where appropriate.

Mr. COURT: In that case although we will not persist with our further amendments in that regard, I must point out that we are opposed to the principle advocated by the Minister. I move an amendment—

> That before the word "scheme" in line 16, page 8, the words "long service leave" be inserted.

This will limit the exemptions under this scheme.

Amendment put and passed.

Mr. COURT: I move an amendment—

> That the words "not exceeding five years" in line 28, page 8, be struck out.

In this connection I would refer members to Subclause (2) to see exactly what the Bill says. Under our proposition the Court of Arbitration would have been the determining authority and we feel that the authority that determines the exemption should be in a position to fix any period

he thinks fit and should not be bound to allow only a restricted exemption for five years.

For example, if an employer is found to have a scheme more favourable than the provisions of the Act, surely he should obtain exemption for all time unless, of course, at some subsequent date a change is made by his making the provisions less favourable. We cannot see that the five-year provision would do anything else but impose more work upon all concerned in the obtaining of an exemption from the provisions of any Act.

The MINISTER FOR LABOUR: We should leave this as it is. It is operating in Tasmania and I do not think the administrator would impose any great hardship on a particular employer. If exemption is granted, it could be granted for a period not exceeding five years, or up to five years and a review could then take place. The idea is to ensure that it could be reviewed and the employee thus protected.

Mr. Court: Don't you think that five years will create uncertainty when a man cannot give a period of more than five years?

The MINISTER FOR LABOUR: If an employer wanted to extend something to his employees, there would be no hardship imposed on him if once in five years it was required of him to show that his scheme was not less favourable than that provided in the Act. I deal with this sort of thing very often under the Workers' Compensation Act to prove self-insurers.

Mr. Court: That is different. They only have to produce the required amount of security.

The MINISTER FOR LABOUR: The employer would only have to indicate that his scheme was still in operation and that it was not less favourable than that provided in the Act.

Mr. COURT: The Minister is missing the point. There is no suggestion that the power to authorise exemptions be taken away. I hope the Minister understands that.

The Minister for Labour: I do.

Mr. COURT: If an employer wants to bring in a scheme with long-service leave in it, plus supplementary benefits, such as a contributory scheme of superannuation and pensions and retiring allowances, at the end of five years, he could find himself in an invidious position if he struck a secretary for labour who was difficult. He would have committed himself to certain contracts, such as insurance contracts, and he would not be able to retract because the secretary for labour could not grant him an exemption for more than five years. This amendment will not affect the employee adversely; if it could, I would not be advocating the proposition. Statutory authority is to be given to that officer to say "yes" or "no"; he may not even grant an exemption for five years under my proposition, but, on the other hand, he may grant an indefinite period to encourage both parties to arrive at a better deal.

Mr. ROSS HUTCHINSON: This is an amendment to which the Minister should agree. The explanation given by the Deputy Leader of the Opposition was quite clear. The stand which the Minister has taken is not so much in the interests of the workers as he imagines because, with the inclusion of the words referred to, the schemes of the employers for the conferring of benefits on workers might be dried up. The amendment is a step towards improving the relationship between employer and employee with greater benefits than could be conferred by the long-service leave provisions.

The MINISTER FOR LABOUR: This matter is specifically dealt with by the functions of the Secretary for Labour who is empowered to grant exemptions but whose decisions are subject to appeal. It is not as though he has to produce particulars of schemes every day of the week.

Mr. Ross Hutchinson: In order to finance such schemes, agreements will have to be reached. It is very difficult to do that over a short term of five years.

The MINISTER FOR LABOUR: The term "scheme" does not mean a written agreement. A scheme could be initiated by an employer without anything in writing.

Mr. Court: In that case the Secretary for Labour could not grant an exemption.

The MINISTER FOR LABOUR: If there is something in writing there will have to be an agreement between the employer and the individual employee, or between the employer and the union covering the industry.

Mr. Court: The employer could have a trust deed drawn up—a very common document—under which trustees are appointed and the scheme is administered by the trust. Under the taxation law it has to be divorced from the employer so that he cannot get the money back through the back door.

The MINISTER FOR LABOUR: This is new legislation in this State, and this clause has been put in as a safeguard. If the legislation is passed and it works smoothly that will be the time for reviewing it.

Hon. A. F. WATTS: I trust that the Minister will not be too stubborn about this amendment. It deals with schemes for long-service leave which will confer more benefits than the provisions in this Bill. They are to be exempted for five years only. How are the two compatible? No employer with any sense would present a scheme, as contemplaed by this clause,

when he could only obtain a guarantee of exemption for five years. That is the longest period which can be granted.

If the Secretary for Labour has the authority, as proposed by the member for Nedlands, to grant exemption without any time limit, and if he is satisfied that the scheme is properly arranged and in guaranteed hands, all of which, in the course of his duties, he will have to investigate, then he should be entitled to give an exemption of even 25 years, as long as the trust is maintained. To work out a long-service leave scheme which involves at least 10 years, and could be longer, is not possible with a maximum exemption of five years, no matter how desirable is the scheme, how well founded or how carefully it is placed in the hands of trustees.

Amendment put and a division taken with the following result:

Ayes	13
Noes	19
Majority against	6

Ayes.

Mr. Ackland	Mr. Oldfield
Mr. Brand	Mr. Owen
Mr. Court	Mr. Roberts
Mr. Crommelin	Mr. Watts
Mr. Grayden	Mr. Wild
Mr. Hutchinson	Mr. I. Manning
Mr. W. Manning	*(Teller.)*

Noes.

Mr. Andrew	Mr. Kelly
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Moir
Mr. Graham	Mr. Potter
Mr. Hawke	Mr. Rhatigan
Mr. W. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Toms
Mr. Jamieson	Mr. O'Brien
Mr. Johnson	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Bovell	Mr. May
Mr. Cornell	Mr. Tonkin
Mr. Nalder	Mr. Sewell
Sir Ross McLarty	Mr. Norton
Mr. Hearman	Mr. Lapham
Mr. Mann	Mr. Rodoreda
Mr. Perkins	Mr. Nulsen

Amendment thus negatived.

Clause, as previously amended, agreed to.

Clause 6—Contracting out prohibited:

Mr. COURT: I move an amendment—

That before the word "the" in line 5, page 9, the words "Except as otherwise expressly provided in this Act" be inserted.

This clause has been taken from the Tasmanian Act, and the words are necessary so that the clause will not be inconsistent with other provisions in the Bill which grant an exemption from the provisions of the measure.

The MINISTER FOR LABOUR: I was wondering whether the Deputy Leader of the Opposition has any particular clause in mind which will run counter to Clause 6, or did he have in mind the acceptance of his amendment to add a new subclause (2) on page 2, after line 11 in regard to the cancellation by the Arbitration Court of the awards delivered in relation to long-service leave.

Mr. Court: If the Minister has regard for the exemption provisions in the Bill—

Hon. A. F. Watts: They have to be considered.

Mr. Court: —he will realise they have to be considered.

The MINISTER FOR LABOUR: I am wondering why the words are to be inserted. However, if it is thought this clause will clash with other clauses, I raise no objection.

Amendment put and passed.

Mr. COURT: I have an amendment on the notice paper to add a new subclause as follows:—

> (2) This Act shall apply in respect to any worker entitled to long service leave under any industrial award or agreement made or registered under the Industrial Arbitration Act, 1912, notwithstanding the provisions of any such award or agreement and the Court of Arbitration shall on the application of any person interested cancel any provisions in any such award or agreement relating to long service leave.

We have had a long and protracted debate on my first amendment to delete the definition of "award." This amendment was advanced at that time as a consequential amendment had I been successful with that deletion, so I do not propose to move this amendment except to comment to the House that we hold to our view that this should be passed to establish beyond doubt we are legislating for long-service leave and not agreeing to awards being made which could be at variance with the legislation.

The MINISTER FOR LABOUR: If I judge the trade union movement rightly, I am sure they would not accept this amendment under any circumstances. It is a dangerous subclause.

Clause, as amended, agreed to.

Clause 7—What constitutes continuous employment:

Mr. COURT: I move an amendment—

That Subclauses (1), (2), (3) and (4) on pages 9, 10 and 11 be struck out and the following inserted in lieu:—

> (1) For the purpose of this Act, the following absences (whether before or after the commencement of this Act) shall not break the

continuity of employment and shall, subject to any limitation herein, count as employment:—

(a) Absence in respect of any period during which the employee shall have served as a member of the Naval, Military or Air Forces of the Commonwealth of Australia (other than as a member of the permanent forces of the Commonwealth of Australia, except where such service occurs after 26th June, 1950, in Korea or Malaya) and other than as a member of the British Commonwealth Occupation Forces in Japan, or as a member of the Civil Construction Corps established under the National Security Act, 1939 (as amended) or absence on compulsory service in any of the armed forces under the National Service Act, 1951 (as amended): Provided that the employee as soon as reasonably practicable on the completion of any such service resumes employment with the employer by whom he was employed immediately before the commencement of such absence;

(b) absence on any annual leave or long service leave;

(c) absence following any termination of the employment by the employer if such termination has been made merely with the intention of avoiding the obligations of this Act in respect of long service leave or annual leave; and

(d) absence necessitated by personal sickness or injury of which not more than fifteen working days a year shall count as service.

(2) For the purposes of this Act the following absences (whether before or after the commencement of this Act) shall not break the continuity of employment, but the period of such absence shall not count as employment:—

(a) absence following any termination of the employment by the employer on any ground other than slackness of trade if the employee be re-employed by the same employer within a period not exceeding two months from the date of such termination;

(b) absence during any standing down of an employee in accordance with the provisions of relevant clause of an award;

(c) absence following any termination of the employment by the employer on the ground of slackness of trade if the employee is re-employed by the same employer within a period not exceeding six months from the date of such termination;

(d) absence of the employee authorised by the employer at any time;

(e) absence arising directly or indirectly from an industrial dispute but only if the employee returns to work in accordance with the terms of settlement of the dispute; and

(f) any reasonable absence of the employee on legitimate business in respect of which he has requested and been refused leave.

(3) After the coming into operation of this Act absence from work by reason of any cause not being a cause specified in this subsection shall not be deemed to break the continuity of employment for the purpose of this Act unless the employer during the absence or within fourteen days of the termination of the absence notifies the employee in writing that such absence will be regarded as having broken the continuity of employment. Such notice may be given by delivering it to the employee personally or by posting it by registered mail to his last recorded address in which case it shall be deemed to have reached him in due course of post.

(4) For the purposes of this Act where a business has, whether before or after the coming into operation of this Act, been transmitted from an employer (in this subsection called the "transmittor") to another employer (in this subsection called the "transmittee") and an employee who at the time of such transmission was

an employee of the transmittor in that business becomes an employee of the transmittee—

(a) the continuity of the employment of such employee shall be deemed not to have been broken by reason only of the transmission; and

(b) the period of the continuous employment which the employee has had with the transmittor (or any prior transmittor) shall be deemed to be continuous employment of the employee with the transmittee;

(c) in this Act "transmission" includes transfer, conveyance, assignment or succession whether by agreement or by operation of law, and "transmitted" has a corresponding meaning.

Much of the verbiage in the subclauses on the notice paper is already in the Bill but it was felt easier to express the whole provision than to try to delete and add words as the case may be. The amendments bring this clause into line with the code.

Mr. Andrew: Back on that again.

Mr. COURT: Yes, the whole basis is the code. Because the national agreement and consequentially other provisions of the Bill contain provisions for 20 years' retrospectivity, it is necessary to cover service in the armed forces. I think the member for Boulder raised this question during the second reading debate and at the time I said it was intended to include service in the armed forces because of the 20 years' retrospectivity. That period takes us back to 1937 and we have had the intervention of World War II, Korea, Malaya and the national service scheme.

Provision is also included to cover absence on compulsory military service but it will be noted that an employee must resume work as soon as reasonably practicable on the completion of such service. It is in these particulars that the subclauses sought to be deleted are at variance with the scheme. If one accepts the principle of 20 years' retrospectivity and 20 years' qualifying period, it is necessary for these provisions to be written into the Bill in fairness to ex-servicemen and others with compulsory service. It will be noted that paragraph (b) of Subclause (1) covers the matters contained in paragraphs (a) and (b) of Subclause (1) of the Bill. It will be noted that the absences which count as employment are separated in this amendment from the absences which do not break continuity and do not count as employment, whereas in the Bill Subclause (2) of Clause 7 separates the provisions of Subclause (1) into those which count and those which do not.

The amendment tidies up the clause so that anyone studying the Bill can quickly see the difference which is aimed at in the first two subclauses. In proposed new Subclause (1) the continuity of employment is not broken and the period counts; in the second case they do not break continuity but the period does not count. That is a vital distinction and the situation is much better expressed in the proposed new subclauses.

In other clauses in the proposal we have stated that service since commencement of work after the school-leaving age should count for employment, and therefore Clause 4 has been deleted, which speaks of credit for an apprentice after 18 years of age. Subclause (4) as proposed covers the matters set out in Subclause (3) of the Bill.

The MINISTER FOR LABOUR: I agree to the amendment. I would like to explain that the reason that the reference to members of the military forces was excluded was that the Bill provides for three months for 10 years' service, with retrospectivity back to January 1951, and it was not considered necessary to prescribe for such cases at present. I was advised that the national service trainees would be provided for under Commonwealth law. This is a comprehensive amendment. In essence, it appears in the Bill; and in substance, in the Acts in the other States. There is not a great deal of difference.

Mr. Court: Except that yours has no reference to war service.

The MINISTER FOR LABOUR: I have explained the reason for that.

Mr. Court: What about the Korean war and the Malayan service?

The MINISTER FOR LABOUR: It was considered there would be no cases involved with our Bill being on a 10-year basis. However, I am happy to accept the amendment.

Mr. COURT: This is one of the greater things we wanted to include in the system to conform to the code. I trust that the Minister realises that one is conditional on the other. I hope that he acknowledges that fact, because if he is not going ultimately to accept the conditions of the code, this becomes redundant and a little silly in the Bill.

The Minister for Labour: The matter of the military forces?

Mr. COURT: The whole of these conditions—or many of them. I want that to be clearly understood.

Amendment put and passed; the clause, as amended, agreed to.

Clause 8—Employment before commencement of this Act:

Mr. COURT: I move an amendment—

That paragraph (a) in lines 40 to 43, page 11, be struck out and the following inserted in lieu:—

(a) Continuous employment to the extent to which it is in excess of twenty years shall be disregarded.

This brings us to a vital point of difference between the Government and the Opposition. The amendment brings the provisions into line with the national agreement or code in which past service to a maximum of 20 years shall count for the purpose of determining an employee's entitlement to long-service leave. This means that any employee who has had 20 years or over of continuous employment is entitled immediately to a maximum of three months' long-service leave. I will be anxious to hear the Minister's reaction to the paragraph because it is vital to us. It has a far-reaching effect on the whole system of long-service leave, the impact on industry, the dislocation of industry, the cost to industry and general benefits to the employees.

The MINISTER FOR LABOUR: I cannot accept the amendment, which has obviously been framed on the assumption that the principle would be one of 20 years' continuous service; whereas, as members know, the Bill is based on a period of 10 years, with retrospectivity back to the 1st January, 1951. The Government considers it cannot depart from the principle. Consequently, it would not be fair of me to accept the amendment and say that instead of the principle being retrospective to the 1st January, 1951, it would be retrospective to 20 years.

Mr. COURT: This brings up the first of the provisions dealing with 20 years' service as against 10. We could wait until a later clause before debating this matter; but if we can establish the principle now, it might save a lot of time later on.

Tied up with this clause is the consequential amendment regarding the time at which an employee becomes entitled to pro rata payment in lieu of leave. The Government scheme is for employees after 1961 to have only three years' service before qualifying for a pro rata payment under certain conditions. Under our proposition the pro rata payments do not apply until after 10 years' service, and there are certain conditions between 10 and 15 years. From 15 years onwards it is automatic.

The Minister seems to be committed irrevocably to the 10-year term and does not seem to be prepared to give any thought to the question of a 20-year period which, of course, has other advantages. For instance, after the next 10 years, they come in for their 6½ weeks instead of having to wait a further 20 years, because a man's working life is such that long-service leave means less to him during the first 20 years than subsequently. A man starting work at 16 years of age would be entitled to his first long-service leave at 36, and the next lot, 10 years later, but it would be for a lesser period. If the period in the first instance were ten years, he would take his first long-service leave at 26 or 28 years of age. A man then is probably just married and has certain financial commitments and is not able to take full advantage of the leave.

People in private industry, except in certain cases, have not had long-service leave, and I do not think any of them would expect it before reaching the age of 36. That would then be a time when they could enjoy the leave, and they would also be able to enjoy it on the next occasion.

The Minister has said, "We have decided to have a 10-year period." He has also said that some Government workers have a 10-year period. That is not a proper reason. Other Labour Governments have not seen fit to make their private long-service leave conditions harmonise completely with those of the Civil Service—nothing like it. The Minister has not advanced one cogent reason. We are entitled to know from him what he considers will be the relative costs to industry for the 10 and the 20-year qualifying periods.

Mr. OLDFIELD: Having accepted the principle of long-service leave, I think the whole issue boils down to the question whether it should be a 10 or a 20-year period. We must have some regard for its impact on the community and on industry. The number of people who would almost immediately be entitled to leave under a 10-year period would almost disrupt industry, and the bulk of the employees of a lot of firms would have that number of years of employment standing to their credit. It would take some time to sort them out so as to take their leave.

Then we have to consider the position of the employees. If we provide that so many people shall become entitled to these benefits at the one time, there will have to be a period of waiting for some while others will take the leave immediately. Those compelled to take it within the next 12 months will be caught without having had any opportunity to save for their leave. If we give them a few years to work up to it, they at least can make some provision to enjoy the holiday to the fullest extent.

I was associated with a private firm which, in 1946, decided to introduce a long-service leave scheme. It was introduced initially on a 30-year period, and by 1948 all those who were entitled in 1946 to leave, plus those who had qualified in the intervening two years had completed their leave. The company then reduced the qualifying period to 25 years. By the time

it had got through those who were entitled to leave under that arrangement, it reduced the qualifying time to 20 years, and it remains at this period today. This company was prepared to give its employees leave after a period of 20 years.

Mr. Marshall: For how long?

Mr. OLDFIELD: For six months. If the initial period had been 20 years, the company could not have handled the position. About 80 to 90 per cent. of the salaried staff of many companies such as insurance companies, banks, oil companies and the better established firms, would be entitled to long-service leave immediately under the 10-year scheme; and I think the companies concerned would find some difficulty. In the initial stages of the scheme we must adopt the period of 20 years. If in the future it is decided that industry has the capacity to provide leave benefits on a reduced scale, the period can be amended. At this stage it would be too much to thrust upon industry and the community a 10-year qualifying period. I must support the amendment.

Mr. MOIR: If the amendments moved by the Deputy Leader of the Opposition are accepted, industry might be confronted with the provision of long-service leave much sooner than it would under the Bill.

Mr. Court: I think they would accept that on the 20 year basis rather than the Government's proposition.

Mr. MOIR: In many branches of industry, many employees would qualify under the 20 year period when the Act came into force. I object to the 20 year period on the grounds that over 50,000 employees in this State enjoy a 10 year period, and others less and I do not think there should be any differentiation. The previous amendment of the member for Nedlands regarding awards or agreements would preclude the court from awarding any lesser period in any circumstances. In the goldmining industry many men have to leave their employment after 12 or 15 years owing to industrial disease.

Mr. Court: They would get it pro rata.

Mr. MOIR: In view of the conditions of work and the service they give these men are entitled to three months leave at the end of 10 years. A man whose doctor advised him to leave the industry after 15 years might decide to stop another five years to qualify for the three months leave.

Mr. Court: He would automatically get three-quarters of it after 15 years, or pro rata after 10 years.

Mr. MOIR: After 10 years he would get six weeks but a Government employee at the end of 10 years gets three months.

Mr. Court: The conditions of Government service and private industry have been acknowledged to be different by Labour Governments in the Eastern States and they have legislated for 20 years in private industry.

Mr. MOIR: In New South Wales there is provision for long-service leave after 10 years in certain circumstances.

Mr. Court: We propose a pro rata entitlement after 10 years.

Mr. MOIR: The approach of members opposite to the Bill does not conform to reality or the requirements of industry in this State.

Mr. Court: If the Government wants the Arbitration Court to fix the conditions, it should amend the Industrial Arbitration Act.

Mr. MOIR: That Bill would have been opposed as bitterly as this one is being opposed.

Mr. Court: We have not opposed long-service leave for one second.

Mr. MOIR: Members opposite would raise all sorts of objections to allowing the Arbitration Court to decide the matter.

Hon. A. F. WATTS: I support the amendment. The 20 year period has been accepted in four of the Eastern States and I believe the draft agreement between the employees and the A.C.T.U. has progressed sufficiently far that it will become an agreement, but even if that were not so, we must examine this question from the point of view of Western Australia as opposed to the other States.

There is no doubt that the proposals in the Bill would cost industry here considerably more than the provisions at present in the other States or what would be in force if the so called code became a national one. Surely the position of Western Australian trade is difficult enough. We are always being told about the adverse trade balance of from £50,000,000 to £60,000,000 between this State and the Eastern States and we are always seeking means to encourage development and employment in industry here so as to increase our production and consumption in order to be able gradually better to compete with the Eastern States.

The more difficult we make it for our industry to compete and produce goods at competitive prices, the more likelihood there is of the dumping of goods here that we suffer from time to time. If proposals like those in this Bill were the law in the Eastern States and their industry was subject to the same charges as our industry would be under the measure, I would have no objection to the Bill, but I will not be a party to imposing on this State, in these circumstances, conditions that would impose on industry and therefore on costs, a charge greater than that imposed on similar persons in the Eastern States because it would react to the further detriment of Western Australian industry.

It is of no use being hypocritical about this; either we want to make Western Australia more selfcontained than it is; either we want to put Western Australia in a position where it can compete better than it can now with the Eastern States, or we do not. So far as I am concerned, we do, and this particular measure will not make a contribution to that end—at least not in its present form.

If the situation in the Eastern States were as it is in this measure, I would have a different feeling towards this Bill and its terms; but I realise that that is not so. While it is impossible for me to give accurate figures as to what the difference in costs will be, it is quite apparent that for a considerable period anyway, and for the whole of the time while this legislation is in operation, if it is passed in its present form, the cost to industry in Western Australia will be greater than that which will be imposed upon it by legislation in operation elsewhere. So we have to be sensible and give this matter a great deal of thought.

Surely, in those circumstances, and bearing in mind our adverse position at the moment, as compared with the other States of the Commonwealth, we ought to be satisfied, at least for the time being, to pass legislation in this State which is equivalent to, and no worse than, the legislation in the Eastern States. As I understand the amendment before us at the moment, it is a contribution in that direction. It is for that reason, and not because I am in any way inimical to the proposals for long-service leave, nor do I think that any of my colleagues, on either of the Opposition benches are, I must support the amendment.

Sitting suspended from 10.22 to 10.40 p.m.

The MINISTER FOR LABOUR: The Government's attitude is that under no circumstances will it agree to long-service leave based on a 20-year standard, when for the last 30 years in this State the wages employees of the Government have enjoyed a 10-year standard. In all, the employees of over 130 local authorities have been granted the three months long-service leave after 10 years of service.

Mr. Court: We do not dispute that.

The MINISTER FOR LABOUR: The Government could not agree at this stage to altering the basis from 10 years to 20 years' service.

Mr. Court: There is no long-service leave as a general principle in private industry here.

The MINISTER FOR LABOUR: The The trade union movement will not agree to a 20-years standard.

Mr. Court: You underrate their sense of responsibility.

The MINISTER FOR LABOUR: What would be the reaction if the Government were to agree to a 20-year standard?

Mr. Court: The A.C.T.U. has agreed to a 20-year standard.

The MINISTER FOR LABOUR: This Government has introduced the Bill setting out the aims and objects in regard to long-service leave, and it proposes to implement them. The member for Mt. Lawley said that if the legislation is passed quite a number of employers would be obliged to give long-service leave to their employees. In the Bill retrospectivity applies to the 1st January, 1951; it will be the 1st January, 1961, before anyone will be entitled to take long-service leave. That is still three years hence.

Mr. Court: There is the liability.

The MINISTER FOR LABOUR: There was also the liability when the basic wage was increased from £7 6s. 6d. to £8 6s. 6d. almost overnight, and at the time the State basic wage was higher than the Federal basic wage. As time went on the position adjusted itself.

Mr. Court: Are you going to comment on the remarks of the Leader of the Country party regarding the disadvantages to Western Australian industry?

The MINISTER FOR LABOUR: I have been an advocate in the Arbitration Court, and I have often heard that point raised. When there was a 48-hour working week in this State, and a 44-hour week was advocated. the employers replied that in South Australia a 48-hour week was then being worked; yet the court decided to implement the 44-hour week in this State. Today the workers in this State are working a 40-hour week.

Mr. Court: I do not see where you can draw a comparison. The Leader of the Country Party commented on the fact that this legislation will burden Western Australian industry, which is already struggling, with having to meet more than double the cost for long-service leave, as compared with the Eastern States.

The MINISTER FOR LABOUR: The time is not distant when the standard for all of Australia will be 10 years service, and not 20 years. The State Government's policy is three months leave after 10 years service, and today about 50,000 employees enjoy that standard. The argument is that employees in private industry are entitled to the same privileges as those in Government employment.

Mr. Court: You will admit there are differences in their contract of employment.

The MINISTER FOR LABOUR: I do not know there is any great difference. The basic wage, the margin for skill, the hours of work are the same; and the conditions of work are almost the same. The

major difference is long-service leave. The Government desires to extend to private industry the same privileges enjoyed by Government and local authority employees.

Mr. Court: You are prepared to do that regardless of the consequences?

The MINISTER FOR LABOUR: The position will right itself without any major disaster. Firstly, only the employees who retire through ill-health or incapacity after the passing of this Bill and up to the 1st January, 1961, will be entitled to pro rata leave from the 1st January, 1951; the others will not be able to enjoy the long-service leave provisions until the 1st January, 1961.

Mr. Court: What a bombshell will hit industry then!

The MINISTER FOR LABOUR: Long-service leave is to be taken as soon as possible after it becomes due. If there is any dispute, the matter can be placed before the administrator. Whenever any attempt is made to introduce a major reform, there is always a cry of disaster. Throughout history there are always people saying that if a reform is introduced, disaster will follow. The same cry was raised when a reform was introduced to prevent the employment of young children and women in the mines and cotton mills of England.

Mr. Court: You are going back to the days before the industrial revolution.

The MINISTER FOR LABOUR: It is as well to do that on some occasions. England survived when the women and children were taken out of the mines.

Mr. Court: That is not comparable with what we are now discussing.

The MINISTER FOR LABOUR: The same cry was raised when attempts were made to reduce the working week from 48 to 44 hours; and again from 44 hours to 40 hours. When attempts were made to amend the Factories and Shops Act an outcry was raised that factories would be closed and much damage would be done to industry, but Australia survived. If this Bill is passed, I have no doubt that the position will adjust itself. Until quite recently there has been no enthusiastic attempt on the part of members of the Opposition or the Employers Federation to implement a general scheme of long-service leave. All of a sudden overnight, they are falling over themselves to have the code implemented by Act of Parliament.

Mr. Court: In the last general election there was a categorical statement by the then Leader of the Opposition on long-service leave, and that went back on the side of the employers years before that.

The MINISTER FOR LABOUR: There was definitely an announcement of policy on the part of the Labour movement in regard to long-service leave, and it was understood that the provisions of the legislation would be on the basis of that obtaining for Government employees. That is why we have the three-year pro rata provision and the ten-year provision. We are not going to be stopped by any alleged agreement or code considered in the Eastern States. The Government, after due consideration, decided it would introduce its own Bill. As far as possible, the administration and general machinery clauses would be lifted from the Acts operating in the other States, but on the general principle it would decide for itself.

Mr. Ross Hutchinson: Whether the proposition reacted to the disadvantage of the State or not.

The MINISTER FOR LABOUR: We will take that risk.

Hon. D. BRAND: The Minister in giving his explanation ignored the criticism put up by the Leader of the Country Party and the Deputy Leader of the Opposition inasmuch as they put forward the thought that we were at a distinct disadvantage in Western Australia if we were to be further penalised in respect of industry and our State made less attractive to private investment at this particular stage of our history.

It is quite evident that long-service leave for private employees would have been introduced long before this, following on the fact that so many Government employees throughout Australia enjoyed it, had it not been for the problem of finance and the economics of the situation. Private industry could not afford it and responsible unionists throughout Australia recognised that fact. The member for Leederville is mumbling under his breath because he knows very well that is a fact.

Mr. Johnson: It is nowhere near a fact.

Hon. D. BRAND: I think in the Eastern States that the period necessary for long-service leave is 20 years. This Government, at this stage, proceeds to impose what is a greater responsibility in terms of money, finance and cost and dislocation to industry when we can ill-afford to lose any further advantages. It is well known that Western Australia, at this stage, is no longer, in the eyes of the industrialist or investor, a place in which to invest money or a place of security. By and large, it would be fair to say that new money and new investment is going to the States of South Australia, and Victoria; New South Wales to a lesser degree, and I would imagine under a new Government that there will be an up-surge of confidence in Queensland.

Mr. Heal: They have an unfair trading Act.

Hon. D. BRAND: It would be preferable for the Government to accept the proposal of 20 years, not forgetting that the A.C.T.U. has tentatively agreed with the employers'

group that this is the basis for uniformity in connection with long-service leave for private employees throughout Australia. In the many conferences that no doubt have been held on this matter, the responsible leaders of unions throughout Australia have recognised that it is preferable to have the 20 years on a uniform basis than on 10 years, and no doubt they have in mind 10 years. No doubt they recognise, as we do, that the 10-year period will come. However, in Western Australia, I ask: Can we afford at this juncture to enjoy greater privileges in regard to this matter than the other States? I say we cannot.

The Minister for Labour: Would you suggest that Government employees be put on a 20-year basis?

Hon. D. BRAND: No, and that is beside the point. There is some possibility that employees in private industry, within a few years, can look forward to enjoying the same privileges as the employees of the Government; but if the Government is going to impose such a responsibility of providing long-service leave every 10 years in a comparatively short time, I should say the net result will be that while so many will have long-service leave, quite a number will be without jobs.

Mr. Potter: I do not agree with you.

Hon. D. BRAND: I did not expect the hon. member to agree. However, that will prove to be the hard facts, because private industry can bear only a certain financial burden and can employ only a certain number of people under the conditions laid down in various awards. If private industry is called upon to face the responsibility of long-service leave in cold pounds, shillings and pence, I would point out that it is limited by the cash and credit available. Therefore, for that reason alone—recognising that we support the principle of long-service leave—the Labour Government in this State has been a long time making any move or suggestion for the introduction of long-service leave, because it knew it was not possible for private industry to stand the strain. Therefore rather than do what I suggest is being done—taking advantage of the situation we have in this Parliament where the Upper House will be faced with the responsibility of making a decision—

Mr. Sleeman: It will fix it all right.

Hon. D. BRAND: If it brings this legislation, by way of amendment, into conformity with the proposals laid down and agreed to by the A.C.T.U., it will be held up as the House responsible for taking away certain privileges and benefits from the workers of Western Australia.

Mr. Sleeman: So it will be.

Hon. D. BRAND: The hon. member would not be so politically courageous without that House to fall back on.

Mr. Jamieson: You say some stupid things!

Hon. D. BRAND: Not as stupid as the member for Beeloo, and I do say something.

Mr. Heal: Not very often.

Mr. Ross Hutchinson: You should talk!

Hon. D. BRAND: The Upper House will make a decision with respect to this particular legislation which will give to the State long-service leave, but on a basis which we can afford.

Mr. ACKLAND: I have never claimed to be an authority on industrial matters.

Mr. Sleeman: Then what are you getting up for?

Mr. ACKLAND: I know as much about the effects this legislation will have on Western Australia as the hon. member and other interjectors; in fact, I know far more. We have heard a great deal about what will probably happen. But I know of two financial bodies which, within the last six weeks, have refused to be interested in two most attractive propositions in this State, because they are afraid of this Government and its legislation. I am not referring to that gentleman of the cement company who recently had some articles in the paper.

Mr. Jamieson: He is no gentleman.

Mr. ACKLAND: You would be a very good judge of who was not a gentleman! I do not know anybody who would be a better judge! As I was saying, two financial institutions from overseas have been given most lucrative opportunities to come to Western Australia; but they said, "No thank you!".

I, and others with me on this side of the Chamber, are in favour of long-service leave; but we are not in favour of the Bill. The Government is doing this for nothing but political propaganda. It knows it has not the ghost of a hope of getting the legislation through Parliament, and it wants to be able to go out and say, "We would have done this."

It is my practice to talk to people as I go up and down the country, and particularly in the metropolitan area. I have questioned a variety of folk—and not white-collar workers, either—as to what they think of this legislation. In every instance they have said they want legislation for long-service leave, but they want it to be in line with the conditions applying in the other four States of Australia, because they know what repercussions would occur in industry if this and similar legislation were passed.

The Government complains bitterly about unemployment in Western Australia, and does nothing but lay the responsibility on the Federal Government on the ground that that Government does not give us enough money. I say that if there is unemployment in this State, it is to be laid at the feet of this Labour Government because of the lack of confidence in the

Government on the part of people who employ labour. And the workers themselves are beginning to realise that that is the position.

Mr. POTTER: I will take up the debate at the point at which the member for Moore left it.

Mr. Brand: You stick to the King's Park pool!

Mr. POTTER: I feel that this Bill is one of the means of taking up the slack in regard to unemployment. Some years ago there were only two highly industrialised countries. Prior to the war there were 11; but now most of the countries of the world are on a highly industrialised level. Consequently it is necessary for something to be done for employees; and charity begins at home. We must build up a home-consumption market.

Those engaged in primary industry are gradually declining in numbers. Modern methods of production are far different from those which prevailed 20 years ago, and employers in primary industry do not need the labour force that was required earlier. But we want population, and the people must be employed. We find that there is a tendency in American economics for the population to be kept engaged by home consumption, and I suggest to members opposite that there is an excellent opportunity in that regard in this State. Rather than wait for other States to institute plans of this kind and then fall in behind them, we should take the lead.

It was suggested that some financial bodies were afraid of this Government. I do not think that is the case. Again, it is a matter of population. Where there is a big spread of population, there will be more firms operating.

Mr. I. W. Manning: How will we get population if we do not encourage it?

Mr. POTTER: This is one means of doing that. We will get industries, and we will finance them somehow or other.

Mr. Court: You are not getting them now.

Mr. POTTER: Do not worry about that! Did Britain or America have to sit and wait till finance came from overseas? Not necessarily. Those countries built up their own finances and established their own companies. They have done that, and so have other countries—even Asiatic lands; and I speak with some knowledge of what has occurred in those countries.

People who are supposed to be the representatives of commerce—those sitting on the Opposition benches—are doing the reverse to what they should be doing. They are not really representing commerce in the fullest sense; and I would be ashamed, if I were them, to sit on those benches. I suggest that they should reorient their economic thinking, and bring it up to date. It is said we cannot afford this and that. We have never been able to afford things, until we have put our shoulders to the wheel. It was said that we could not afford to take women and children out of the mines. Yet we did.

Mr. Court: How do you think that the giving of long-service leave is going to increase the population?

Mr. POTTER: We are coming to the stage when we cannot afford to have members of Parliament. The Government is doing the sensible thing. It is not discriminating between groups of employees. There are 50,000 employees in Government and semi-government enterprises who today enjoy long-service leave after 10 years' service and in some cases after 7 years.

We are threatened with what will transpire in another place. But I suggest that members there reorientate their economic thinking. Do not let us ape someone else. Let us get out of the gutter and create our own markets for home consumption.

Hon. D. Brand: How?

Mr. POTTER: This is one means of doing it.

Mr. Ackland: You would be the first one to buy the cheap article from the Eastern States.

Mr. POTTER: No, and neither would any of the employees here. The difficulty is to stop the farming community from buying in the Eastern States. The Government is doing the sensible thing, more especially as it is not differentiating between Government employees, semi-government employees and employees of private enterprise.

Mr. W. A. MANNING: We have to face the position fairly and reasonably. Only this week we heard from members on the other side concerning value in the £. This is an important aspect. The value in the £ is represented simply by the amount of goods that can be produced for each £. If we can produce a relatively high quantity per £, we will benefit the community.

The cost of long-service leave, which has been accepted on this side as a desirable provision, cannot be too heavy on industry. The proposal for three months' long-service leave after 10 years means that a concern with only 40 employees has to pay for one employee continuously on long-service leave. The remaining 39 employees would have to carry him. We all pay for this. It is no use thinking that money can be found in some way and all these things can be mysteriously covered up. We have to produce the goods to supply to the public. What is the use of our weekly earnings if they do not buy something?

We have been told by the Minister that we have got on with all these things added at different times, and so we have. But

who is to say that we would not be better off under other circumstances. If we can produce more goods per person we can buy more with the money we have. We could have extra things with greater production.

The Minister has been definite on the fact that private employers have not made a move to provide long-service leave. He knows that many employers have of their own free will provided it. Who has paid for it? The cost of long-service leave has to come out of the employer's pocket, but he still has to produce his goods at a price suitable to the market.

Mr. Evans: The consumer pays for it.

Mr. W. A. MANNING: Of course.

Mr. Evans: That is the workers as a whole.

Mr. W. A. MANNING: We are all consumers. The employer is a consumer just as much as the employee. The Minister has made much of the fact that Government employees have already been granted long-service leave after 10 years and some after 7 years. But who pays the cost? It is not the Minister but the people of Western Australia. The private employer, however, has to meet it out of his funds or from his overdraft if the bank will let him have a bit more. The State has budgeted for a deficit of £2,600,000. It is easy to provide these things with someone else's cash.

When speaking on the second reading I indicated that I supported long-service leave, but we have to be realistic about the terms of it, and that is why we should provide for it on a 20-year basis at present and if, in the future, we find that we can do something better, well and good.

Mr. O'Brien: Twenty years would not be long-service leave but life-service leave.

Mr. W. A. MANNING: It is better than what is provided at present. After all, it is nice to progress in these matters and be sure of the financial position, otherwise there will be no staff to give leave to. We have to think seriously on this point.

Mr. CROMMELIN: It is all very well to listen to the Minister for Labour. He thinks that because Government employees have long-service leave after 10 years, those in private industry should have the same, but his view would change if he were an employer in private industry. The average employer today has limited capital, as against practically unlimited capital at the disposal of the Government. If the Bill were passed as printed, all employers, after three years, would have to put many of their employees on long-service leave. Local manufacturers have limited capital, and there is a limit to the finance they can raise. I would have liked to hear the arguments the Minister put forward as to how long-service leave should be financed.

Hon. D. Brand: He did not put forward any.

Mr. CROMMELIN: The member for Victoria Park asked for concrete examples of the cost of the measure to employers. I know of a small factory in West Perth which has three employees under 18 years of age and eight seniors, and under this measure all the seniors would be due for long-service leave in three years' time, which would mean that the employer would have to find £2,000 by 1961 to pay for it, and he simply could not afford that.

In the Eastern States with a 20-year period as against the proposed 10 years here, the cost to an employer would be only half of the cost in this State. I repeat that many local manufacturers simply could not find the money required to meet the provisions of this Bill. Eastern States manufacturers with their huge industry and tremendous turnover are often happy to dump goods here. At present we cannot compete with them and this extra imposition would be too much. Does the Government think it right to pass laws to the detriment of employers in this State? Many firms here buy in the Eastern States instead of locally.

Mr. Jamieson: They do not get the goods any cheaper there.

Mr. Roberts: How do you know?

Mr. Jamieson: You would not know what day it is.

Mr. CROMMELIN: I think most of our firms support local industry to a great extent, but there is still room for considerable improvement in that regard. I repeat that our manufacturers, who are struggling to survive, simply cannot meet this extra burden. I do not think the Minister realises how serious will be the effect of this Bill.

Mr. WILD: I cannot record a silent vote on this because, in my view, it is one of the most stupid and ill-timed pieces of legislation we have had before us this session.

Mr. Jamieson: That is like "Once upon a time."

Mr. WILD: The hon. member ought to stick to pimping on car parks; that is his forte and he does a good job in that regard. After listening to the member for Subiaco tonight, I think we could take him down to the show because he would be a past master at the pea and thimble game. His speech on economics was amazing. Apparently, employers in business just have to give away and give away and they become prosperous. This is the second occasion on which business has begun to feel the shifting sands beneath it. It happened in the early 1950's and unfortunately it is with us again and 1½ to 2 per cent. of our people are at present out of work.

What is the cause of unemployment? We have only to look at the world situation today, particularly in regard to the staple product of this State—wool, which has unfortunately been slipping back little by little over the past three years—to realise that that is reflected in the economy of the State. Also, the season this year has not been a good one for wheat farmers and, in addition, there was the recent legislation in England concerning the bank rate.

All these things have a dampening effect on business throughout Western Australia, and we have to face up to the fact that industry cannot afford to carry all these burdens. If we increase costs, how will we sell our goods? If we do not sell our goods, what does the average employer do—he puts off some of his employees. The member for Claremont told us about it this evening. When people are out of work they cannot afford to purchase goods made by other businesses, and so it has a snowballing effect.

Mr. Potter: That will happen throughout the whole of the western world, if we do not alter our ideas.

Mr. WILD: The hon. member's ideas on high finance are so good that he ought to go to France and help them out of their difficulties. I think that long-service leave is something we all want to see implemented in this State. But surely this is not the time to do it in this way: I do not think industry can afford to provide long-service leave every 10 years. Nearly every time the Premier speaks, he encourages people to buy Western Australian goods. But if this cost is added to them, how can we encourage people to buy locally made goods? The costs will be too great.

Mr. JOHNSON: It is rather sad to listen to private enterprise people who are so unenterprising. They seem to think that if somebody is on long-service leave he will stop spending money. The first result of it will be a large upsurge in at least one industry—the tourist industry. It will affect places like Bunbury, Dongara, Albany, and all other seaside resorts. The business people in those areas will surely welcome this legislation. People will paint their houses, buy new clothes, put in new water systems and so on. They will spend everything they have saved, and put the money into circulation.

If the private enterprise people have not the brains to get that business they do not deserve any better than the man about whom the member for Claremont was talking. He has 11 employees, eight of whom have been with him for 10 years, and three of them for only three years. But in 10 years he has not improved his business in any way. It is not Government interference that is ruining that man's business, but plain bad management.

Mr. Ross Hutchinson: I think you could fix the railways if they made you the commissioner.

Mr. JOHNSON: The hon. member cannot tell me that the railways have not increased their business. I would now like to make an estimate of what the cost of this plan will be. The member for Nedlands made a foolish estimate of the alleged cost. Had he prepared it himself and not been led up the garden path, he would have seen that it is stupid to say that it is going to cost £17,000,000.

Mr. Court: I will take the responsibility for the figures I put in.

Mr. JOHNSON: The hon. member put in a wild guess; it was a pipe dream.

Mr. Court: The Minister agrees with them.

Mr. JOHNSON: He did not agree.

Mr. Court: He would not disagree with it. Have you seen the Actuary's figure on the 20-year proposition?

Mr. JOHNSON: This will cost £17,000,000 in 20 years.

Mr. Court: The funds needed under the Government's original scheme on a 20-year basis by 1960 would be £10,000,000

Mr. JOHNSON: That could be so, but it is giving everybody long-service leave. I propose to give some figures and would make all allowance possible for the argument adduced from that side of the House.

Hon. A. F. Watts: Before you do so, do you agree that the system in this Bill will cost more than the system proposed in the amendment?

Mr. JOHNSON: I will not agree with the system of the member for Nedlands when he said it would cost four times as much, though it will cost more.

Hon. A. F. Watts: That is the point.

Mr. JOHNSON: But it will cost more in three years' time, instead of now. That is the difference, and the difference will not be very great. It will not be four times as much, it might be twice as much.

Mr. Court: It must be more than twice as much.

Mr. JOHNSON: I do not see why; people go on working. The total employment in Western Australia to December, 1956, was 180,300, and this was taken from the Labour report; it is a statistical figure. Of this number 41,000 were factory employees and 20,200 in retail employment. The member for Nedlands estimated that 85,000 people out of 180,000 would go on long-service leave. According to my working, the average wage paid in Australia—and this is taken from official figures—is £17.190 per week. The average rate paid is 316s. 11d. The difference between those two being overtime and other odd allowances.

Mr. Court: That includes, juniors, males and females?

Mr. JOHNSON: Yes, the average. The amount for 13 weeks at that rate is £206 1s. 1d. and £17,000,000 as a rough figure related to £200 gives 85,000 employees to go on long-service leave out of the 180,000. It is plainly ridiculous; and if the member for Nedlands had looked at this himself instead of being led up the garden path by people who were untruthful, he would have realised that I am right.

Point of Order.

Mr. Court: On a point of order, Mr. Chairman, I would ask the hon. member to withdraw that statement about being untruthful. He appears to be referring to some mythical person who is not here to defend himself, and if his reference is to myself, then it is even worse.

The Chairman: The hon. member must withdraw those remarks.

Committee Resumed.

Mr. JOHNSON: I do not know what I am supposed to withdraw, Mr. Chairman, but whatever it is, I withdraw it. But if the objection of the member for Nedlands indicates that he has prepared these figures himself, then I have proved that they were prepared deliberately to mislead the House.

Mr. Court: You have proved nothing; you have only mesmerized yourself.

Mr. Jamieson: He has not done a bad job of mesmerizing you.

Mr. JOHNSON: It is impossible for 80,000 people out of 180,000 to be entitled to long-service leave at the moment.

Mr. Court: Are you talking about the Government scheme or the code?

Mr. JOHNSON: This is the proposition which the hon. member put up—that 80,000 people would be going on leave at an average cost of roughly £200 each.

Mr. Court: All the pent-up commitments under the Government scheme will come due in 1961.

Mr. JOHNSON: But they will be a long way less than that figure.

Mr. Court: You are very extravagant in your remarks.

Mr. JOHNSON: No, I am not. I am leaning over backwards to meet the hon. member.

Mr. Court: Very often you have given us figures which had no foundation in fact.

Mr. JOHNSON: The member for Nedlands should get his pencil and paper out and take down the figures I have quoted.

Mr. Court: I have remembered all those you have mentioned up to date.

Mr. JOHNSON: We have 180,300 total employees in Western Australia. At the moment the number in Government employment is 58,046, leaving 122,254. I deduct this because they already get long-service leave at the 10-year rate or better, so they do not enter into the cost at all. My next figure may be out by 20 or 30 or perhaps more but I would point out that the building trade as at the date concerned showed a figure of 14,164, leaving at that stage 10,890. None of the people in the building trade are likely to ever qualify for long-service leave because of the nature of the trade.

Mr. Court: A lot of men in the building trade will qualify.

Mr. Jamieson: There will not be too many.

Mr. Roberts: Of course there will in the country areas.

Mr. Jamieson: Nowhere will there be men who will qualify.

Mr. JOHNSON: There might be 10 or 20.

Mr. Court: The member for Beeloo has just said there will not be any. A lot of men in the building trade will qualify; you are completely out of touch.

Mr. Jamieson: You are out of touch, because I have worked in it for years.

Mr. JOHNSON: We find there are 108,000 who are entitled to be considered at this stage. From that number has to be deducted the employees in industry who have some form of long-service provision, outside of Government service. I know of some 3,000 bank officers who are so covered, likewise the employees in oil companies and insurance offices who total 3,000 or 4,000. There are others who work in the big stores with similar long-service schemes. Quite a number of other industries also have such a scheme, and most of them are based on 10 years' service. I estimate the total number at 5,000 although that is probably only half of the actual figure.

Mr. Court: On your figures there are a lot of better employers than you would admit. You were telling us they did not give concessions to their employees.

The CHAIRMAN: The hon. member's time has expired.

Mr. ROSS HUTCHINSON: This amendment appears to be the crux of the Bill. It seeks to delete Clause 8 (a). This provision has been selected as the one on which to debate the merits and demerits of the Government's proposition. At the outset it can be stated that the 10-year qualifying period is the politically popular basis. Members on this side realise that, but it has made no difference to our stand. Very often the politically popular step is not the wise step to take in an economic sense. I agree with members who suggest that the 10-year period is desirable, and no doubt many members on this side are of that opinion.

It is desirable to have a four day working week, if that can be achieved. What is desirable and what is undesirable must be

related to economic factors. It is highly undesirable that the Government should propose a 10-year qualifying period for long-service leave when the other States are operating on a 20-year basis. The reason is fairly obvious; the economy of this State will have to bear double the burden of the other States and this State will be placed at a disadvantage.

It would appear that the Government's proposition will add to the cost structure of industry, and therefore to the cost of living, to the extent where industry in this State would be placed at a disadvantage. The logical step to take is the one which will fix the burden on industry in this State at the same level as the other States. In this respect it can be argued that uniformity has virtue. In the past I have said that uniformity for uniformity's sake is not desirable, but where uniformity has some economic advantage, as in this case, then it is desirable.

No doubt the Government feels it is doing the right thing for the worker, but I doubt if it has looked into this matter as deeply as it should, or that it has considered the great burden to this State in extending long-service leave provisions to private industry on the same basis as Government service. The action of the Government should be more responsible; it should not take the politically popular step which will place industry in this State at a disadvantage with the rest of Australia.

It would be well for the Government to take the wise step and allow industry to gear itself into absorbing the additional cost, and to enable industry to cushion the effect of that impact, so as to allow Western Australia to compete on a more equal basis with the manufacturers and producers in the Eastern States. I suppose all of us would like a break of three days every week-end, but that would be an economic impossibility.

No doubt the time will come when the people will have more leisure than they now have, but to step into more leisure time at this stage would price us absolutely out of the world's markets. I compare the three-day week-end break with the proposition of a 10-year qualifying period for long-service on a pro rata basis. To that extent we would be placing this State at a disadvantage, and that is the last thing which this Parliament desires.

It should be remembered that private industry is geared to certain conditions which have operated in this State for a great number of years. It is not geared to long-service leave. In previous years the Government has co-ordinated its activities to a number of conditions among which was the Government's attempt to gear itself to a 10-year qualifying period, and to a lesser period in regard to certain sections of Government employees. We must remember that private industry has not yet been geared to it. Therefore, is it not the logical thing to say that industry cannot accept this burden?

Midnight.

Mr. Potter: No.

Mr. ROSS HUTCHINSON: That comment from the member for Subiaco is quite irresponsible.

Mr. Potter: I am certainly not irresponsible. On this side of the Committee we are more imaginative than those on the opposite side, as far as industry is concerned.

Mr. ROSS HUTCHINSON: I felt that the negative answer from the member for Subiaco was irresponsible. I am not saying that the member in question is irresponsible. The Government realises, to a certain extent, that private enterprise must be helped in some regard in this matter because it has held off the impact of long-service leave for two or three years. However, I think the impact should be cushioned still further to agree with conditions of long-service leave in the other States. That is where the Government has fallen down. I would suggest that legislation in this regard is desirable —eminently so—but its impact on the cost structure should be cushioned. I support the amendment.

Mr. JOHNSON: Just to complete the series of figures I was giving when my time ran out, the working population of Western Australia is 180,300, less Government employees who get long-service leave, 58,046, less the building trade, 40,164.

Mr. Roberts called attention to the state of the Committee.

Bells rung and a quorum formed.

Mr. JOHNSON: I thank the member for Bunbury for bringing back some who left during the previous speech. The figure I reached was 108,090. From here we deduct those in private industry and private schemes of long-service leave, which would probably be, say, 10 per cent. of that number, and would give us 10,000. We will reduce it to 5,000, to lean over backwards to the member for Nedlands, getting down to 103,090. From that we have to deduct sundry other groups who will never become eligible for long-service leave on a 10-year basis and certainly never on a 20-year basis—they are the ladies. There are just short of 5,000 women in industry in Western Australia and a proportion of those who will work 20 years and become eligible for long-service leave under the proposed scheme would be negligible.

Mr. Court: How many women did you say there were in private industry?

Mr. JOHNSON: I will give the figure I have extracted: two-thirds or 29,733.

Mr. Court: I think you said 5,000. There are many more than that.

Mr. JOHNSOIN: I should have said 50,000. The two-thirds is 29,733, which gets us down to 73,000 odd and from that figure there is another group of industries that has to be extracted—the wharfies and shearers and the coalmining industry, where the employees are either completely ineligible or are already provided for; and we get down to roughly 60,000.

Mr. Roberts: There will be nobody left soon.

Mr. JOHNSON: That is the way it is going; there will not be many entitled to long-service leave. From the 60,000 we should take all those under 28 years of age, because none of them can become eligible under our figure. However, to give the member for Nedlands at least some help, I have only taken out those under 21 years—and there are 10,000—so we get down to a figure of 50,000. I do not see how anyone can imagine that even half that number would be eligible for long-service leave. However, allowing for 50,000, the cost in three years would be £5,000,000. In actual practice the figure will be far less than the amount the member for Nedlands estimated under a 20-year scheme, which he intimated that industry could afford and in the region of £4,000,000. The actual cost in three years' time under a 10-year scheme cannot reach £4,000,000.

Mr. Court: Coming back to your own figure of £5,000,000 you have discounted the increment in the leave pool until 1961. Every year brings its own group of qualified people.

Mr. JOHNSON: Only a small group.

Mr. Court: That is where you are completely wrong.

Mr. JOHNSON: Under the Bill it is only those who have served for seven years already who will be eligible in 1961. Therefore, there will be only one group with 10 years' service in 1961; and they cannot possibly amount to 25,000. The figures I have used have been derived from statistical sources. I know there is a certain amount of guesswork in their application, and wherever there was any guesswork, I have leaned to the largest figure that could be used. It is impossible that the figure given by the member for Nedlands could be arrived at. These facts are obtainable and the sources are, the Labour report, the quarterly statistical review and the report of the Taxation Commissioner. They are available to anybody and I suggest that before the member for Nedlands gets high faluting fancies and excessive figures, he should tell us where they came from, because I thought at that time that £17,000,000 was a bit extravagant. The figures prove it was far too extravagant to be the work of an honest man.

Mr. COURT: The member for Mt. Lawley dealt with a scheme for a more gradual absorption. The proposition he put forward has much to commend it but it would only be practicable when dealing with individual cases. It would not be practicable when dealing with a scheme on a national basis. The Leader of the Country Party dealt with the most important aspect—our comparative disadvantage as against the Eastern States. The Minister seemed to treat that as being of no significance. He wants to bring the private industry scheme initially to the same level as that of the Government employees.

We must have regard for the impact of this proposition on industry. We should at least provide for an absorption period. If this goes on the statute book as a 20-year period, I have no doubt that Governments will come back to this Chamber year after year trying to get it modified, as they have done with the Workers' Compensation Act and other industrial measures. This is a dynamic economy and we cannot say that what is good for today is good for all time.

A point that has not been brought forward concerns the ever-increasing number of people who have interstate employment. Western Australia is the greatest claimant State, but we will have the most extravagant form of long-service leave. The more prosperous Eastern States will plod along with their 20-year schemes, and firms with interstate employees will obviously arrange that their qualifying period will be terminated in one of the other States. Just how silly can we get?

Mr. Johnson: How long will that type of employer keep his employees?

Mr. COURT: The employees will not mind in most cases. They will probably want to get back to their home States. They accept a system of rotation and they get advancement from the smaller to the bigger States.

Mr. Johnson: The banks get their semi-long-service leave here because of the New South Wales legislation; and for no other reason.

Mr. COURT: The member for Leederville has made out a good case for the generosity of the employer. On his formula he made a most generous allowance for employers who have voluntarily given long-service leave and other similar conditions.

Mr. Johnson: It is not that voluntary.

Mr. COURT: The Leader of the Opposition emphasised some of the most important aspects. He touched on the fact that it is only now that the Government has made a move to bring in long-service leave for private industry. The Government brings many measures here that it knows full well it has no chance of having passed, but it feels it is good propaganda. It brings such measures here year after year.

If the Government felt so strongly about this we could have expected it to bring the legislation here after being returned in 1953. This, however, is the second session since the last election, when the Government was so positive in its proposals for long-service leave legislation, and it is not until we are well into this session and after many trials and tribulations within the Government's own ranks, that it has managed to bring forth a long-service leave Bill; and then it flies in the face of a proposition worked out between employer and employee.

The Minister for Labour: We are working to a programme.

Mr. COURT: The Minister knows that is not so. A certain amount of panic went on over long-service leave. He cannot hide all the things all the time.

The Minister for Labour: There is no panic on this side; but I know there is plenty on yours.

Mr. COURT: I think we have been very calm on this measure. What panic is there on our side?

The Minister for Labour: I think the Deputy Leader of the Opposition is panicky and someone else is making him panicky.

Mr. COURT: I have never felt so peaceful in my life because we have put forward a positive proposition. We are not opposing long-service leave, but are doing what we consider to be the responsible and statesman-like thing, and not the irresponsible thing. It is not always easy to do the politically unpopular thing, but it is easy to offer the world knowing that only a fraction can be given.

The Government in its proposition has allowed for a pro rata participation after three years. I remind the Minister of the submissions made in the recent goldmining case. The court made it clear that it would not have a bar of anything under 50 per cent. of the ultimate qualifying period. That statement was made, however, without reservation to the advocates. In other words, if it was a 20-year proposition, there was to be no pro rata liability until 10 years; in a 10-year proposition, no pro rata participation until 5 years.

The member for Leederville tried to debunk the figures we put forward. I made a proposition that if the Minister would submit an estimate and his calculations, I would gladly do the same. My offer still holds. What I put forward was not just a guess but a calculation made on the best available statistical data. During the examination period of the several schemes that the Government had before it there was one that did start a bit of a flurry in the town when the news leaked out. It was a contributory or pool scheme.

The CHAIRMAN: The hon. member's time has expired.

Mr. JAMIESON: Members opposite have not the faith that I have in our local industries with regard to their ability to find finance for this scheme. Whenever there has been any important improvement in industrial conditions the cry has been that industry could not afford it, yet our industries have always survived through improved methods of production and management.

Mr. Court: Do you think Western Australia can do better than the other States?

Mr. JAMIESON: I do not see why this State should always be led by the nose. Our industries will have time in the three years to prepare for the scheme, and will do so.

Mr. Court: What do you suggest they will do—sack people?

Mr. JAMIESON: No, as the member for Subiaco said, improved methods of production will lower costs and more goods will be sold.

Mr. Ross Hutchinson drew attention to the state of the Committee.

Bells rung and a quorum formed.

Mr. JAMIESON: Members opposite say the scheme cannot be financed but many of our firms, large and small, already have long-service leave schemes in operation, and we believe it is desirable to have a scheme that will apply to all employees. The employers in industry take the profits and must also absorb any losses—

Hon. D. Brand: But the risk is greater here than in the other States.

Mr. JAMIESON: Is the risk taken by the Kwinana people any greater than that of the Altona refinery in Victoria? I know that certain small employers in my electorate can sell their products to chain stores in the Eastern States, in spite of the disadvantage of distance in regard to transport. This scheme will make many employers modernise their methods in order to improve their earning capacity.

Mr. COURT: Before my time expired I commented on the scheme worked out by the actuary of the Government for a pool system. There was consternation in the town when it leaked out that that 20-year contributory scheme would need a pool of something like £10,000,000 by 1960. If we transpose that set of figures to a 10-year scheme the cost is greater as the incidence of people qualifying is far higher. It is only natural that more people will qualify if the period is only 10 years, as compared with a 20-year period. The member for Leederville made no reference to the fact that there is a pro rata qualification under the Government scheme, and which will be a very expensive part of the scheme. That cannot be ignored. Under the Government scheme, once we reach 1961, there will be a heavy continuing payment for

the next few years. I submit that it will be 1965 before we can expect any relief, and then it will be only temporary

I invite members' attention to the figures which have been arrived at by the actuary. I assume one of the reasons why the Minister was not prepared to give the Government's calculations, in spite of the fact that he has all the Government officers available to give him the necessary figures, was because Mr. Gawler's announced figure was not far off the mark.

Mr. Jamieson: But that was for everybody.

Mr. COURT: He wanted a pool before the fund started to work, and the fund had to be kept alive. He allowed for something like an annual increase of 1,000 claims from then onwards, and the contribution would have to be a very heavy one to get sufficient recovery from the payroll to build up the pool.

During his remarks, the member for Beeloo referred to people cutting their costs to meet this situation by 1961. Many of these places are operating at a high degree of efficiency now, and they would not be able to cut their costs any more in order to meet this fierce competition, particularly in the trade he mentioned, from the Eastern States. Only the odd one would be able to do that. Does the hon. member feel that in cutting their costs to meet the situation, they will put more people off? What will happen is that they will try to adjust their labour force to absorb costs by increasing the proportion of females to males. That is not always good, except in times of emergency. They might also try to make do with fewer employees than they have, whereas otherwise they would retain their staff. The backbone of industrial development in Western Australia for many years will be our small businesses.

The existing schemes have been installed mostly by big firms—they could be placed in the wealthier group with interstate and international connections. They can afford something like that, whereas small local establishments employing from 10 to 15 people cannot do the same.

Mr. Jamieson: What about the local bus people? Some of them run their own schemes.

Mr. COURT: We are not saying that they should not have their own schemes; all I say is that, generally speaking, only the wealthier companies have these schemes.

Amendment put and a division taken with the following result:—

Ayes	12
Noes	18
Majority against	6

Ayes.	
Mr. Ackland	Mr. Oldfield
Mr. Brand	Mr. Owen
Mr. Court	Mr. Roberts
Mr. Crommelin	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. W. Manning	Mr. I. Manning *(Teller.)*

Noes.	
Mr. Andrew	Mr. Kelly
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Moir
Mr. Graham	Mr. Potter
Mr. Hawke	Mr. Rhatigan
Mr. W. Hegney	Mr. Sewell
Mr. Jamieson	Mr. Toms
Mr. Johnson	Mr. O'Brien *(Teller.)*

Pairs.	
Ayes.	Noes.
Mr. Bovell	Mr. May
Mr. Cornell	Mr. Tonkin
Mr. Nalder	Mr. Sewell
Sir Ross McLarty	Mr. Norton
Mr. Hearman	Mr. Nulsen
Mr. Mann	Mr. Rodoreda
Mr. Perkins	Mr. Lapham
Mr. Thorn	Mr. Hall
Mr. Grayden	Mr. Hoar

Amendment thus negatived.

Mr. COURT: I move an amendment—

> That paragraph (b), lines 1 to 10, page 12, be struck out, and the following inserted in lieu:—
>
> (b) Any leave in the nature of long-service leave or payment in lieu thereof granted whether before or after the commencement of this Act to an employee by his employer in respect of any period of employment with the employer shall be taken into account and shall in the case of leave with pay to the extent of the period of such leave, and in the case of payment in lieu thereof to the extent of a period of leave, with pay equivalent to the amount of the payment be deemed to have been leave taken and granted under the provisions of this Act and to be satisfaction to the extent thereof of the entitlement of the employee under this Act.

I think this amendment more satisfactorily expresses the situation that we are desirous of achieving, quite apart from the fact that it brings the matter into line with the national code, which will not impress the Minister. I think it conveys the position more accurately, and it provides that any leave previously granted shall be taken into account in determining the entitlement of an employee under any Act.

The MINISTER FOR LABOUR: I cannot accept this amendment. The clause as drafted by the Parliamentary Draftsman compares very favourably so far as clarity is concerned with that proposed by the member for Nedlands.

Mr. COURT: I do not propose to press it but if the Minister compares the two word for word, I think he will agree it is an improvement on the Bill.

Amendment put and negatived.

Mr. COURT: I move an amendment—

That after the word "Act" in line 10, page 12, the following new paragraphs be inserted:—

(c) An employer shall be entitled to offset against any payment by him into any Long Service Leave Scheme, Superannuation Scheme, Pension Scheme, Retiring Allowance Scheme, Provident Fund or the like, or under any combination thereof operative at the coming into operation of this Act, any liability for payment in respect of leave under this Act.

(b) The entitlement to long service leave hereunder shall be in substitution and satisfaction of any long service leave to which the employee may be entitled in respect of the employment of the employee by the employer.

This is to provide for the offsetting of certain commitments by an employer against any payments by him to employees entitled to long-leave under any Act; and further that any entitlement to long-service leave shall be in satisfaction of any leave to which an employee may be otherwise entitled in respect of his employment. The amendment contained in paragraph (c) allows an employer to offset against any payment by him into any of the schemes outlined, any liability for payment in respect of leave under this Act. Paragraph (d) of my amendment makes certain that the employer shall not be liable twice for any grant of long-service leave. In Victoria, Governments of different colours tried to amend the Act to overcome legal difficulties but they found themselves with court decisions which were contrary to the intention of Parliament. It was done once by a Labour Government and once by a Liberal Government.

This question of offsetting is important because if it is not allowed, we will discourage schemes of benefit to the worker, and discourage negotiation between employer and employee to have schemes with benefits in excess of the statutory requirements. Both of these provisions ensure that an employer is not penalised by the operation of any Act because he has previously instituted a scheme such as superannuation or an actual grant of long-service leave. An employer who has instituted any of the schemes has done so to reward long and faithful service of an employee and it would be wrong for him to have to reward such service twice.

The MINISTER FOR LABOUR: I cannot accept this amendment. An earlier amendment of the Deputy Leader of the Opposition to provide exemption from long-service leave was accepted. This is an all-embracing amendment. There is no reference in the Acts of other States to the exclusion of such a scheme as this. I have here a report from "The West Australian" of the 5th November, and it reads as follows:—

Agreement On Leave

Sydney, Monday: A long-service leave agreement covering 17,000 insurance-company employees throughout Australia was certified in Sydney today by the Full Bench of the Conciliation and Arbitration Commission.

The agreement is the first of its kind in Australia.

It provides for 13 weeks' long-service leave after 20 years' service and is retrospective to January 1, 1935.

The agreement allows no exemptions for employers who have paid superannuation or similar benefits.

We should not be obliged to accept all the code provides. The hon. member says the code is to be adopted generally, but the people I have just referred to do not adopt it.

Mr. COURT: The Minister is trying to read into the Bill before us an agreement between one industry which has made concessions on top of the code. It is not a sound argument. We are trying to have these schemes without being penalised. Some employees prefer superannuation schemes but under the Minister's proposition they will be impracticable; there will be no new ones formed and they cannot get exemption by going before the Secretary for Labour or the court. The employee is fully protected.

The Minister for Labour: It is not in the other Acts.

Mr. COURT: We are trying to pave the way to preserve more sanity in this matter of long-service leave in private industry. Regardless of what the Minister says, his own organisation will move in the other States to bring about this degree of common practice.

Amendment put and negatived.

Mr. COURT: I do not propose to press my next amendment on the notice paper. There is no vital principle involved. Later the clause should be cleaned up for the sake of clarity because at present it would appear the employer has to make an initial approach to the court to prove his

innocence without any claim being made by any employee; or if such claim is made by an employee, without any attempt being made to show that the employer was guilty of dismissing a man for the purpose of evading his long-service leave liability. In its present form, it could create an anomalous situation.

Amendment put and negatived.

Clause put and passed.

Clause 9—Entitlement to long service leave benefits:

Mr. COURT: I move an amendment—

That the figure "(3)" in line 41, page 12, be struck out and the figure "(4)" inserted in lieu.

This is consequential to the amendment to Clause 7 in which the transmittee provision has been changed from Subclause (3) to Subclause (4).

Amendment put and passed.

Mr. COURT: The next amendment in my name is to provide that on the completion by an employee of at least 20 years' continuous employment with his employer, he shall be granted 13 weeks' long-service leave in respect of the first 20 years' employment, and thereafter an additional 6½ weeks' long-service leave on the completion of each additional 10 years of continuous employment with that employer. It was generally agreed that the debate on the previous clause which referred specifically to 20 years would be taken as an indication of the feelings of the Committee on the subject. As that matter has been thoroughly canvassed, no good purpose would be served in going over it again. I shall therefore not move that amendment.

There is also another amendment in my name which goes into more detail about the pro rata provisions of long-service leave. For instance, the conditional provisions after 10 years for pro rata payments in lieu of long service leave, and the provisions for pro rata payment after 15 years. I do not wish to proceed with that in view of the fate of the other amendments.

Clause, as amended, put and passed.

Clause 10—Payment in lieu of long service leave on death of employee:

Mr. COURT: I move an amendment—

That all words after the word "employee" in line 32, page 10, be struck out and the following inserted in lieu:—

> Where an employee dies during his employment and any long service leave to which he is entitled under this Act has not been taken or received in full by the employee the employer shall upon request by the personal representative of the employee pay to that representative the amount due in respect of such leave. The obligation of the employer to such employee in respect of long service leave shall be and shall be deemed to have been satisfied by such payment.

That will more correctly express the situation.

The MINISTER FOR LABOUR: I oppose this amendment. It is taken from the document in the possession of the Deputy Leader of the Opposition. The wording of the clause is quite clear, and it has been taken from the Tasmanian legislation. Since the sense of both the clause and the amendment is the same, there is no reason to overthrow the effort of the parliamentary draftsman.

Amendment put and negatived.

Clause put and passed.

Clause 11—Commencement of long service leave:

Mr. COURT: I move an amendment—

That Subclauses (1), (2) and (3) on pages 15 and 16 be struck out and the following inserted in lieu:—

> (1) Long service leave shall be granted and taken as soon as reasonably practicable after the right thereto accrues due or at such time or times as may be agreed between the employer and employee.
>
> (2) Except where the time for taking leave is agreed to the employer shall give to an employee at least one month's notice of the date from which his leave is to be taken.

These provisions follow the national agreement and provide for leave to be taken as soon as reasonably practicable and allow for an agreement between the employer and the employee. This provision is of great importance in order to make certain that industry in the State is not in any way embarrassed in its efficiency by having to grant leave at a certain time. Further, it does not embarrass an employee in that he will be forced to take his leave at an unsuitable time.

From a study of the Bill it is noticed that a period in excess of one year may be fixed but in these matters it is usually regarded that this would cover the exception and would possibly bring about the taking of leave within one year. Subclause (2) of Clause 11 speaks of a postponement of leave and if this is meant to be a postponement from the time when the needs of the employer's establishment render the taking practicable, then the suggested provision covers the position satisfactorily.

If Subclause (2) of Clause 11 means that leave must be taken within one year of the time it becomes due then the clause is most onerous and would be impracticable in application particularly when the first

group of men who, by reason of their retrospective service, become entitled to leave at the same time. In this matter it has been found that the small employer with, say, less than 12 employees has the greater percentage of men with the longer service. In instances, some of these employers have as many as 75 per cent. of their employees with 20 years of service. It is a peculiarity of the small firms. They have a higher proportion in total who would qualify for service.

The provisions of any long-service leave Act will be most onerous on such employers, but if they are not allowed freedom in fixing the time when such leave will be taken, the dislocation to their business and its effect on the economy would be disastrous. In the proposal put forward there is no risk that an employee will be disadvantaged and we must consider the need for smooth operation and implementation of this Bill. I hope the Minister will accept the amendment.

1 a.m.

The MINISTER FOR LABOUR: This is another amendment which I do not feel disposed to accept. The clause set out in the Bill is taken from the Tasmanian Long-service Leave Act and if members read the clause closely, they will see there is quite an amount of latitude in regard to the taking of leave. I suggest that if there were any difference of opinion as to whether an employee should go on long-service leave owing to the fact that he might create confusion in the firm, the circumstances would be taken into account. The amendment would be all right in some cases, but there would always be a case here and there where an employer could say it was impracticable for an employee to go on leave and the object of the Bill would be defeated. It could be carried on and carried on, and a man could be kept in employment when he should be on leave.

Mr. Court: They cannot go on forever and let it accumulate.

The MINISTER FOR LABOUR: There is nothing in the amendment to pinpoint anything.

Mr. Court: There is in the Bill. If this amendment is accepted, it will not stop the right of appeal.

The MINISTER FOR LABOUR: The Bill does not set down any unreasonable condition, and I do not think we should depart from the clause.

Mr. COURT: The Minister overlooks the initial impact of this leave. Once it is wound up, it will not matter so much. The code has acknowledged certain practicable difficulties and one is this; and they have allowed for "reasonably practicable" as being the test, with certain safeguards. Under this legislation 12 months is the period. It is true that one can go to the Secretary for Labour and ask for relief. Once this is wound up and been in force for five or seven years, I think the 12 months provision would be adequate but the Minister has put forward no alternative—

The Minister for Labour: It is in the Bill.

Mr. COURT: —to assist the transition period. The proposition in the Bill is not to my satisfaction as there is no allowance for tolerance at all.

Mr. CROMMELIN: I think the Minister should give consideration to this amendment especially in regard to certain industries where we come up against the problem of two foremen. These men are hard to replace and where there are two foremen employed who have to go off in a period of 12 months, it is very unlikely that a qualified foreman would be prepared to take the place of another man for 13 weeks. I think the Minister could give consideration to that aspect.

Mr. ROSS HUTCHINSON: I feel that the Minister should be more reasonable in his approach to this amendment. The provision that the Deputy Leader of the Opposition desires to be included is contained in the national agreement, and the national agreement or code is one that has a qualifying period of 20 years. These provisions are meant to go with a 20-year period. Therefore, when the Minister has reduced the period to a 10-year qualifying period, does he not think that these provisions become more essential? I think the Minister could easily give way in this regard.

Mr. MOIR: I think the Opposition is entirely unreasonable in not accepting the provisions of the Bill which certainly allow ample time for the employer and the employee to decide when the leave will be taken. It must be remembered that the Opposition wants a period of 20 years; but, in addition to that, it wants an almost unlimited waiting period before an employee takes leave which has accrued.

Mr. Ross Hutchinson: You are unfair there. This is to cover the initial period.

Mr. MOIR: The Bill provides for one year after the day when the employee becomes entitled to the leave, etc. What more is wanted? The provision in the amendment is a Kathleen Mavourneen one and there could be endless argument over it.

Mr. Ross Hutchinson: Have you no confidence in the employee advocates at the court itself?

Mr. MOIR: I have had a lot of experience of those words and they can be construed to mean almost anything. There is nothing definite in them. The provision in the Bill is quite generous.

Amendment put and a division taken with the following result:—

Ayes	10
Noes	18
Majority against	8

Ayes.

Mr. Brand	Mr. Owen
Mr. Court	Mr. Roberts
Mr. Crommelin	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Oldfield	Mr. I. Manning *(Teller.)*

Noes.

Mr. Andrew	Mr. Johnson
Mr. Brady	Mr. Kelly
Mr. Evans	Mr. Lawrence
Mr. Gaffy	Mr. Marshall
Mr. Graham	Mr. Moir
Mr. Hawke	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Toms
Mr. Jamieson	Mr. O'Brien *(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Bovell	Mr. May
Mr. Cornell	Mr. Tonkin
Mr. Nalder	Mr. Sewell
Sir Ross McLarty	Mr. Nulsen
Mr. Hearman	Mr. Rodoreda
Mr. Mann	Mr. Lapham
Mr. Perkins	Mr. Hall
Mr. Thorn	Mr. Hoar
Mr. Grayden	Mr. Heal
Mr. Ackland	Mr. Sleeman

Amendment thus negatived.

Mr. COURT: I move an amendment—

That Subclause (4), page 16, be struck out and the following inserted in lieu:—

(4) Where the employment of an employee is terminated and he has an entitlement to long-service leave, the employer shall thereupon pay to the employee a sum equivalent to the amount which would have been payable in respect of the period of long-service leave to which the employee would have been entitled if he had taken the same at the time of such termination.

This is giving something away, and is consistent with our policy of sticking to the code whether it means plus or minus. The provision in the Bill would prevent a man from taking other work if his services were terminated until the pro rata leave, for which he had been paid, was cut out. It cannot be seen why an employee who has served in excess of the 15-year period, under the proposed code, and is dismissed by his employer because his services are no longer required, should have to wait for a period of ten weeks before being able to engage in other employment. If he did not take immediate employment, his whole future might be affected.

The proposition we put forward is that such a worker should not be penalised merely to cover a man who resigns after 15 years' service under the provisions of the national agreement in order to obtain money rather than the privilege of leave. Under the Bill, with a 20-year period, and the 15-year automatic provision in it, a person leaving after 15 years' service would not be able to seek employment for over ten weeks.

The argument advanced, which has been conceded by the negotiating bodies, is that after 15 years a person should be entitled to get the money, even if there will be the odd person who abuses the privilege and leaves after 15 years' service merely to get the money.

The MINISTER FOR LABOUR: I do not object to the amendment.

Amendment put and passed.

Mr. COURT: I move an amendment—

That Subclause (5) in lines 18 to 24, page 16, be struck out, and the following inserted in lieu:—

(5) Long-service leave may be granted and taken in one continuous period or if the employee and employer so agree in not more than three separate periods in respect of the first thirteen week's entitlement, and in not more than two separate periods in respect of any subsequent period of entitlement.

For the first period of leave for 13 weeks, by mutual arrangement it could be in three separate amounts instead of in two, as the Bill provides.

The MINISTER FOR LABOUR: The Bill provides that where there is agreement, long-service leave may be taken in two periods, but otherwise it is in one period. I agree that elasticity is necessary.

Amendment put and passed.

Mr. COURT: I move an amendment—

That after the word "affected" in line 10, page 17, a new subclause be inserted as follows:—

(8) (a) Any employer may by agreement with an employee allow long-service leave to such employee before the right thereto has accrued due, but where leave is taken in such a case, the employee shall not become entitled to any further long-service leave in respect of any period until after the expiration of the period in respect of which such long-service leave had been taken before it accrued due.

Amendment put and passed.

Mr. COURT: I move an amendment—

That after new Subclause 8(a) a new paragraph be inserted as follows:—

(b) Where long-service leave has been granted to an employee pursuant to this subsection before the right thereto has accrued due, and the employee subsequently leaves or dies or is discharged from the service of the employer, the employer may deduct from whatever remuneration is payable upon the termination of the employment a proportionate amount on the basis of thirteen weeks for twenty years' employment in respect of any period for which the employee has been granted long-service leave to which he is not at the date of the termination of his employment or prior thereto, entitled.

This will permit the necessary flexibility for an employer to allow an employee to take long-service leave ahead of his strictly statutory qualification. It would be useful if the employer and the employee wished to negotiate where there was the possibility of a stand-down, for instance, and that would be to the advantage of all concerned. If an employee wished to take a trip abroad, for instance, the employer could allow him to anticipate his qualification by two or three years, but if he did not return, it would be reasonable that anything overpaid on account of long-service leave should be deducted from what was owing to him.

The MINISTER FOR LABOUR: I move—

That the amendment be amended by striking out the word "twenty" in line 11 of proposed new paragraph (b) and inserting the word "ten" in lieu.

Mr. Ross Hutchinson: Why not say "for his qualifying employment period"?

The MINISTER FOR LABOUR: That would get away from the code.

Amendment on amendment put and passed.

Amendment, as amended, put and passed.

Clause, as amended, agreed to.

Clause 12—Functions of the Secretary for Labour:

Mr. COURT: There is no object in my asking members to vote against this clause in view of the attitude of the Committee. I had intended to ask them to vote against Clauses 12 to 21 inclusive.

Clause put and passed.

Clauses 13 to 28—agreed to.

Clause 29—Employers bound to keep records of employees:

Mr. COURT: I have an amendment on the notice paper to strike out this clause and substitute another in lieu. The only way to get over it is for me to vote against the clause, and if the clause is struck out I can, at a later stage, insert the following as a new clause:—

Each employer shall during the employment and for a period of 12 months (or in the case of an employee dying during his employment three years) thereafter, keep a record from which can be readily ascertained the name of each employee and his occupation, the date of the commencement of his employment and his entitlement to long-service leave and any leave which may have been granted to him or in respect of which payment may have been made in accordance with this Act.

This clause expresses in a different way from the Bill information which should be kept under the provisions of the Act. A time limit is put on the period during which these records should be kept as distinct from Subclause (1) now standing in the Bill, where presumably records need only be kept of actual employees, and not past employees, unless, of course, it is going to be left for the regulations. It is felt that matters should not be left to regulations but should be fixed by Parliament.

It is felt also that the employer should keep a record but not necessarily at the actual place where his employees are employed, as set out in the Bill, for in a number of instances, employees are transferred from one place to another, and it seems ridiculous that any records should go with the employees themselves. Take the case of a man with his offsider who is sent to Wiluna, or some other outback place, to do an engineering job. The provision in the Bill would create a ludicrous state of affairs, and the person would have breached the Act if the records were not with the employee. It is felt that the records should be kept in the possession of the employer, irrespective of whether the employee should be moved from day to day and from place to place. In other words, there will be a central office at which records will be available for inspection.

The suggestion provides that where an employee leaves for any reason other than death, the records shall be kept for a period of 12 months after such termination, but if the termination is brought about by death during employment, then the records should be kept for a period of three years following such death.

The Minister for Labour: Will you agree to move your clause to take the place of Subclause (1) and leave the machinery for the other two?

Mr. COURT: I do not think it will be necessary. It will be an offence under the Act if they do not conform to this provision. This is compact and covers the whole situation much better than the Bill. If the Minister will agree, I will vote against the clause and introduce this as a new clause.

The MINISTER FOR LABOUR: Certain types of people may be working some distance from the head office of the firm or recognised place of engagement and it might not be practicable to have the records at the exact spot where they are working. I hesitate to take out Subclauses (2) and (3).

Mr. Court: The Minister is overlooking Division 5 in regard to offences where offenders will be more heavily dealt with than ever. I would be prepared to agree to the deletion of the clause as printed and have the amendment inserted later.

Clause put and negatived.

Clause 30—Prohibition of employment during long-service leave:

Mr. COURT: The only way to overcome this is to vote against this clause and if that is agreed to I propose to move for the following to be inserted as a new clause later:—

> Subject to Subsection (2) of this section, no employee shall during any period when he is on long-service leave engage in any employment for hire or reward. If an employee breaches this provision, he shall thereupon forfeit all his current leave rights under this Act and the employer shall be entitled to cancel any further payment in respect of those rights and to reclaim at law any payments already made on account of such period of long-service leave.
>
> (2) This section shall not apply in the case of former employees who have received payment in lieu of termination of their employment in accordance with Section 9 (b) of this Act.

Clause put and negatived.

Clause 31—agreed to.

Clause 32—Powers of Inspectors:

Mr. COURT: I move an amendment—

> That the words "or may enter at any time any premises or place which he has reason to believe any offence against this Act has been committed" in lines 29 to 32, page 25, be struck out.

This relates to rights that are accruing over a long period. It is not as though it is an instaneous act which happened there and then, and therefore there is no necessity for inspectors to enter closed premises during the night. Further, there is no necessity for an inspector to have greater power than the police. The amendment gives substantially the same powers as inspectors have under Section 11 of the Factories and Shops Act.

The MINISTER FOR LABOUR: In actual practice inspectors would not be running around getting into premises at midnight, but it does look rather harsh. This, however, will not detract from the power of inspectors to obtain information they might require.

Mr. Court: We have not moved to delete the first part.

Amendment put and passed.

Mr. COURT: I move an amendment—

> That the words "all or any of" in line 20, page 26, be struck out.

This is a consequential amendment to overcome the disparity between the provisions of this Bill and the Industrial Arbitration Act in respect of board and lodging places.

Amendment put and passed; the clause, as amended, agreed to.

Clause 33—agreed to.

Clause 34—Obstruction of inspectors:

Mr. COURT: I move an amendment—

> That after the word "belief" in line 14, page 27, the words "Provided that no person shall be required to answer any question tending to criminate himself" be inserted.

This proviso is copied from Section 11 (d) of the Factories and Shops Act as were the other provisions of this paragraph. No reason is seen for the deletion of this proviso and concern is felt as to the reason for the omission of these words. In the absence of the proviso, a man could be guilty of an offence if he refused to admit that he was guilty of some offence under the Act. It is a fundamental rule of British justice that the proviso should be included.

The MINISTER FOR LABOUR: I have no objection to the amendment.

Amendment put and passed.

Mr. COURT: I move an amendment—

> That after the word "if" in line 20, page 27, the words "without reasonable cause" be inserted.

The reasons are the same as those advanced in respect of the previous amendment.

Amendment put and passed.

Mr. COURT: I move an amendment—

> That the word "he" in line 22, page 27, be struck out.

Amendment put and passed; the clause, as amended, agreed to.

Clause 35—Offences generally. "This Act" included regulations:

Mr. COURT: I move an amendment—

That the words "or of any determination, judgment, order or direction which is made under this Act and which applies to him" in lines 30 to 32, page 27, be struck out.

If a person is unable to make a payment required of him under the Act, it seems hard that he would thereby commit another offence. If such a person fails to pay, the ordinary processes set out in the Act are available, for instance, under Clauses 24 and 27.

The MINISTER FOR LABOUR: I have no objection to the amendment.

Amendment put and passed; the clause, as amended, agreed to.

Clause 36—Penalties:

Mr. COURT: I move an amendment—

That after the word "of" in line 36, page 37, the words "not more than" be inserted.

The deletion of these words allows a person to be penalised to an extent dependent upon the seriousness of his offence. In some clauses which would be affected by this provision, very minor offences could occur which would not warrant a fixed penalty of £100.

The MINISTER FOR LABOUR: I agree to the amendment.

Amendment put and passed.

Mr. COURT: I move an amendment—

That the words "not less than £50 nor more than" in lines 37 and 38, page 27, be struck out and the words "not more than" inserted in lieu.

The position is that the seriousness of the offence should be taken into account and the punishment fixed accordingly. The matter is in the hands of the court and we are fundamentally opposed to this minimum provision except in extraordinary cases. We do not think this is such a case.

The MINISTER FOR LABOUR: I have no objection to the amendment.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 37 to 39—agreed to.

Clause 40—Representation of parties in proceedings under this Act:

Mr. COURT: I move an amendment—

That after the word "by" in line 22, page 28, the words "his solicitor or by" be inserted.

Solicitors can always appear on the hearing of offences against the Industrial Arbitration Act. This matter is for all practical purposes one of industrial arbitration. It is felt that those words should be added to clarify the position. Other matters arising under the Act could involve questions of law or involve large sums of money, e.g. test cases. Most cases under Clause 40 would be tests cases.

2 a.m.

The MINISTER FOR LABOUR: Usually in Arbitration Court proceedings in ordinary cases parties are represented by their agents. This is not an arbitration measure, but the word "agent" would include solicitors, and I agree that in a measure of this character it is possible there might be a test case. An individual employer or employee might feel he would like to have his case represented by counsel. It is not proposed to restrict solicitors from appearing as such and therefore I have no objection to the amendment.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 41 and 42—agreed to.

New clauses:

Mr. COURT: I move—

That the following be inserted to stand as Clauses 29 and 30:—

29. Each employer shall during the employment and for a period of twelve months (or in the case of an employee dying during his employment three years) thereafter, keep a record from which can be readily ascertained the name of each employee and his occupation, the date of the commencement of his employment and his entitlement to long-service leave and any leave which may have been granted to him or in respect of which payment may have been made in accordance with this Act.

30. (1) Subject to subsection (2) of this section, no employee shall during any period when he is on long service leave engage in any employment for hire or reward. If an employee breaches this provision, he shall thereupon forfeit all his current leave rights under this Act and the employer shall be entitled to cancel any further payment in respect of those rights and to reclaim at law any payments already made on account of such period of long service leave.

(2) This section shall not apply in the case of former employees who have received payment in lieu of leave on termination of their employment in accordance with section nine (b) of this Act.

New clauses put and passed.

Title—agreed to.

Bill reported with amendments.

House adjourned at 2.4 a.m. (Friday).