Noes—22

Mr. Bertram	Mr. Jamieson
Mr. Brady	Mr. Jones
Mr. Brown	Mr. Lapham
Mr. Bryce	Mr. McIver
Mr. Burke	Mr. Moiler
Mr. Cook	Mr. Norton
Mr. H. D. Evans	Mr. Sewell
Mr. T. D. Evans	Mr. Taylor
Mr. Fletcher	Mr. A. R. Tonkin
Mr. Graham	Mr. J. T. Tonkin
Mr. Hartrey	Mr. Harman
	(Teller)

Pairs

Ayes	Noes
Sir David Brand	Mr. Davies
Mr. E. H. M. Lewis	Mr. May
Mr. Grayden	Mr. Bickerton

The CHAIRMAN: The voting being equal, I give my casting vote with the Noes.

Amendment thus negatived.

Clause put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr. Moiler.

SCIENTOLOGY ACT REPEAL BILL

Returned

Bill returned from the Council without amendment.

House adjourned at 2.06 a.m. (Thursday).

Legislative Council

Thursday, the 17th May, 1973

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 11.00 a.m., and read prayers.

LONG SERVICE LEAVE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 9th May.

THE HON. I. G. MEDCALF (Metropolitan) [11.09 a.m.]: Long service leave originated in Western Australia so far as non-Government employees are concerned, not in legislation, but in the industrial relations system under the Industrial Arbitration Act, 1912. On the 1st April, 1958, most of the industrial awards and agreements in Western Australia were amended by consent to provide, for the first time, long service leave for employees generally in this State.

This resulted from negotiations which had been held between the Australian Council of Trade Unions and the national employers, which discussions were directed to establishing a national code in Australia for long service leave.

This was the beginning, the origin, of long service leave; and the 1958 award in Western Australia for both the period of long service leave and the entitlement of persons to long service leave, laid down, as a result of discussion, that after a period of 20 years' continuous service the employee would be entitled to 13 weeks' long service leave.

On the 24th December, 1958, legislation was passed by this Parliament which covered those employees who were not subject to State awards or industrial agreements registered with the Industrial Arbitration Court. That is to say, legislation was passed by this House at the end of 1958 to cover what might be called the nonaward employees, and those who were involved in Federal awards which did not contain long service leave provisions. In other words, the legislation passed by this Parliament was to cover the nonaward people and the Federal award people who did not have the long service leave provisions in their awards.

That situation remained until 1964 when the Commonwealth Conciliation and Arbitration Commission determined that it was proper for it to regulate long service leave in industrial awards. That decision may be found in volume 106 of the Commonwealth Arbitration Commission cases at page 412.

In May, 1964, the Full Bench of the Conciliation and Arbitration Commission determined that Federal awards on long service leave should contain a provision that after 15 years—as distinct from 20 years—employees covered by those awards should have 13 weeks' long service leave; that is after 15 years' continuous service. As a result of that decision by the power and example of persuasion, one might say, State awards were consequently amended and by consent between the employers' and employees' groups—that is, the Employers Federation and the T.L.C.—as from the 1st October, 1964, the new standard was recognised in Western Australia.

The new standard was set out, at the time, in the *Western Australian Industrial Gazette*, Volume 44, at page 606. That was the position in regard to persons covered by State awards.

As a result, the Long Service Leave Act Amendment Bill (No. 2) of 1964 was passed by this Parliament following the precedent set in 1958 which gave the same conditions of long service leave to nonaward personnel—if I may call them that—not covered by State awards and those who were covered by Federal awards but who did not come under long service leave provisions. So, all persons other than those in unions registered under the State Industrial Arbitration Act were thereafter covered, as a result of legislation passed by this Parliament in 1964.

At this stage there was a high degree of uniformity—as there is today—throughout the Commonwealth which resulted from those decisions and the resulting legislation. This high degree of uniformity still results from those decisions, and they

still remain throughout the Commonwealth; even though, different long service leave provisions exist for the Public Service and, as far as I know, have existed for a very long time. I regret to say I do not know the origin of long service leave in the Public Service, but I do know that it has existed for a very long time, and that the conditions have been more favourable than those which have applied to private or non-Government employees.

I believe there is very good reason for more favourable conditions to apply in the Public Service. It is desirable, of course, to encourage people to make their careers in the Public Service. When a young man enters the Public Service the Crown naturally wants to get the best out of him and bring out the best in him. The Crown wants to use that person as long as possible—for life, if possible—and it desires continuity of service. In this respect the Crown is not able to be as flexible as private industry which frequently, for many reasons, has to make changes in arrangements in relation to a particular line of business upon which it is embarking, or the particular work which its employees are performing.

The Government service goes on, and it must go on, and any person who is absolutely, fundamentally, and essentially part of the management of the State should enjoy better conditions of long service leave. I think that must be obvious to members, and there is justification for these special conditions to apply as they have done for many years—long before long service leave ever applied for non-Government employees.

The position existing throughout Australia at the present time—leaving aside Government employees who enjoy more favourable conditions—is as follows: In New South Wales after 15 years' continuous service an employee is entitled to 13 weeks' long service leave, and is entitled to additional periods of long service leave after additional periods of 10 years' service. The position under Federal awards is exactly the same: After 15 years' of continuous service an employee receives 13 weeks' long service leave, and additional periods of long service leave after an additional period of 10 years' service and after each subsequent period of 10 years.

In Victoria an employee receives 13 weeks' long service leave after 15 years' continuous service, and after each additional five years' continuous service he receives 4½ weeks' long service leave. In Queensland, after 15 years' continuous service an employee receives 13 weeks' long service leave. In Tasmania an employee receives 13 weeks' long service leave after 15 years of continuous service, and after each additional 10-year period of service he receives 8⅔ weeks' long service leave.

An Act was passed in South Australia in 1972 which changed the situation in that State employees had been receiving 13 weeks' long service leave after 15 years' continuous service, the same as applied in all the other States, but South Australia changed to 13 weeks' long service leave after a period of 10 years' continuous service, with transitional periods.

The position in Western Australia is the same today as it was in 1964, and it is the same as in all the other States of the Commonwealth with the exception of South Australia.

The Bill now before us contains what I may call, in summary form, three or four major amendments. The first one provides that there will be 13 weeks' long service leave after 10 years' continuous service, and there are associated transition provisions which follow on automatically as a result of the proposed amendment.

Secondly, the Bill widens the definition of "employee" to include virtually all employees, whether or not they come under an award or registered industrial agreement. That is one basic change—that the present Bill proposes to cover all employees, including those who are at present covered by the provisions of the Industrial Arbitration Act.

Thirdly, the Bill takes in subcontractors as employees. It includes subcontractors who enter into a contract for service with an employer. I stress the phrase "contract for service" because that is the term used in industrial circles. A contract for service is different from a contract of service which is entered into by someone working for a wage or salary. The person who receives a specific wage is performing services under a contract of service, whereas in the trade a contract for service refers to a person who has contracted to do a job or perform services for a specific price—in other words, a contractor, as we generally know him. Contractors or subcontractors are now included in the definition of "employee" provided they come within the ambit of the definition.

Fourthly, the Bill extends the benefits of long service leave to persons who come within the provisions of the "Sick Leave Act, 1973", and to persons who are entitled to receive workers' compensation. Those are two significant departures. Previously, personnel on workers' compensation have not been included in the long service leave provisions on the basis that once a person goes onto workers' compensation he goes onto a separate system of compensation altogether, and as someone else must be employed in his place he is no longer the immediate responsibility of the employer. He is covered by workers' compensation insurance and any other benefits which are available to him through the processes of the law.

It is proposed in the Bill to include persons who are entitled to workers' compensation payments for a specific period as being eligible for long service leave, and

to include persons who are receiving benefits under the "Sick Leave Act, 1973". We must obtain our information about the "Sick Leave Act, 1973," from public sources because no such Act is in existence as yet but it is obviously intended that such an Act will be passed and the persons covered by it will come within the scope of the long service leave provisions.

In a summary form, those are the main contents of the Bill so far as the amendments to the existing law are concerned. They fall into the four areas I have mentioned.

In approaching the problem of long service leave or any other industrial problems we find that employees and employers are vast and often indefinable groups because they do not all come within specific categories. Not all employers are members of the Employers Federation and not all employees are members of unions. Not all unions are registered in the same place. Some are registered under the Industrial Arbitration Act of the State, some under the Commonwealth Conciliation and Arbitration Act, and some are not registered at all. Some are in the process of changing from one to the other and some are arguing about whether they should or should not be registered. So it is difficult to define exactly where the vast armies of employees and employers are.

However, there are certainly fairly well defined ways of obtaining some coherence in industrial relations in this very difficult and involved area. It is made quite clear under the Industrial Arbitration Act that unions are required to be registered, and unions include associations of employers. In Western Australia we have clearly defined bodies which are quite capable of negotiating between themselves on behalf of respective groups of employers and employees. It is true they do not represent everybody in industry but they do represent the bulk of people—certainly the bulk of people who are members of trade unions or industrial associations of employers.

These groups, as is well known, comprise the Western Australian Employers Federation Inc. and the Trades and Labor Council of Western Australia. Those are the two bodies which talk and are qualified to talk to one another and to the public on behalf of employers and employees respectively. It is reasonable and proper for employers and employees, through their respective organisations, to have talks about industrial problems and matters. That is the fundamental and logical approach which I believe should be adopted in most industrial disputes.

If there is an industrial dispute or an industrial matter as defined in the Industrial Arbitration Act—which includes any number of things affecting employers and employees—requiring to be aired and discussed, I believe the proper, normal, and logical approach is for the respective members of the employers' and employees' groups to get together and talk about it because it is only in that way that problems can be ironed out.

I was delighted to read in this morning's or yesterday's paper—because of the late hours we are sitting I am not sure which day it was—a statement by Mr. Polites, the Federal Executive Director of the Australian Council of Employers Federations, that he believes in talking, and he frequently has talks with Mr. Hawke and gets on with him on a very friendly basis. That is good news and it proves my first point—that the basic and logical approach in industrial matters is direct negotiation between employers and employees by getting together and talking about their problems, before they go to the court, to see if they can sort out their differences between themselves.

The Hon. R. Thompson: I believe we also have similar arrangements in Western Australia.

The Hon. I. G. MEDCALF: I believe we have, and I am pleased about that. So the first approach to any industrial matter—including long service leave, which is an industrial matter within the jurisdiction of the Industrial Commission under the provisions of the Industrial Arbitration Act—is to settle a dispute by negotiation.

The second line of approach if negotiations break down or there is some problem which has to be resolved because after or during negotiation it appears some matters require a determination by a court, is to go to the industrial tribunals which are set up under the Industrial Arbitration Act. The chief commissioner and four other commissioners form the commission in court session.

That commission was appointed under the 1963 amendments to the Industrial Arbitration Act and has functioned ever since. Therefore, the second and obvious method of approach when there is an industrial problem—and here I am referring specifically to long service leave—is to go to the Industrial Commission and have an award made.

There is a third method of approach to the problem of long service leave or, indeed, to any other industrial problem; and that is by political action; in other words, by obtaining the passage through Parliament of an Act of Parliament which carries out the wishes of either group as a result of political action by prevailing upon the Government of the day to pass legislation.

These are the three methods of approach: by direct negotiation between employers and employees; by an award of the Industrial Commission; or by political action.

It is quite clear that the method of negotiation and the method of having an award made merge together, because negotiation leads to an award. We have already seen that. We have seen that in 1958 there was negotiation and a consent award was made by the court. In fact, the same thing happened in 1964. So negotiation and awards automatically merge.

The method of political action, however, has been used more frequently in other States than in this State. In fact, it was used in New South Wales and Queensland for some time when there were Labor Governments in those States. In New South Wales, as the Minister indicated in his speech, long service leave was actually introduced by action of the New South Wales Labor Government of the day, and in Queensland various uses of political action have occurred regarding several industrial matters. Recently we have seen the use of political action in South Australia where the Labor Government of that State passed the Long Service Leave Act of 1972, which reduced the term for qualification for long service leave.

We have not had very much of this action in Western Australia. In fact, for some years there was an arrangement between the Trades and Labor Council and the Employers Federation that any change in certain areas would be made only by a joint representation of the T.L.C. and the Employers Federation. Those areas were—

Long service leave.

Annual leave.

Public holidays.

Sick leave.

Apprenticeship rates.

Any change in these areas was to be accomplished only by agreement, which was to affect all awards, at a hearing called by both parties, collectively, of the Industrial Court; in other words, by joint action they would jointly promote the hearing. That does not necessarily mean they had to agree to all the details beforehand, but they would jointly move to have determined by the Industrial Court any matter which came within the five sensitive areas which I have quoted.

However, the T.L.C. opted out of this arrangement a year or two ago. I do not know why it did so; perhaps it felt the time had come when it could make use of the political method to which I have referred to achieve new long service leave provisions. There is some basic logic in these three approaches of negotiation, court award, or political action. The basic logic which underlies these approaches is, firstly, that agreements made between employers' and employees' bodies who represent the majorities of those groups are likely to be generally acceptable to the people they represent. So if the T.L.C. and the Employers Federation make an agreement they know they will have the authority to persuade their recalcitrant members to accept the arrangement they make, and they make the agreement as independent bargaining parties who are, one might say, bargaining across the table but bearing in mind their relative positions in the industry.

The employers do not want to lose their place in the industry; they do not want to lose their business or their trade. On the other hand the employees want to obtain the best conditions available, which is quite natural and reasonable, and they also do not want to prejudice their jobs. In this atmosphere of mutual bargaining, bearing in mind the economy and the responsibility which both groups have to the economy—and I think they must be deemed to be responsible groups or they would not hold the position they do—I believe they are in a position basically and logically to come to some reasonable arrangement which suits both of them.

So there is a basic logic about negotiations and there is, of course, a basic logic about going to the court on points of difference, because they have an arbitrator who has been appointed to settle their differences. When I say "arbitrator" I am referring to the whole court system under the Industrial Arbitration Act and not a specific arbitrator.

If one of the groups can have an Act of Parliament passed it does not have to worry about negotiations, because if an Act is passed which says that the qualifying period for long service leave is reduced it means that becomes part of the law of the country and must be obeyed by all citizens of the country, including the employers' groups and anybody else who may be affected.

Therefore an Act of Parliament is a big stick which may be used irrespective of the rights and wrongs of the particular issue and irrespective of the economics of an industry; because such an Act of Parliament is simply an Act passed by Parliament upon considerations placed before Parliament which are not necessarily based on the economics of the particular industry or the ability or bargaining power of the various parties. Such an Act is also used irrespective of other claims or concessions which may have been made by the Industrial Commission and which may have been granted in the light of a certain arrangement regarding long service leave. It must be obvious that when the Industrial Commission makes an award of a general nature it must take into account all the factors which affect a particular industry, and long service leave is one of those factors.

One cannot help asking just how moral is it to use an Act of Parliament in those circumstances? At any rate this method was used in New South Wales and Queensland where there were Labor Governments for many years, perhaps forgetting that Governments can change; and if it is

moral for a Labor Government to use that method I suppose it is moral for an anti-Labor Government also to use it. When Governments change, of course, policy often changes, and we are discussing a situation in which it is difficult to moralise. However, one must reach the inescapable conclusion that by using legislation for this purpose a big stick is being used.

The effect of this Bill will be to take the matter of long service leave out of the hands of the Industrial Commission, which is competent and able to deal with it; because at present long service leave is governed by awards of that commission so far as award employees are concerned.

Therefore we are taking out of the hands of the Industrial Commission the power to adjudicate on long service leave, because we will be dictating to that commission what the long service leave conditions will be. I must most firmly state that I do not believe in taking industrial matters out of the hands of industrial tribunals. I can only speak for my views, and I do not doubt they will differ from those of the members of the Labor Party; but I believe that industrial tribunals were created to decide industrial matters; to decide questions between employers and employees and to attempt to resolve disputes and give justice to both employers and employees in a very difficult area.

Members of industrial tribunals, at any rate in this State, are highly qualified by their training and experience, and I believe they should decide questions such as long service leave.

Our Industrial Commission comprises a chief commissioner and four commissioners, as I have already mentioned, all of whom are highly qualified by training and experience in the various areas of industrial law; indeed, the chief commissioner was a former magistrate and a man of high reputation.

I do not believe that Parliament is the best place to decide industrial matters. One may ask—and perhaps this may be turned against me—"How qualified are members of Parliament to decide industrial matters or, indeed, how qualified are they to determine any matters?" But I do ask: How qualified are members of Parliament to determine industrial matters which really constitute a deeply technical area?

When we examine industrial law, the ramifications of industrial awards, and the Industrial Arbitration Act we do find ourselves in a very technical area which requires a great deal of study to understand.

I believe that few members of Parliament are skilled in industrial relations, although I do subscribe to the fact that Parliament does have jurisdiction in this matter—I hope you were not thinking, Sir, that I was suggesting Parliament is not competent or does not have this jurisdiction. We are a sovereign body in spite of what the Commonwealth Government is attempting to say to the contrary.

Parliamentarians are subjected to political pressures which have no justification in an economic or social sense. We all know about political pressures. We are subjected to political pressures from constituents, from pressure groups, and very often from small minorities which are able to twist a member's tail, or cause that member a great deal of embarrassment in public activities and in Parliament.

I would not like it thought that I am raising any objection to long service leave on economic grounds, or in any other economic sense. I do not profess to be an economist; I leave economic matters to be determined by those skilled in such determination.

But how can we justify setting up an Industrial Commission and then pass legislation telling that commission what it should do? We have had an Industrial Court in this State since 1912; since the early days of unionism in the State.

In 1912 an Act was passed and we had what was then called the Industrial Arbitration Court, which since then has been amended and modified to suit the times; and consequently we now have an Industrial Commission.

We have had industrial legislation here since the early days of Government in this State. If we pass legislation telling the Industrial Commission what it should do, this will be contrary to principle. Why should we have industrial tribunals if we are to take away their functions? Where is the sense in this?

It is time, I believe, that we realise that we must decide what method we are going to use. Are we going to use the method of industrial arbitration which we have at the moment? Are we going to use the method we have already set up and which has operated so well, and which over a long period of time has given employees many benefits?

I said a moment ago I had no objection to long service leave on economic grounds. I do not know about economic grounds. I do not say the country cannot afford benefits other than long service leave. I do not know what the situation is in this respect; but I do believe it is the industrial tribunal or the employers and the T.L.C. which should decide these matters by negotiation and award. I do not believe it is truly or properly the province of Parliament to do so.

Parliament must make the laws which govern industrial actions. Parliament has passed the laws to create an Industrial Commission and to provide the code for industrial action. Is Parliament then to step in and give judgment to the very

court it has set up for this purpose? It would be quite illogical for Parliament to do so as, I am sure, members will agree.

There may be excuses for legislation where some flagrant wrong exists; where something has really gone wrong; where some court is not doing its job, or where there is some area which necessitates Parliament stepping in.

In such a case there may well be an excuse for Parliament to step in and pass legislation in order to right the specific wrong. There may be occasions where Parliament should step in and use its sovereign powers; sovereign powers which, of course, Parliament possesses.

But where there has been no pressure for a variation of long service leave awards, is this an occasion for Parliament to step in? Only the other day we heard the Leader of the Opposition ask how many applications had been made in the last five years for variations of long service leave awards. The answer in summary form was "one".

If there has been only one application made in the last five years for a variation in the long service leave awards, it does not seem to me there are very great pressures in the community which necessitate Parliament stepping in. I am not saying that the qualification period should not be reduced. It is quite possible that it should be reduced. I do not know. I am merely saying that there is no indication of a flagrant wrong being done to the community which necessitates Parliament having to step in and give judgment to the court which it has created by its own Act.

I believe in long service leave, and my party believes in long service leave. I supported the principle of 13 weeks' long service leave after 20 years, as did my party. I also support the principle of 13 weeks after 15 years, as does my party. I support long service leave for the Public Service and for other spheres of activity which are not affected by this Bill—I refer to teachers and other groups which are not included in this measure. I believe in the principle of long service leave.

But I believe that a decision in respect of long service leave should be made by the persons primarily concerned—the Employers Federation and the Trades and Labor Council, or the Industrial Commission; or by all three.

If an agreement between these groups brought in a different basis for long service leave tomorrow—if they reduced the term tomorrow—I would certainly not oppose it. I would not consider it within my province to do so.

It must be made transparently clear that we do not oppose the principle of long service leave and never have done, but we believe this is the province of the employers, the employees, and the industrial tribunal.

I propose therefore to move to amend this Bill by deleting the references where they occur to matters which will affect existing industrial awards or agreements or which are in conflict with existing industrial practices or concepts. I intend to do so in order to vindicate the principle that these matters are properly matters for industrial arbitration.

In addition, I will move to amend the Bill so as to provide an automatic flow-on of benefits to employees not presently covered by industrial agreements and awards. When any amendments are made to industrial agreements or awards by consent of employers and employees or by judgment of the Industrial Commission, it will not be necessary for employees to wait for legislation as was the case in the past. In both 1958 and 1964 employees not covered by awards had to wait for legislation to be passed by Parliament to bring them into line with the awards handed down by the commission. My amendment will mean that employees not covered by awards will automatically receive the flow-on of any benefits and entitlements which are agreed as being proper benefits between those who are covered by awards after agreement by employees and employers or judgment of the Industrial Commission. I propose to place those amendments on the notice paper. In other respects I support the Bill.

THE HON. R. T. LEESON (South-East) [11.52 a.m.]: I consider the Bill to be significantly important to thousands of people in the State and I daresay that thousands will be eagerly watching the results of this legislation as it progresses through both Houses.

I do not think there is any doubt that long service leave over the years has proved beneficial to both employers and employees. I doubt whether any employer would like 10 men to work for one year each for a period of 10 years instead of one man to work for 10 years for the benefits which would accrue under the system. Consequently employers over the years have realised that long service leave is of great benefit to both themselves and their employees.

As Mr. Medcalf said, in 1958 the employers and employees in other States got together and consented to long service leave after 20 years' work. This agreement flowed on to Western Australia and was ratified by the State commission. Again in 1964 the same thing occurred. After negotiations and consent agreements in the Eastern States the Western Australian employers and employees got together and a consent award was ratified by the commission. Up to that stage the commission itself had never heard a case in court session so that it had neither

agreed nor disagreed to it. All it had done was ratify agreements between both parties.

The Hon. G. C. MacKinnon: You are not suggesting that was a bad thing are you?

The Hon. R. T. LEESON: Definitely not. I am making a point that up to that time the commission itself was not strong enough to get on its two feet and decide whether or not it should grant long service leave to employees in Western Australia.

The Hon. G. C. MacKinnon: It had not heard a case. It hears a consent agreement. This surely is conciliation at its best. This is what you have been talking about and what you wanted.

The Hon. R. T. LEESON: This is true, but there was no opposition from either party. The commission was more or less a rubber stamp.

The Hon. G. C. MacKinnon: It is not a rubber stamp. That is conciliation at its best.

The Hon. A. F. Griffith: What do you think an ordinary court of law does when the parties agree to something?

The Hon. R. T. LEESON: We have the position at the moment where various unions attempt to negotiate with employers in relation to long service leave and various other matters. It is common sense to say that the strong unions get a lot more than the weaker unions. This has been occurring now for years with, for instance, the metal trades unions. When negotiations take place the benefits are gained by consent whereas the weaker unions get nothing except through legislation.

The Hon. A. F. Griffith: How do you define a strong union as against a weak union?

The Hon. R. T. LEESON: I could answer that by comparing the amalgamated union of metal workers with the Boot Trade of Western Australia Union of Workers.

The Hon. A. F. Griffith: How would you define it?

The Hon. R. T. LEESON: How would the Leader of the Opposition define it?

The Hon. A. F. Griffith: You are making the speech.

The Hon. D. K. Dans: You would describe a successful business or businessman as being aggressive while a successful union would be described by the Opposition as being militant.

The Hon. G. C. MacKinnon: You will have Mr. Coleman growling at you. You know it is the T.L.C. that does the negotiating and not the individual unions.

The Hon. D. K. Dans: I have not been in negotiations with the T.L.C.

The Hon. R. T. LEESON: Members know full well that not all unions are affiliated with the T.L.C.

The Hon. G. C. MacKinnon: As Mr. Medcalf explained the T.L.C. negotiates for them and on their behalf and the act is the flow-on.

The Hon. J. Dolan: You do not have to speak for Mr. Medcalf.

The Hon. D. K. Dans: There was no T.L.C. in 1958.

The Hon. G. C. MacKinnon: There was a similar organisation with a different name.

The Hon. A. F. Griffith: We know the history of the formation of the T.L.C., and I bet you do, too, Mr. Dans.

The Hon. R. T. LEESON: Some unions are negotiating with employers for various benefits and the majority of employers are not members of the Employers Federation. These particular employers belong to other bodies, and sometimes we tend to confuse the issue. The Employers Federation does not speak for all employers and so the T.L.C. does not speak for all employees. It is anticipated that in the near future some of the mining companies in the north-west will agree by consent to 13 weeks' long service leave after 10 years.

The Hon. G. C. MacKinnon: Fair enough.

The Hon. R. T. LEESON: Those employers are not members of the Employers Federation.

The Hon. A. F. Griffith: So what?

The Hon. R. T. LEESON: It has a lot to do with it, and the Leader of the Opposition knows this.

The Hon. A. F. Griffith: How was the agreement achieved with the iron ore companies in respect of long service leave? No answer!

The Hon. R. T. LEESON: The situation is that we must consider whether we will allow the strong people to receive the benefits while the weak people battle along and receive nothing. Under the legislation before us at least uniformity will be achieved throughout the industry. This is one of the big problems at the moment.

The Hon. W. R. Withers: Which industry?

The Hon. R. T. LEESON: All industry. At the moment some people in the metropolitan area view the awards and agreements in the north-west with some envy because those awards provide benefits which possibly people down here would not gain for 20 years. I agree that the workers in the north deserve the conditions which they have obtained.

The Hon. A. F. Griffith: How did they get them?

The Hon. R. T. LEESON: They certainly did not obtain them from the Employers Federation, because they are not members of that federation.

The Hon. A. F. Griffith: How did they get them?

The Hon. R. T. LEESON: They obtained them by consent.

The Hon. W. R. Withers: By conciliation!

The Hon. R. T. LEESON: This is true.

The Hon. D. K. Dans: The word "consent" covers a multitude of sins.

The Hon. A. F. Griffith: They obtained them by arrangement, of course.

The Hon. R. T. LEESON: Mr. Medcalf raised another point in relation to workers who were on workers' compensation or sick leave. This time is deducted from the time necessary to serve in order to receive 13 weeks' leave after 15 years' service. Many companies in Western Australia disregard this. This has been happening for some time. I know of a number of instances at the moment where companies do not consider a man should be required to catch up the time he is away on workers' compensation or sick leave before he is entitled to long service leave. Of course there are always others who do not go along with this principle.

The measure is a sincere attempt to give the workers of Western Australia something to which I believe they are justly entitled. Only two years ago I came off the workshop floor into Parliament and I have certainly found a big difference between the two jobs. I refer especially to the time I now have for what I could call recreational purposes because in Kalgoorlie I worked for seven days a week, sometimes 12 hours a day. I find I do not work as long in this job.

The Hon. W. R. Withers: You have an easy electorate.

The Hon. J. Dolan: You are lucky.

The Hon. R. T. LEESON: Possibly I am lucky. I am not talking about going out and sowing wheat or selling boomerangs—or anything of that nature. I am talking about the actual job.

The Hon. A. F. Griffith: As a member of Parliament you are always on the job.

The Hon. R. H. C. Stubbs: I second that.

The Hon. R. T. LEESON: I support the measure.

THE HON. D. K. DANS (South Metropolitan) [12.03 p.m.]: I naturally support the Bill. I do not intend to canvass what I refer to as the "parliamentary syndrome" as to who works the hardest. If one seeks election to Parliament, and is elected, it becomes part and parcel of the job.

The argument advanced by Mr. Medcalf was only to be expected. I would have been disappointed had he advanced any other point of view than the one he did. The point of view put forward by him has been advanced on many occasions indeed. It simply boils down to this—

The Hon. W. R. Withers: Pure logic?

The Hon. D. K. DANS: —Does Parliament accept its responsibility to give a lead to the community in this very vexed question of long service leave?

The Hon. G. C. MacKinnon: One in five years.

The Hon. D. J. Wordsworth: What indications are there that long service leave is such a vexed problem?

The Hon. D. K. DANS: If Mr. Wordsworth is patient, he may learn something.

The Hon. J. Dolan: You would need to be a better teacher than we are.

The Hon. D. K. DANS: Alternatively, is long service leave to be granted by consent after a series of actions?

The history of long service leave is one of granting it by Statute and, in history, its birthplace was New South Wales which, indeed, was the birthplace of the 40-hour week by legislation as well as a whole host of other social benefits to the people of this country.

As recently in time as 1963 the New South Wales Act was varied by an Act of Parliament. For many years indeed the rest of the Commonwealth of Australia has looked to New South Wales for a lead in these matters. By listening to the Minister's speech it now appears to me that South Australia has taken up that role. That State has gone ahead and legislated for long service leave after 10 years' service.

Until 1964—and even 1964 is not quite as cut and dried as Mr. Medcalf said, although I realise he was not trying to mislead the House—there had been a whole history of arbitral tribunals consistently refusing to grant long service leave as a subject for an approach to a court.

It was only after a particular State passed legislation to grant it that, in some cases, the court has stamped it—to answer Mr. Griffith—as is normal legal procedure after these matters have been consented to.

The Hon. A. F. Griffith: Of course it is.

The Hon. D. K. DANS: There are many problems in going along with a mass application to the court. This applies particularly to Western Australia where the art of procrastination on the part of the Employers Federation is known all over the Commonwealth.

The Hon. G. C. MacKinnon: That is a sweeping statement.

The Hon. D. K. DANS: I am making it and I will stand by it. All over the Commonwealth, people who are on the other side of the fence from me recognise this fact. This makes it a long and painful experience for people in Western Australia to approach the commission here and obtain consent.

The alternatives are quite clear. The first is to accept the responsibility of giving some leadership to the community by carrying this Bill. The second is to go through all the painful processes which I have found over a number of years is the practice in this State before consent is obtained.

It would be very good indeed if I could accept what Mr. Medcalf said—and I was quite happy with what he said. It would be marvellous if I could walk out of the Chamber today and say that Mr. Medcalf has made a statement which presupposes that the people concerned can go to the Employers Federation tomorrow along with the Trades and Labor Council and any other interested organisations to commence negotiations so that they may go before the Industrial Commission of this State and obtain consent to their request for long service leave conditions.

What does it really mean? Does it mean that we must wait until similar legislation moves painfully through Victoria, painfully through New South Wales, painfully through Queensland, and painfully, perhaps, through Tasmania? This is our general experience. Must we wait for all these States to give a lead before we reach a similar situation in this State?

It is an inescapable fact of life that it is a question of intervention. I notice in this morning's *The West Australian* that Mr. George Polites, a highly respected man, touches the kernel of the matter as to how to go about these things.

We must expect and accept that along with technological processes there must come social progress. I am not suggesting that any member in this Chamber does not believe in that.

It is the responsibility of this Parliament and the responsibility of a whole host of other groups to give the lead and make the laws. Parliament has the responsibility, if it so needs, to adjust the Criminal Code. With a stroke of its pen, Federal Parliament can adjust the industrial court. The State Parliament can adjust the conditions of the Industrial Commission, and yet it proceeds to say that it will do nothing at all about long service leave.

I will give a short account of the history of long service leave, and I will quote briefly from what was considered to be a test case in Australia. This was in 1959 and it is contained in the *Commonwealth Arbitration Reports*, Volume 92, at page 566. The tribunal on this occasion was composed of Mr. Chief Justice Kirby, Mr. Justice Wright, and Mr. Justice Gallagher. Without denigrating the other members of the tribunal, I believe generally that the late Mr. Justice Wright was considered to be the best legally qualified person amongst the members of the Commonwealth arbitration court.

I had some experience in relation to a consent long service leave agreement brought before Mr. Justice Wright. On this occasion he sat as a full commission and chaired the negotiations. I might also add, as well as chairing them, he added the full stops and dotted the i's when otherwise the advocates for the parties might have erred.

This was known as the Graphic Arts (*re* Long Service Leave) case. It was the first contested case of its type brought to the arbitration court. I quote from the judgment as follows—

> Accordingly, and because this is the first contested case to come before it on this subject, the Commission feels that it cannot avoid regarding it as in some respects a test case, or directing its attention to the question whether long service leave should be included as a general provision in federal awards, except with the consent of parties, or in circumstances deemed to be special or exceptional.

To some extent Mr. Medcalf traversed this ground. Unfortunately I was absent from the Chamber for a few minutes, as I would have liked to hear all his comments. To continue—

> Long service leave was for a long time a benefit enjoyed almost exclusively by public servants in the Civil Services. It originated in statute law and not by industrial awards. With the passage of time it was extended to employees of quasi-governmental authorities such as, in the State of New South Wales, the Metropolitan Water Sewerage and Drainage Board, the Board of Fire Commissioners, municipal and shire councils; to those in public utilities conducted by private enterprise, such as motor omnibus drivers and conductors; and to certain others such as hospital nurses. In these cases it was, generally speaking, granted by industrial award rather than by statute. However, the awards were made mainly by consent, and it appears to have been the practice of industrial authorities, Federal as well as State, not to grant long service leave in cases in which the claim was contested. That this was the position in the federal jurisdiction in 1942 is to be gathered from the remarks of Piper *J.*, in the *Federated Gas Employees Industrial Union and The Australian Gas Light Co. and others.* His Honour said:
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> "This Court for many reasons does not as a general rule grant by its awards long service leave in manufacturing industries, and therefore does

not apply the principle that long service with one employer merits any particular concession".

I do not want to weary the Chamber, but I believe we are dodging our responsibility if we do not grapple with the problem by legislation. The pertinent point is that long service leave was granted by Statute law in the first place. In 1963 the Long Service Leave Act was varied by the Parliament of New South Wales. In 1972 the South Australian Parliament took up where New South Wales left off. It goes without saying that every other State in the Commonwealth will follow the prescription laid down by South Australia in one form or another.

The moot point we are discussing here is whether Parliament has the right to legislate—and I do not use the term "direct" because that is not true—that people in the State of Western Australia shall enjoy increased long service leave benefits along with the technological progress we are making from day to day. It is as simple as that. If I could be assured —and I know no-one in this Chamber today can give this assurance—that negotiations could take place almost simultaneously with the Employers Federation and agreement could be reached in the very near future, I would not argue. However, the experience of the trade unions in this State does not lead us to that conclusion.

We are led to the inescapable conclusion that before we even get into the starter's hands, every other State in the Commonwealth will enjoy the benefits which are now being bestowed on the people of South Australia. I do not use the word "worker" or "trade unionist" because this Bill goes far beyond such definitions.

I refer again to the judgment in the Graphic Arts case, because I believe this point is pertinent. In part it reads—

> . . . the Full Bench of the Commonwealth Court of Conciliation and Arbitration stated in relation to long service leave that "it is here pointed out that such a general principle has not been adopted by this Court". This pronouncement was made in 1953, some two years later than the point of time when by statute long service leave was made applicable to employees in New South Wales working under State awards. *(Federated Engine Drivers and Firemen's Association v. Adelaide Brick Company and others.)*
>
> State industrial authorities were also not disposed to make general provision for long service leave. Taking the State of New South Wales as an example, it was in 1948 "unusual to find any provision for long service leave in awards for industry generally". (per De Baun *J.*, in *In re-Undertakers (State) Conciliation Committee)*.

I suppose that was a rather good award to be looking at in relation to long service leave.

The Hon. J. Dolan: They must be dead before they are buried!

The Hon. D. K. DANS: To continue—

> See also *Long Service Leave in N.S.W.* by Mr. J. C. Moore (as he then was) and Mr. Vernon Watson.
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> In the face of the refusal, reluctance or hesitancy of industrial authorities, Federal as well as State, about granting the benefit it is not surprising that there was considerable pressure for the introduction of State legislation (the National Parliament was, and is, not constitutionally empowered to legislate directly) and each of the States has now in one form or another made or purported to make provision for long service leave. Further, in the light of the clarification of the law afforded by the judgments in *Charles Marshall Pty. Ltd.* v. *Collins*, first by the High Court and later by the Privy Council it emerged that long service leave created by State legislation is applicable to employees working under Federal awards—

And I believe Mr. Medcalf already referred to that. To continue—

> —which do not provide in respect of such leave, as well as to persons who work under State awards or are award free. State Parliaments have legislated accordingly.

The judgment is fairly long, and any member is welcome to read it.

I will not labour the point. This illustrates the hesitancy of State tribunals and the inability of the Federal Government to legislate. It does not matter whether legislation is passed in one State or all States, the signal will be given and the lead will be followed.

One can only conclude from this that if no State saw fit to vary long service leave conditions by Statute it would become stagnant, because the *status quo* would prevail. I suggest that one of the reasons we are discussing this Bill here today is that South Australia carried on where New South Wales left off which resulted in that State introducing legislation to provide long service leave to its workers under reasonable conditions.

The question that now remains unanswered is how long do the people in this State wait to receive the same benefits that are enjoyed by the workers of South Australia? If this House of Review would take upon itself the responsibility of legislating for the provision of long service leave in this State it would take steps to ensure the expeditious passing of such legislation. Expressing the position in another way; if we follow the easy method we will take only, say, a short five minutes

to pass this legislation, but if we follow the difficult method we will probably take four years, or 44 years, as the case may be, to place this legislation on the Statute book.

The Hon. Clive Griffiths: We are deciding it now.

The Hon. D. K. DANS: I do not share the honourable member's enthusiasm and perhaps I should sit down immediately, because no-one can tell me how long the passing of this legislation will take. The amendments proposed by Mr. Medcalf and the arguments advanced by him are possibly sound if applied to a single industry. In any case, they will certainly have the effect of falling into line with the policy of the Employers Federation; that is, a policy of procrastination with continual industrial disputation, because undoubtedly that has been proved to be the history of the policy of that federation up until the present time.

I will not challenge Mr. Medcalf on this point, but are we to continue to make laws in this Chamber for all manner of things in the State that affect the lives of many more people than would be affected by this Bill and, at the same time, dodge our responsibilities in making provision for long service leave conditions which will be applied to all the people in the State and which will eventually be put into effect? Let us make no mistake about that! The conditions relating to long service leave that have been granted by legislation in South Australia to the workers in that State will eventually be applied to the workers in this State. What we are really debating is when they will be applied. As I have said, we should take expeditious steps to ensure that they are applied as soon as possible so that we may instil some confidence in, and create national unity among, our people.

The alternative is that we should follow the same path that has been followed in the past on so many occasions and which has resulted in industrial disputes, arguments, and name-calling. This is the position that will prevail for the next two or three years unless we ensure the passing of this legislation in the very near future.

The measure is a simple one which seeks to bestow some additional benefits relating to long service leave on the workers of this State. Let me remind the members of this House that long service leave means exactly what it implies; that is, a worker labours for an employer for a lengthy period of time and is then entitled to enjoy some long service leave for his endeavours. We are not dealing with fly-by-night workers, but loyal servants. Are we to deny those workers the benefits of taking leave breaks; the benefits of our increasing standard of living? Are we to carry out our real role as legislators? We have had the situation presented to us and if we act now we will bestow this benefit on the workers quickly, efficiently, and without any disruption of the economy. Furthermore the passing of the legislation would make the execution of the duties performed by members of the Industrial Commission so much easier. It has been demonstrated time and time again that when the court is obliged to make a decision on consent agreements it takes its lead from the legislation passed in the Parliaments of the Commonwealth.

When I say that I do not include the Parliament of Western Australia, because our experience in recent years has shown that this Parliament has not set the lead in such matters. Therefore, would it not be a new experience for this Parliament to say, "O.K., we have a precedent set by New South Wales, and in view of various happenings in Queensland we will now take steps to ensure that we will be second to South Australia; that is, by legislation we will bestow conditions relating to long service leave on the workers of this State."

In my view if we were to dodge this issue we would be shirking our responsibility. If we really believe in industrial peace and a united community, and if we want people to have confidence in our parliamentary institutions—and it is about time we took steps to ensure that the people have confidence in them—we should take a long hard look at our responsibilities in regard to the granting of long service leave to workers.

I do not disagree with the contention put forward by Mr. Medcalf that there are pressure groups in the community, but I have found that on occasions one individual can exert more pressure than any group. Also, on occasions perhaps pressure groups do reflect the feeling of the community; I do not know, they may. I can recall the former Premier of Victoria (Sir Henry Bolte) saying, "I would not give two bob for pressure groups." I do not know whether he really meant what he said, because I do not know what Governments would do if they did not take some notice of pressure groups.

Let me return to the point that we have a measure before us which will either be passed by us expeditiously so that the benefits to be enjoyed by workers will be conferred upon them within a short space of time, or, instead, we will continue to go through the old tortuous process of delaying the legislation by maintaining that it is something that will greatly affect the economy of the country. I agree with Mr. Medcalf. I do not know what effect this legislation will have on the economy. However, I can recall a judge saying, "I am not really here to decide that."

If we are to take notice of what Mr. Heitman has said we will be singling out individuals in the community. However, we are not dealing with unions alone. We cannot continue to take notice of the old

union syndrome. We are dealing with those people covered by awards and those who are not covered by awards.

The Hon. G. C. MacKinnon: In short, you are dealing with all people except politicians.

The Hon. D. K. DANS: We are dealing with a specific situation that has always been initiated by Statute. I commend the Bill to the House.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [12.29 p.m.]: I had no desire to speak on the Bill at this particular stage, but I felt I must in view of the several points that have been raised during debate. Mr. Medcalf outlined very clearly and at great length the history of long service leave in Australia. He pointed out to us exactly how consent agreements had been applied in 1958 and 1964 and I have no desire to traverse that area again.

Mr. Dans indicated that he agreed with Mr. Medcalf's appraisal of the situation in general. Some of the things said by Mr. Dans need to be questioned. He asked when will the members of this Parliament accept their responsibility as legislators and take steps to implement long service leave conditions as presented in the Bill.

The Hon. D. K. Dans: What I said was why should this Bill be any different from other legislation which has been passed.

The Hon. CLIVE GRIFFITHS: I would answer that by saying this Parliament took steps a long time ago to introduce the provisions to enable that to be done, with the passage of the industrial arbitration legislation many years ago. At that time the steps were taken by the legislators of this State to extend any alteration to the long service leave provisions.

The Hon. D. K. Dans: I pointed out that they had not taken that up.

The Hon. CLIVE GRIFFITHS: Let us see what the situation is. Mr. A. F. Griffith asked a question as to how many times in the last five years approaches had been made to the Industrial Commission for alterations to be made to the long service leave conditions which applied in Western Australia. The answer was that one approach had been made. These are the facts of the matter.

The Hon. D. K. Dans: Do not state the facts. These are sticky things to be tangled with.

The Hon. CLIVE GRIFFITHS: In his answer the Minister said that in the last five years only one approach had been made to the Industrial Commission. What the Bill is seeking to do is to override the legislation which this Parliament passed some years ago.

The Hon. D. K. Dans: Nothing of the sort.

The Hon. A. F. Griffith: The fact is that the answer given by the Minister was boosted with a lot of information which I had not asked for.

The Hon. CLIVE GRIFFITHS: That is correct.

The Hon. A. F. Griffith: We know the way in which questions can be answered by the Minister.

The Hon. J. Dolan: You yourself know full well how to answer questions!

The Hon. CLIVE GRIFFITHS: When the others have finished their private discussion I want to make reference to the tortuous process mentioned by Mr. Dans. He said that we have a choice of either taking the steps provided under this Bill or the tortuous process involved at present. The tortuous process consisted of consent industrial agreements in 1958 and in 1964, which were put into effect within a short period after changes had been made in the Eastern States. That is the tortuous process to which he was referring. Invariably consent industrial agreements were reached, so his use of the term "tortuous process" can only be taken as an attempt on his part to camouflage the position. For that reason I discount his description of the process.

Mr. Medcalf went to great lengths to make the point that the political party which we represent is not opposed to long service leave. Indeed, we support that principle. I do not have to go over that again; I merely remind members of the point that has been made. We as a party are completely in favour of the granting of long service leave to all employees.

Mr. Dans said it was about time we gave a lead to the community, and by passing the Bill this Parliament would be giving such a lead. I suggest the passing of this Bill will not give a lead; it will give a firm and a definite direction.

The Hon. D. K. Dans: I said give a lead to the Commonwealth.

The Hon. CLIVE GRIFFITHS: The honourable member said we would give a lead to the community.

The Hon. D. K. Dans: I shall read in *Hansard* what I did say. You have a fantastic way of describing these matters.

The Hon. CLIVE GRIFFITHS: It is not a lead; it is a complete and utter direction, because nobody will be excluded if the Bill is passed.

The Hon. R. Thompson: Should anyone be left out?

The Hon. CLIVE GRIFFITHS: No, but why should Mr. Dans contend that it gives a lead? I say it is a direction.

The Hon. D. K. Dans: What you are now saying is that you are opposed to giving the people the immediate benefit.

The Hon. CLIVE GRIFFITHS: That is not the situation at all.

The Hon. J. Heitman: And Mr. Dans knows that.

The Hon. CLIVE GRIFFITHS: The honourable member knows full well that is not the situation.

The Hon. D. K. Dans: What is the situation?

The Hon. CLIVE GRIFFITHS: If the honourable member does not know he ought to, from the amendment foreshadowed by Mr. Medcalf. That amendment will indeed give a lead to the community because it provides that so far as we are concerned, after a determination of the Industrial Commission or on a consent industrial agreement, the workers not covered by the awards will also receive the benefit without the matter having to be brought back to Parliament. That is a lead. We believe in the granting of long service leave; we believe in this principle to such an extent that we are prepared to agree that should there be any alteration the benefit therefrom should flow automatically to the workers not covered by the awards.

The Hon. D. K. Dans: You are giving an undertaking that the Employers Federation will commence negotiations, but it cannot do that.

Point of Order

The Hon. A. F. GRIFFITH: On a point of order, I am having the greatest difficulty in hearing what Mr. Clive Griffiths is saying, because of the interjections of Mr. Dans.

The Hon. D. K. Dans: You have rescued him again.

The PRESIDENT: Order!

Debate Resumed

The Hon. CLIVE GRIFFITHS: I do not need any rescuing. When one is attempting to speak it is disconcerting to hear Mr. Dans interjecting, because he has the ability to say three or four words to every one of mine. It is like competing with a machine gun.

The Hon. A. F. Griffith: And 10 times louder!

The Hon. J. Dolan: Who is interjecting now?

The Hon. A. F. Griffith: Look who is talking? The Minister is the greatest interjector in the House.

The Hon. CLIVE GRIFFITHS: I cannot give any such undertaking, and Mr. Dans knows that. I cannot give an undertaking on behalf of the Employers Federation, just as the honourable member cannot give an undertaking that the Trades and Labor Council or any other body associated with the trade unions will do the same thing. I would not take anything that the honourable member has said to imply that he meant that. He knows very well that I cannot give an undertaking on behalf of the Employers Federation; and certainly I am not endeavouring to convey the impression that I can. Unless an approach is made to the Employers Federation it is only supposition on the part of Mr. Dans what its answer would be.

The Hon. A. F. Griffith: That is a point well taken.

The Hon. CLIVE GRIFFITHS: An approach has not been made, so Mr. Dans can scream as loud as he likes. No approach has been made, and until one has been made he certainly has no right to suggest that something or other will be the result. This is purely supposition.

If an industrial agreement has not been reached, I am absolutely sure that when the Industrial Commission is considering the case and is asked to make an adjudication at least both sides will place before it all the facts relating to the case.

The commission would then make a decision based on many things, but amongst those things would be the economics of the situation. I am not saying whether or not, currently, economics would permit us to pay long service leave as provided in the Bill. But that is the very point; it is because we are not in a position to know this and the Minister, in his introductory speech certainly did not give us any indication that he knew. The Industrial Commission would seek those facts. A decision would have to be based on those facts, and quite rightly so.

Many requests by unions in the past have been granted because the Industrial Commission has agreed with those requests, and considered them to be fair and reasonable.

I support the Industrial Commission in its decisions. If it decides that employees ought to receive long service leave after 10 years' service, I certainly will not be opposed to that principle. However, machinery is already set up for the commission to put that into effect.

The Hon. D. K. Dans: When was the last time that occurred?

The Hon. CLIVE GRIFFITHS: It occurred in 1964, when an agreement reached between two parties was ratified.

The Hon. D. K. Dans: But did they arbitrate?

The Hon. CLIVE GRIFFITHS: They did not have to arbitrate.

The Hon. G. C. MacKinnon: They performed the arbitrary function of the court.

The Hon. CLIVE GRIFFITHS: The parties went to the Industrial Commission and put their case. They requested that the agreement be ratified, and it was ratified.

The Hon. A. F. Griffith: We produced the 1964 Bill as a result of that.

The Hon. CLIVE GRIFFITHS: Of course, and Mr. Dans knows that.

The Hon. A. F. Griffith: I do not know that he does.

The Hon. CLIVE GRIFFITHS: There are some other aspects of this Bill about which I want to speak more extensively, and I will have that opportunity later. I particularly want to refer to the definition of "employee". I cannot think of a more absurd situation than that which will occur if we accept the interpretation of "employee", and I will have more to say on that definition during the Committee stage.

THE HON. G. C. MacKINNON (Lower West) [12.43 p.m.]: I really decided to say a few words about this Bill after listening to Mr. Dans. Mr. Dans takes a particular legislative action and by a process of extension states that the system should last forever. Historically, Mr. Dans is perfectly right in that most industrial laws are commenced by the legislative authority of the Government in whatever country that Government happens to be. However, in most countries it was found that certain courts and certain systems needed to be set up, and in some cases they were set up by legislation—as Mr. Dans is fully aware—and in some cases they grew with the development of the union movement, as defined in the Arbitration Court; that is, the associations of the employers or the employees.

Every country does not have a system of legally established courts, and the like. But once a court is established—or its function is established—it is reasonable that decisions should be left to it. I am quite sure that Mr. Dans is aware of that policy.

Sitting suspended from 12.45 to 2.15 p.m.

The Hon. G. C. MacKINNON: Just before the luncheon suspension I had started to speak about one major point, but I was speaking with one eye on the clock, as we frequently do at that time, so for the sake of continuity I will disregard what I said then.

I would particularly like to congratulate Mr. Medcalf on his coverage of the Bill. I think he made an exemplary speech and explained the Bill admirably—so much so that there was virtually nothing much to add, had one or two other comments not been made which I thought were misleading. To my mind the second reading debate has stuck to principles, and discussion of details has been left to a later stage.

Prior to the luncheon suspension I mentioned my very sharp disagreement with the attitude of Mr. Dans. He pointed out, quite rightly, that many industrial matters had been covered in the first instance by legislation. That is historically true, even as regards laws dealing with hours of work and quite a number of similar details. But over the years different systems taking care of many of the details have been evolved in various countries. In this State —we are not discussing the Federal system but the State system—the system is one of arbitration and conciliation under the commissioners who are charged with the responsibility for making long service leave provisions, among other responsibilities.

I think it is wrong for a party which is in power to instruct the commissioners along one particular line, just as it is wrong for a political party to instruct a judge in a criminal court or a magistrate dealing with a civil action. These industrial matters have been deputed to a commission.

If the Labor Party believes the system is wrong, one simple question is: Why is the Federal leader of that party setting up so many commissions, statutory bodies, and committees to carry out various functions? It is not the practice of Parliament to set up a statutory authority and then continue to instruct it as it carries out its day-to-day activities. The danger of political interference is, of course, that it is always likely to be one-sided.

The particular question before us involves, in the main, two groups who work in a peculiar love-hate relationship, I suppose. Neither can do without the other, yet there are points of conflict. I speak of the employers—management—and the labour force. Neither can do without the other and a system has been devised for resolving their differences. The system has served us well. It requires goodwill—sometimes it gets it and sometimes it does not—and there is no argument from the parties when the commissioners bring down a decision. Mr. Medcalf has made it abundantly clear that there is no argument about the principle of long service leave and other decisions the commissioners make.

The two groups of whom I spoke jointly constitute a third group which has a vital interest; that is, the community at large, which ultimately pays for everything. The community constitutes the buying public, without whom neither of those groups individually can operate.

It is quite useless for industry to produce goods and for management to employ labour if management and labour, as they jointly constitute the community, do not purchase what is produced. That is an over-simplification of the matter, because someone could well say that industry could export the goods. However, I am referring to our community and disregarding complexities.

So we have a very complicated situation, as Mr. Medcalf pointed out, which requires a complex system of law that has been built up by a competent authority. I refer to the Industrial Commission.

I wish to mention another matter which refers to a statement made in another place by a gentleman who should have known better. That gentleman referred to the court in session as being a rubber stamp. I received the impression from the comments of Mr. Leeson and Mr. Dans that they thought the commission is not doing its job unless it argues a case and brings down an arbitrary decision.

The Hon. D. K. Dans: I did not say that.

The Hon. G. C. MacKINNON: Mr. President, you will recall I was extremely careful not to attribute any specific remarks to the honourable member. I said I received that impression.

The Hon. R. F. Claughton: You must be careful about impressions.

The Hon. G. C. MacKINNON: I do not need to be careful about impressions; the people trying to communicate with me must be careful that they do not give impressions. As I said, I received that impression loud and clear; yet I also have a distinct impression that we will hear a number of speeches in the near future about the value of conciliation, and the desirability of consent agreements and settlements out of court. I used the phrase "settlements out of court" specifically for the benefit of Mr. Leeson. If a settlement is made out of court that does not make a court of justice any less a court of justice.

The Hon. D. K. Dans: I do not quarrel with any of the things you have said. What I would like to hear, because you are starting to convince me, is how if no consent could be reached you could take an application for long service leave to the State courts and have a decision made which applies to everyone?

The Hon. G. C. MacKINNON: I think that is a valuable interjection because this is what the State system of arbitration is all about. We will discuss that matter when a subsequent Bill which, I am sure you, Sir, would not like me to refer to at the moment, reaches this Chamber. However, we have an authority which can make a decision when no agreement can be reached.

The Hon. D. K. Dans: One industry at a time.

The Hon. G. C. MacKINNON: As Mr. Dans has interjected, it can be done one industry at a time; but it is also competent for that court, having made such a decision, to contact those in authority and ask them to present their case and thus apply the decision across the board. Indeed, in the consent agreement an across-the-board decision was made.

It is a pity that only one Labor member who has a distinct memory of the 1958 debate on this matter is still in this House; and that is Mr. Willesee. It is interesting to note how quickly things change in this Chamber. If members care to look at a division taken in the 1958 debate they will find that the Labor members at that time included Mr. Bennetts, Dr. Davies—Mr. Ron Thompson would remember him because he took his place—

The Hon. R. Thompson: No, I took Mr. Fraser's place.

The Hon. G. C. MacKINNON: Is that so? Other Labor members were Mr. W. R. Hall, Mr. Heenan, Mrs. Hutchison, Mr. Jeffery, Mr. Lavery, Mr. Strickland, Mr. Wise, Mr. Teahan, Mr. Fraser, Mr. Garrigan, and Mr. Willesee. In the short intervening period all of those members, with the exception of Mr. Willesee, have either passed on or retired from this House. That is an interesting exercise in history because it shows how situations change rapidly in a short period.

That brings me to the final point I would like to make regarding a statement made by Mr. Dans that as natural history changes rapidly so, of course, does economic history change. In this age of rapid technological change, I find it impossible to dispute with Mr. Dans the fact that the conditions applying to long service leave will change and within a short space of time we may find ourselves in the same situation as that introduced by legislation in South Australia. There is no reason to disbelieve that.

However, the point made by Mr. Medcalf clearly, concisely, convincingly, and with absolute logic was that these changes should be left in the hands of the people we have authorised to make the decisions, or should be left to be handled under the system which already exists whereby such decisions can—as they have in the past—be made by consent or agreement and ratified and made binding by the Industrial Commission. I intend, as does my colleague who took the lead in this debate, to support the second reading of the Bill.

THE HON. L. D. ELLIOTT (North-East Metropolitan) [2.29 p.m.]: I have found the debate today most interesting because I have learned something. It has been an interesting lesson in politics. I really must hand it to the Opposition because, on the one hand members opposite say they are not opposed to long service leave after 10 years' service. They say they cannot see anything wrong with that because they know it is a popular move which the majority of people in the community support. Therefore it would be most unwise for them to stand up and say they do not support it.

Whilst members of the Opposition say they are not opposed to the measure, at the same time they will not support it

because they contend these matters should be left to the Industrial Commission to handle. They do that instead of being honest and saying, "Based on this thinking we will throw the Bill out at the second reading stage."

The Hon. A. F. Griffith: Would you like us to do that?

The Hon. L. D. ELLIOTT: Would the Leader of the Opposition like to do that?

The Hon. A. F. Griffith: I asked whether you would like us to do that.

The Hon. L. D. ELLIOTT: I think it would be more honest to do that than to place on the notice paper so many amendments—

The Hon. A. F. Griffith: Are you suggesting we are dishonest?

The Hon. L. D. ELLIOTT: —that completely destroy the important principles set out in the Bill. It would be much more honest for the Opposition to say, "We do not believe in these principles and will throw the Bill out." It does not suit the Opposition to say that, because it knows that the community in general supports the provisions of the Bill.

As I pointed out previously, I have really learnt something today; that is, how on the one hand one is able to destroy a measure, while on the other hand one is able to say he supports it. The main line of argument against the Bill is that it should be left to the Industrial Commission to establish improved standards for long service leave.

If the Opposition really believes that, why did it introduce the amending legislation of 1963 to deprive the Industrial Commission of the right to deal with some very important matters which are set out in section 61 (2) of the Act? The Act as amended in 1963 contained provisions which deprived the Industrial Commission of the right to deal with certain very important matters affecting industrial relations—matters which are likely to cause industrial disputation. The Opposition has said that it will not allow the Industrial Commission to handle these matters.

I now want to refer to what the then Minister for Labour (Mr. Wild) said when he introduced the second reading of the Industrial Arbitration Act Amendment Bill (No. 2) of 1963. His comments are to be found on page 2020 of *Hansard* of that year. He said—

> It is the view of the Government that this is a matter which should be regulated by the economic requirements of the industry; or by public demand; or, if some particular evil exists, by the Parliament.

The Hon. A. F. Griffith: What Bill are you referring to?

The Hon. L. D. ELLIOTT: the Industrial Arbitration Act Amendment Bill of 1963.

The Hon. A. F. Griffith: The Bill before us relates to long service leave.

The Hon. R. F. Claughton: Miss Elliott is relating what she is saying to the Bill before us.

The Hon. L. D. ELLIOTT: I am pointing out that when it suits the Opposition it takes away certain powers from the Industrial Commission.

The Hon. G. C. MacKinnon: What specifically are those powers?

The Hon. L. D. ELLIOTT: I could read out the relevant sections in the Act. I emphasise what the then Minister for Labour said in 1963. Furthermore, in 1966 Parliament took away from the Industrial Commission power that it had had since 1926; that was the power to declare a basic wage. Parliament at that time decided that from then onwards the basic wage would be determined by the Commonwealth Arbitration Commission.

The Hon. G. C. MacKinnon: We transferred the power from one court to another.

The Hon. L. D. ELLIOTT: Another point made in this debate is that the commissioners are highly qualified people, and that matters of this sort should be left to them to determine. I submit that the Government has available to it very expert advice in respect of both industrial relations and economic matters, and those advisers are quite capable of presenting information to support well-thought-out policies.

Mr. Medcalf questioned whether parliamentarians had the qualifications to deal with highly technical industrial matters. I am sure he said that with his tongue in his cheek. Surely there are much more complicated matters than those which are dealt with by parliamentarians.

Mr. Medcalf raised the question of the morality of legislating for new and improved standards. There is plenty of precedent for that. In this connection I would like to quote from a book by J. T. Lang, entitled *I Remember*. On page 162 of that publication he had this to say—

> In 1925 my Government had its chance to establish the 44-hour week. I decided that instead of beating about the bush by passing the buck to the Arbitration Court, the question of hours was entirely a matter for the Government.
>
> We thereupon introduced the 44-hour week by Act of Parliament. We had all the old arguments used against us. We were told that we would bankrupt the State. There were predictions that industries would move to Victoria—in those days South Australia was not in the picture. We were told that we would destroy production.

> But once Parliament enacted the 44-Hour Act, no Government was prepared to repeal it. The eight-hour day principle was at last firmly established.

I suggest what the author said answers the point made by Mr. Medcalf.

It is just as moral for Labor Governments to introduce issues which support its policies, as it is for anti-Labor Governments to introduce measures which perhaps are not in favour of the working class. But I say that no anti-Labor Government would dare to reduce the standards that have been set down by the Labor Party in respect of leave, workers' compensation, and other matters.

I want to make one final point; this matter was contained in the Labor Party policy for the last election. I feel that our Government has a mandate to introduce the Bill. In that policy speech we promised to legislate for the same long service leave conditions which are applicable to the wage employees of the State Government to be made applicable to all employees. That is the very standard that has been laid down in the Bill.

For the reasons I have given I wholeheartedly support the Bill.

THE HON. L. A. LOGAN (Upper West) [2.40 p.m.]: Acting as an arbitrator and listening to the debates from the other two parties in this House—and after listening very intently to them—I declare Mr. Medcalf winner by half a head.

The Hon. Clive Griffiths: By a long head!

The Hon. L. A. LOGAN: I also listened intently to the introductory speech by the Minister when he emphasised the fact that because the South Australian Government adopted the principle involved in this Bill we should follow suit. Surely he is not trying to tell us that we should follow everything that the South Australian Government does. In fact, I think there would be some occasions when he would not like to follow what is done by the South Australian Government.

The Hon. J. Dolan: That cuts both ways.

The Hon. L. A. LOGAN: So I do not consider what the Minister said to be the basis of an argument. I will refer back to the 1958 legislation introduced by the late Harry Strickland. His remarks appear at page 1406 of *Hansard*, 1958, and when Mr. Strickland introduced the Long Service Leave Bill he said—

> The object of the Bill is to enable the granting of long service leave to those employees who at present are not entitled to such leave under awards and industrial agreements of the Federal and State arbitration authorities, or under special Government long service leave conditions.

He went on to say—

> The Bill embodies to a major degree, and wherever practicable, the wording contained in Award No. 55 of 1958, which was a consent document filed in the State Arbitration Court and approved by the court on the 1st April, 1958.

That same principle, of course, was followed in the 1964 legislation. There was no reason why those people who were not covered by industrial agreements or awards should not receive the same benefit as those who were covered.

Mr. Leeson tried to imply that some union workers were covered by industrial awards, but were not receiving long service leave. He did not say who these people are, and I do not think he can name them.

The Hon. R. Thompson: I can name plenty of them.

The Hon. D. K. Dans: May I ask the honourable member if I was supposed to have said that?

The Hon. R. Thompson: No, the honourable member referred to Mr. Leeson.

The Hon. L. A. LOGAN: The legislation introduced in 1964 covered all those who were not previously covered by industrial awards or agreements so any person who is not able to obtain long service leave would have to accept that it was his own fault.

The Hon. A. F. Griffith: The honourable member is speaking about the 1964 legislation?

The Hon. L. A. LOGAN: The first Bill was introduced in 1958, and the 1964 measure contained exactly the same principle.

The Hon. A. F. Griffith: That is right, and the Bill was accepted in this House by the Labor Party as being one it thought it could accept.

The Hon. L. A. LOGAN: The 1958 legislation was introduced by the late Harry Strickland, and nobody voted against the principle contained in the Bill, or against the second reading. There were a few divisions during the Committee stage and if I remember rightly I voted with the Labor Party on one clause and against that party on another clause—as has been my wont since I have been in this House.

The Bill now before us departs from the principle contained in the 1958 and 1964 measures. I do not intend to take issue with the Labor Party, or the Minister who introduced the Bill concerning his point of view, as long as he respects that we also have a point of view. Because our different points of view clash there is no reason for anybody to get upset.

Mr. Dans did contradict himself when speaking. First of all, he said there was no reason why this Bill cannot go through because it would not affect the economy of the country.

The Hon. D. K. Dans: No, I did not say that.

The Hon. L. A. LOGAN: He then said he was not an economist so he did not know what it would cost the country. I know he made those statements because my colleague immediately commented on the contradiction.

The Hon. D. K. Dans: It seems that everyone listens to me.

The Hon. L. A. LOGAN: The honourable member said he could see no reason why the Bill could not go through because it would not affect the economy, and then he said that he was not an economist and he did not know what it would cost the country.

I think that surely more than the economy of the country has to be considered. Surely in circumstances such as this the employer who is responsible for the employees, and who faces the cost of management when it comes to the economics of his business, should have some right or opportunity to put his point of view. Because this Bill has been presented to Parliament the employer has not had an opportunity to present his point of view except through his parliamentary representative which, in my opinion, in circumstances such as this is not good enough.

The Hon. R. Thompson: There is the Employers Federation.

The Hon. L. A. LOGAN: There is the Employers Federation and also the T.L.C., However, the T.L.C. does not represent all the unions.

The Hon. R. Thompson: That is right.

The Hon. L. A. LOGAN: It is also true that the Employers Federation does not represent all the employers. We all know that. However, if employers have an opportunity to go to arbitration they can put their views regarding how a particular case will affect them and their businesses. Surely that is the right manner to deal with industrial matters. That is the right of the employers.

If this Bill is passed in its present form the employers will be denied their rights. I would also point out to the Minister that we may be out of order in mentioning these matters when speaking to this Bill because we find that clause 6 deals with a Bill which has not been presented to us yet. I suggest the Minister should examine the clause because I am certain this Bill will not be able to have its third reading until the other matter is cleared up.

Quite a lot has been said in regard to pressure but it is not my intention to talk about that at this stage. However, I will have something to say when the arbitration Bill comes before us, and I will speak in no uncertain terms.

In the meantime, I believe that those concerned in matters such as this—whether on one side of the House or on the other—should have the right to argue their particular cases in the industrial court. With those remarks I support the second reading of the Bill.

THE HON. R. THOMPSON (South Metropolitan) [2.48 p.m.]: I take it that Mr. Medcalf is the official spokesman for the Liberal Party when he addresses himself to this Bill.

The Hon. A. F. Griffith: Do not come at that one; I have heard it before.

The Hon. R. THOMPSON: I listened with great interest to what Mr. Medcalf had to say.

The Hon. A. F. Griffith: Let us put the matter in order; Mr. Medcalf spoke on his own behalf.

The PRESIDENT: Order!

The Hon. R. THOMPSON: I listened to the summary of the Long Service Leave Act from its inception to its present stage, and I think Mr. Medcalf did a creditable job.

The Hon. A. F. Griffith: Very good.

The Hon. R. THOMPSON: I think that in simple words he explained all that could be said regarding the Act, and he did an excellent job in that respect. After listening to what Mr. Medcalf had to say I thought he believed there was some merit in the Bill because he said—as many other speakers have said—that he is not opposed to the principle of long service leave. However, we then heard Mr. Medcalf in the closing stages of his speech say that he intended to move some amendments to the Bill.

Mr. Medcalf said he would place his amendments on the notice paper. I approached him privately and asked him whether he would have these circulated, because I was most anxious to see them; and at this stage I am prepared to carry on and deal with them if necessary.

The proposed amendments show the complete insincerity of the speech that has been made by the honourable member. Let us see what will be left of the Bill if the members of the Liberal Party follow the intention expressed by Mr. Medcalf. Part of clause 6 will be left in the Bill. This defines the period when a worker can be absent. The new clause 8A of the amendment will prevent a Bill of this nature ever coming before Parliament again. Under the proposed new clause 9 such matters would have to be dealt with by agreement.

The Hon. G. C. MacKinnon: You are quite wrong.

The Hon. R. THOMPSON: I will make my own speech.

The Hon. G. C. MacKinnon: This actually demonstrates the complete sincerity of a principle.

The Hon. R. THOMPSON: It may demonstrate the complete sincerity of a Liberal Party principle, but I am afraid that neither I nor the workers of Western Australia subscribe to such a principle.

The Hon. G. C. MacKinnon: You did in 1954 and 1958.

The Hon. R. THOMPSON: Mr. Medcalf proposes to leave in parts of clauses 10 and 11 which deal with appeals against the decision of the Board of Reference. What will be left of the Bill can be described as a kipper—all ribs but no guts. It will be a Bill with a framework, with nothing in it. There will be no benefits whatever for the workers.

Year after year we have been told that we should wait until some other State does something and then follow suit. For years we have fought and argued to have the Workers' Compensation Act updated to bring it into line with the New South Wales Act. But we were told that Victoria did not have it and because Victoria had the worst Workers' Compensation Act we could not follow the provisions of the New South Wales Act and so bring our own Act up to the requisite standard.

The whole position is not good enough. Mention has been made in the past about Western Australia being a State on the move. At the present time we are a boom State; we have 3,450 people who are registered for unemployment benefits in Western Australia. A number of these people live in remote areas and, as we all know, in any community there is a section of what can be termed unemployable people. So in the final analysis we will possibly have about 1,000 genuine unemployed people in Western Australia.

There is a shortage of labour in Western Australia and in the near future we will experience boom conditions. When the finding was given in the national wage case it was pointed out—and the employers did not disagree—that the Australian economy could afford the increase that was being granted. I say that the Western Australian economy can afford to extend these benefits to the workers of the State.

For years South Australia has been criticised for having the highest unemployment figures. At the last election in that State the Labor Party in its policy speech said what it would do in this direction if it were returned and, as we all know, the Labor Party in South Australia was returned with the greatest majority it had ever received. In his policy speech 2½ years ago the Premier (Mr. J. T. Tonkin) when speaking about long service leave said—

> Workers in private employment do not enjoy the same conditions as workers in the employ of Government. It is desirable that the former should be employed under conditions not less favourable than the latter. Labor will ask Parliament to legislate to remove the difference.

Accordingly it is quite clear that we have a mandate to do just this. Let nobody have any doubt about that. If members analyse the voting figures I quoted a couple of weeks ago they will see that we have a clear mandate to introduce this legislation. In his policy speech the Premier spelt out that we would equalise the long service leave benefits of Government and non-Government employees.

In spite of this we hear glossy speeches made by members opposite who seek to indulge in subterfuge and wish to introduce amendments which will cut the guts out of the Bill! This is exactly what the amendments will do. The attitude of members opposite is a disgrace and I would challenge the members of the Liberal Party to show their honesty and sincerity; let them not play around with the legislation; let them have the courage to say they do not agree with it and vote it out on the second reading. They may still do that. If they do not accept my suggestion they will not be dinkum, because as it is they propose to leave nothing in the Bill which will benefit the workers of Western Australia.

The Hon. G. C. MacKinnon: We are leaving a flow-on.

The Hon. R. THOMPSON: The minor provisions that would be left would be virtually inoperative. If the amendments proposed are carried they will do great discredit to the Liberal Party; they will certainly not do its members any credit. I do not propose to accept the amendments. By its actions the Liberal Party has shown clearly that it is anti-worker.

The Hon. G. C. MacKinnon: That is not true.

The Hon. R. T. Leeson: It is true.

The Hon. R. THOMPSON: Members of the Liberal Party are anti-worker. We hear a great deal from members opposite while they are on the hustings at election time, but when they have an opportunity to place non-Government workers on a par with Government workers, in so far as leave conditions are concerned they propose to shirk their responsibility.

The Hon. A. F. Griffith: Your speech reminds me of the speech you made in 1963.

The Hon. R. THOMPSON: I know the Leader of the Opposition finds my speech hurtful, because everything I say is true. The Leader of the Opposition has an opportunity to demonstrate that he is not anti-worker. Let him show his good faith and provide some benefits for the workers of Western Australia, whether they be blue-collar workers or white-collar workers; let him provide the same conditions for non-Government employees as those

enjoyed by Government employees. I am disgusted with the attitude of members of the Opposition, and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. R. Thompson (Minister for Community Welfare) in charge of the Bill.

Clause 1 and 2 put and passed.

Clause 3: Long title amended—

The Hon. I. G. MEDCALF: I ask members to vote against this clause because if we adopt the amendment to the long title we will be granting long service leave to all employees, including those already covered by awards. I have already said this is not my idea of the proper course to take. We should restrict the legislation so that the right to grant long service leave is preserved in the arbitration system.

The Hon. R. THOMPSON: You will realise, Mr. Chairman, that I oppose not only this proposition, but every proposed amendment. This is for the good reason that someone must have the courage to legislate for long service leave for all workers. If members vote against the clause, automatically every other proposed amendment must be passed.

I would ask members to consider that one other State has already agreed, through conciliation, that 13 weeks' long service leave shall be granted after 10 years' continuous employment.

Some strong unions have almost a monopoly of membership in an industry. I refer to a union with which I am familiar, the Waterside Workers' Federation. I am sure Mr. Dans will agree that the same situation applies with regard to the Seamen's Union of Australia. These unions are strong and can negotiate for improvements applicable to their industry. Someone may correct me if I am wrong, but I believe that the workers in the iron-ore industry have just about reached finality in discussions on this problem.

The Hon. A. F. Griffith: Through what process?

The Hon. R. THOMPSON: Through conciliation.

The Hon. A. F. Griffith: That is right.

The Hon. G. C. MacKinnon: That is all we want you to do now.

The Hon. R. THOMPSON: Strong powerful unions can do this, but what about people not covered by industrial awards? In answer to Mr Logan, I can say that thousands of workers in Australia are not covered by industrial awards. People in my province come to me with industrial problems, and particularly those connected with workers' compensation. The first question I ask in these cases is, "To what union do you belong?" I am frequently told that they are not covered by a union.

Two people came to me last Saturday, both of whom I feel are entitled to heavy awards for workers' compensation. However, they are not represented by a union, as they work in an industry which assembles aluminium window and door frames. I will give the honourable member the names of these people if he so desires.

The Hon. D. J. Wordsworth: Do you feel such people should get the same benefits as members of strong unions?

The Hon. R. THOMPSON: These people are not covered by a union. Why should they be denied these benefits?

The Hon. D. J. Wordsworth: Do you feel they are being denied something?

The Hon. R. THOMPSON: Yes. A strong union can conciliate and negotiate for long service leave. Members of such unions may not be better or more faithful workers than the two people who visited me.

The Hon. A. F. Griffith: You should sit down and let someone explain the Bill to you.

The Hon. D. J. Wordsworth: It pays to read the Bill and the amendments if you are going to take part in the debate.

The Hon. R. THOMPSON: I have read the Bill. It is strange that the only query raised in relation to the second reading speech was that put forward by Mr. Logan. He asked me to look at clause 6. I felt this was confirmation that my second reading speech was self-explanatory.

It has been claimed that all people are covered. That is not so, and many people are not in a position to negotiate with their employers for a 10-year qualifying period.

We must keep in mind that all workers are not covered by industrial agreements. Members may check with the Industrial Registrar and they will discover many people seek some form of assistance each year because no union represents their particular industry.

The Hon. D. J. Wordsworth: I am not denying that.

The Hon. R. THOMPSON: How can such people conciliate or negotiate for an agreement to lessen the qualifying period from 15 to 10 years? The strong unions have the expertise to do this. The principle of this Bill is that all people should be equal in the eyes of the law. How many times have we heard Mr. Medcalf say, "Justice must not only be done, it must be seen to be done".

This legislation proposes equality for everyone. Before members vote against the clause, they should seriously consider

the injustice which would follow to thousands of people who do not have the opportunity to conciliate, negotiate, or arbitrate.

Reference was made to the fact that all unions do not apply for a variation in the basic or economic wage. One union usually brings a test case and the awards in other unions flow on from there.

The Metal Trades Union is usually the one that takes the lead. In the past it has taken the lead in the State sphere, but it now takes the lead in the Commonwealth sphere. In the future, no doubt some other union in Western Australia will have to set the lead which was previously set by the Metal Trades Union.

Members should give serious consideration to the amendment, because it will react adversely against the workers of this State if it is passed. I am prepared to debate the Bill clause by clause with any honourable member on an equitable basis, but I am not prepared to debate the policies of the Employers Federation, because I have been told by an official of that federation that that body is totally opposed to the Bill. Therefore do not let us debate any accusation that is made from one side of the Chamber or the other. The members of this Chamber represent either the interests of the Employers Federation or the T.L.C., but this is the time for us to forget the interests we represent.

The Hon. G. C. MacKINNON: I wonder if we could make a fresh start and debate this as it should be debated, because, from what I hear, what has occurred over the last 10 years has no bearing whatsoever on the legislation before us. I draw the attention of members to the long title of the parent Act. From that it can be seen that the sole purpose of the Bill introduced in 1958 was to put into effect those proposals which the Minister has told us are not being effected today.

The Hon. R. Thompson: All right, read that in conjunction with clause 4 and then you will be on the right track.

The Hon. G. C. MacKINNON: I will. The purpose of the 1958 legislation was that a code had been agreed upon by employers and employees to enable long service leave to be granted throughout industry after a worker had served 20 years. Certainly the stronger unions had the loudest voice and I trust they took the major part in the negotiations.

Parliament said, "If it is fair enough for them, it is fair enough for all workers, so we will introduce a 'pick up' Bill", and that is what it did. This measure is "pick up" legislation. It picks up everyone who is defined as a worker, and that includes contractors, subcontractors, self-employed people and certain types of domestics. There was some argument about these workers, and subsequently an amendment was introduced in 1963 relating to domestics. This legislation was introduced specifically to pick up those who were not protected by the stronger and more powerful unions, to which Mr. R. Thompson referred.

The Hon. D. J. Wordsworth: Does this amendment cut them out?

The Hon. G. C. MacKINNON: No, in fact, it gives them an advantage. It is strange, that, resulting from the interjection made by Mr. Wordsworth the notes supplied to the Minister have proved to be wrong and the Minister should have a piece of somebody because there is no doubt that they are wrong.

The purport of this legislation is to ensure that the weaker unions, to which the Minister referred, are, in fact, picked up immediately. In other words, no longer will an agreement be ratified by the Industrial Commission, which agreement will cover those who are subject to awards. This, of course, will be reported to the Minister for Labour and he, in turn, will report to Cabinet, which will instruct the Minister to frame an amending Bill for presentation to Parliament, as was done in 1964. This amendment will be introduced in order that the conditions relating to long service leave will be changed as they were changed in 1964 to shorten the period of service from 15 to 10 years.

What I want to correct immediately is not an impression this time, but a definite statement that was made for all of us to hear; namely, that the weaker unions and those workers not covered by a union did not benefit, because the sole purpose of this Bill is to pick them up.

The Hon. R. Thompson: I wish you were right, but, unfortunately, you are not.

The Hon. G. C. MacKINNON: If the Minister does not believe me he should read the speech made by Mr. Strickland in 1958 and that made by Mr. Wise either in 1963 or 1964. They were both members of the party to which the Minister belongs. I suggest the Minister should read those speeches because everything the Minister said previously is misleading.

The Hon. R. THOMPSON: I will now refer to the official notes that have been prepared relating to the Bill.

The Hon. G. C. MacKinnon: A jolly good idea.

The Hon. R. THOMPSON: This is the note on clause 3—Long Title amended.

The Hon. A. F. Griffith: That is a big book you have there.

The Hon. R. THOMPSON: Yes it contains notes referring to the various clauses in detail. This particular note reads—

> This amendment is necessary in view of the basic intention of extending the Act to have application to all workers.

The Hon. G. C. MacKinnon: Sure, you want this to apply to people who are covered by the strong unions which is absolutely opposite to what you said previously.

The Hon. R. THOMPSON: It shall apply to all workers, and all workers are dealt with under clause 4. Before I opened this book and when the honourable member started to make his last contribution to the debate I told him to read the long title of the Act in conjunction with clause 4. So I am absolutely correct.

The Hon. G. C. MacKINNON: The Minister kept telling us that if the amendment moved by Mr. Medcalf were carried the strong unions would be given an advantage over the weaker ones. I hope every member listened to what the Minister said, because the parent Act does not cover workers who are members of unions which are a party to an award. It covers only those weaker unions who are not a party to an award. Therefore the true position is completely opposite to what the Minister has told us. If the Bill is passed it will completely change the nature of the parent Act so that it will cover not only "pick up" people—the weaker people referred to by the Minister—but will also cover all workers not covered by awards. So he has completely reversed the situation that he outlined in his initial speech.

The Hon. A. F. GRIFFITH: For the Minister's benefit I will read the following words to be found on page 1638 of *Hansard* of 1964—

> It will be remembered that Parliament in 1958 passed an Act which granted long service leave to certain employees whose employment was not regulated under the Industrial Arbitration Act.

Those words were used by me when I introduced the Long Service Leave Act Amendment Bill (No. 2) of that year. The following words were spoken when the Leader of the Opposition replied to the second reading speech, and they can be found on page 1800 of *Hansard* of the same year—

> This Bill has, in its preparation and planning, a considerable background. Wage earners have not for long, unless they were public service wage earners, had the privilege of long service leave provisions in any Statute in this State. The public service has enjoyed this privilege since 1904—for the last 60 years—in a different category altogether; and quite properly so.
>
> I am one who has a very high regard for the public service in this State . . .

Only two speeches were made on that occasion—one by Mr. Wise and the other by myself. Although Mr. Ron Thompson was here at the time, he did not speak; nor did anyone else in the Labor Party, because it was unnecessary. Mr. Wise gave unequivocal support to the Bill which was passed.

I have in my hand a copy of an amending Bill which was introduced in the Legislative Assembly last year. Can the Minister tell me why that Bill was dropped?

The Hon. R. Thompson: Not exactly.

The Hon. A. F. GRIFFITH: I thank the Minister. He is what I think he is; that is, a completely honest person even when he curses someone.

The Hon. J. Dolan: He does not curse anyone.

The Hon. A. F. GRIFFITH: Perhaps "cuss" might be a better word.

The Hon. J. Dolan: Yes.

The Hon. R. Thompson: I am trying to think of the reason it was dropped.

The Hon. A. F. GRIFFITH: If the Minister compares clause 3 in the Bill introduced last year with clause 3 in the Bill before us he will realise that the 1972 Bill was dropped because it would not fulfil the purpose for which it was intended.

The Hon. I. G. MEDCALF: The Minister is quite right in saying that this is the vital clause in the Bill because it does in fact seek to change the whole basis of the legislation. This clause is designed to change the title so that the legislation will provide long service leave for all employees, including those who are under awards and agreements.

I desire the clause to be deleted because I believe the present situation should be retained. It is as simple as that. This legislation should apply only to employees not governed by awards.

I wish to make one further comment. I believe the Minister will appreciate, when a later amendment is moved, that there should be an automatic flow-on from all decisions of the Industrial Commission or agreements between the Employers' Federation and the T.L.C. so that those not governed by awards will receive the benefits automatically. In that way equality will be achieved. The basic difference between the Minister's attitude and mine is that I believe persons under the Industrial Commission should remain under it and that their long service leave provisions should be determined by arbitration rather than under this legislation.

Clause put and a division taken with the following result—

Ayes—8

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. J. Dolan	Hon. R. Thompson
Hon. L. D. Elliott	Hon. W. F. Willesee
Hon. J. L. Hunt	Hon. D. K Dans

(Teller)

Noes—16

Hon. C. R. Abbey	Hon. I. G. Medcalf
Hon. G. W. Berry	Hon. S. T. J. Thompson
Hon. V. J. Ferry	Hon. J. M. Thomson
Hon. A. F. Griffith	Hon. F. R. White
Hon. Clive Griffiths	Hon. F. D. Willmott
Hon. J. Heitman	Hon. W. R. Withers
Hon. L. A. Logan	Hon. D. J. Wordsworth
Hon. G. C. MacKinnon	Hon. R. J. L. Williams *(Teller)*

Pairs

Ayes	Noes
Hon. S. J. Dellar	Hon. N. McNeill
Hon. R. H. C. Stubbs	Hon. T. O. Perry

Clause thus negatived.

Clause 4: Section 4 amended—

The Hon. I. G. MEDCALF: I move an amendment—

Page 2—Delete paragraph (b).

The deletion of paragraph (b) is a minor matter in terms of the grammatical construction of the Bill. Paragraph (c) is the important paragraph in that it extends the definition of an employee by bringing in subcontractors. Therefore, it would be desirable for me to explain my real reasons for moving the amendment to paragraph (b) which, as I have said, is only a grammatical matter.

Paragraph (b), by substituting the word "or" for the word "but" will enable an additional class of persons to be classified as employees. This additional class is the subcontractor or the person who is working under contract for service to which I earlier referred. A contract for service is a contract to perform services whereby a person receives a particular price, or an agreed amount, for his services as distinct from a wage.

I have moved the amendment because I do not believe that, strictly speaking, subcontractors come within the proper definition of an employee as we generally understand it. An employee is not a person who is under a contract for service; that is, to provide a service for a fixed charge. This is not the normal conception or understanding of an employee.

Many people, particularly in the building industry, engage in contracts for service. I refer to bricklayers, carpenters and many others in the building industry and other industries who are employed as subcontractors. These people in fact quote a price for a job.

It is true the definition restricts the subcontractors to those who quote a specific price which has some relationship to an award or to an amount which would be paid to somebody working under an award. However, there is no strict relationship between those two categories. It is put in general terms in the provision.

For these reasons I believe it is contrary to the generally accepted principle in industrial matters as between employers and employees. It is contrary to the normal principles which now operate and for these reasons I believe paragraph (b) and, subsequently, paragraph (c) should be deleted.

The Hon. R. THOMPSON: What Mr. Medcalf has said is not quite factual. I ask members to cast their minds back to the amendments brought down by the previous Government to the Workers' Compensation Act in 1970. I give the previous Government full credit for those amendments. I would like to refer to some of the remarks made by a Minister in another place. At the time Mr. Bovell was handling the Bill because Mr. O'Neil was overseas.

When introducing the present measure in another place the Minister for Labour said—

> The following passages from the second reading speech of the then Minister for Lands (Mr. Bovell) are important because they clearly reveal the nature of the reasoning behind the recommendations adopted by the Government which led to the amendment—

This is what Mr. Bovell said—

> The uncertainty can only be removed by legislating that such workers either are or are not, within the Act. In view of the fact that, as I mentioned almost all such men are really workers anyway, and in view of the fact that they are all within the socio-economic group which most usually is unable to accumulate reserves to last through unproductive periods—and is the very type and description of which it has always been the object of this Act to protect—it is hardly surprising that the Committee recommended that they be brought in.

Mr. Bovell was referring to people—subcontractors at that stage—who were brought within the scope of the Workers' Compensation Act.

This is all this provision attempts to achieve whether the subcontractor is a truck driver or anybody else. What is a truck driver, who is subcontracting for a large firm, other than a worker? This was certainly the view taken by Mr. Bovell, the Liberal Party spokesman, in connection with amendments to the Workers' Compensation Act in 1970. What is a cleaner unless he is a worker? Also, various sections of the building trade are involved.

For these reasons Mr. Medcalf should have a closer look at Liberal Party policy. After all the previous Government introduced the measure to which I have referred and we gave the Government of the day full marks for doing so. We did not criticise the measure in any shape or form. For the first time for decades the Liberal Party had tried to bring the Workers' Compensation Act up to a reasonable level.

On the one hand, Parliament was prepared to cover subcontractors in the Workers' Compensation Act but, on the other hand, members of the Opposition—who were previously members of the former Government which introduced that amendment—say that they should not be covered under this measure. It does not add up. I am sure Mr. Medcalf will agree that this does not add up under the circumstances.

The Hon. A. F. Griffith: I am always interested in the way you can give praise and cut it off like turning off a tap.

The Hon. I. G. MEDCALF: I appreciate the point made by the Minister but I think that he has perhaps overlooked one fact. Workers' compensation is an extremely old subject which dates back well beyond the time of the Industrial Arbitration Act. Workers' compensation started long before industrial arbitration.

The Hon. R. Thompson: It started in 1924.

The Hon. I. G. MEDCALF: I am talking about the Workers' Compensation Act. It dates well back beyond the days of industrial tribunals in Western Australia. Workers' compensation has always been the subject of legislation and is quite a different area altogether. Workers' compensation is covered by the workers' compensation code, if one likes to call it that. It virtually is a code composed of Acts and regulations which are amended from time to time.

The workers' compensation code is intended to be a separate area which covers people when they suffer injury or accident arising out of or in the course of their employment. This is entirely separate from the areas I mentioned earlier today which are traditionally the subject of negotiation between groups of employers and representatives of trade unions, such as he T.L.C.

I think I should make it clear that there are occasions when Parliament must pass Acts. I said this morning there may be cases where legislation is required. Legislation may well have been necessary when the first Long Service Leave Act came into force in New South Wales, but whatever the situation is it does not mean once we have adopted a particular system we should change it because another code is operating in another area.

Workers' compensation should not be confused with this particular subject. It is an entirely separate code which does not and never has impinged on the various awards of the court, or Acts or consent agreements, in relation to long service leave.

In regard to the question of subcontractors, I point out that we are talking about contractors. I mentioned the word "subcontractors", and so did the Minister, but there is not much difference between a subcontractor and a contractor. They are both people who enter into contracts. The word "subcontractor" is not used in the Bill. Contractors are people who have contracts to render certain services. These contractors or subcontractors, under the amendment are to be brought within the scope of the Act where their work is in substance a return for manual labour bestowed upon the work in which they are engaged where there is an award or industrial agreement which applies to that work when it is performed by somebody under a wage arrangement. In other words, it is an attempt to bring in all contractors.

How do we draw the line? In all Statutes, the singular includes the plural. But we are not talking about a one-man show. We could be talking about a four-man show—a partnership of bricklayers, carpenters, or subcontractors who are doing work but who come within the definition of "employee". We could be talking about a man who is himself employing other people, and we are calling him an employee. It does not add up.

I suppose it is not intended to cover those people but in my interpretation it does cover them. In any event, I think this is much too wide. Apart from the fact that it is contrary to the principles which normally apply in employer-employee relations, it is contrary to normal industrial practices and concepts in relation to this subject. For that reason I believe we should delete paragraph (b).

Sitting suspended from 3.44 to 4.01 p.m.

The Hon. CLIVE GRIFFITHS: I support Mr. Medcalf's amendment. I ask the Minister what he envisages will be the situation regarding subcontractors? I agree with Mr. Medcalf that we are using the term "subcontractors" because it is commonly applied to the people who are to be brought within the amendment of this Bill.

Having had experience as a subcontractor, I wonder who will be covered in this case because the subcontractor himself may never set foot on the job. Those who are employed by him would be working on the site, but they are already covered by law because they are employees under an award. Am I to believe that the subcontractor himself will be classified as an employee under this Bill? He does not set foot on the job; he is merely the man who negotiates the work with the prime contractor. That would be a ludicrous situation.

I also refer to the situation of a man who becomes a subcontractor because he does not want to work for wages. Often such a man takes several subcontracts at once, and he may work on weekends or all night if he so wishes. That man is an employee of several people, and he could work for the same several people for 10 years. Are

we to understand he will qualify for several lots of long service leave? The Bill also makes provision for *pro rata* entitlements. Will subcontractors receive several *pro rata* entitlements?

This situation is entirely different from the workers' compensation situation about which the Minister spoke earlier. If a man is working as a subcontractor and is injured he would be breaking the law if he worked on another job whilst he was receiving compensation. So that is a different state of affairs.

I ask the Minister: Who comes within the definition in the Bill; the subcontractor who enters into an arrangement with the prime contractor, or those workers he employs? Secondly, if a subcontractor is working for several contractors simultaneously, which contractor would be his employer for the purposes of long service leave?

The Hon. R. THOMPSON: Firstly, I will refer to the points made by Mr. Medcalf regarding the definition of "subcontractor". He asked how we will determine who is a subcontractor, as did Mr. Clive Griffiths. I refer to an incident of which I have personal experience. A truck driver worked as a subcontractor for the Main Roads Department for 12 years, and a few years ago his contract was terminated as a result of shortage of funds. The department claimed the driver was not entitled to long service leave. I presented a case to the department and after a great deal of argument it admitted that the man was entitled to long service leave, and he was paid accordingly, even though he was not a direct employee on the wages staff of the Government.

The Hon. G. C. MacKinnon: Would you mind speaking up; we find it difficult to hear you.

The Hon. R. THOMPSON: I am sorry, it was not intentional. The definition of "worker" in the Workers" Compensation Act is as follows—

> any person working for another person for the purpose of the other person's trade or business under a contract of service, the remuneration of the person so working being in substance a return for manual labour bestowed by him upon the work in which he is engaged.

The Hon. A. F. Griffith: If a man carts bricks or sand for six builders on a contract basis, who do you think should pay his long service leave?

The Hon. R. THOMPSON: In those circumstances he would be a contractor.

The Hon. A. F. Griffith: Of course he is.

The Hon. R. THOMPSON: But a subcontractor is a different proposition.

The Hon. A. F. Griffith: Let us assume that man is, in turn, subcontracting somebody else. Would you bring him under the scope of this Bill?

The Hon. R. THOMPSON: Yes.

The Hon. A. F. Griffith: Who would pay his long service leave?

The Hon. R. THOMPSON: The first person mentioned—the contractor.

The Hon. Clive Griffiths: Then that provision is basically the same as the one in this Bill?

The Hon. R. THOMPSON: That is right.

The Hon. CLIVE GRIFFITHS: The definition the Minister read to us from the Workers' Compensation Act does not apply to this argument, because "employee" is defined in the Bill in similar terms.

The Hon. R. Thompson: You asked the question.

The Hon. CLIVE GRIFFITHS: No I did not; the Minister answered a question I did not ask. The Minister referred to a truck driver who worked for the Main Roads Department. This is where he is making a mistake; if he wants to cover that type of worker I suggest there is some other way of doing it. However, all subcontractors or employees who work for more than one person will be covered by this Bill. Take the case of a cleaner, to which the Minister referred. A cleaner could work for XYZ company and also for ABC company for 10 years. He may work for one company at night and for another during the day.

The Hon. D. K. Dans: He would be a contractor.

The Hon. CLIVE GRIFFITHS: I used that example because the Minister used it. Let us forget about that and take the example of a man who contracts to construct a bridge or building. He then employs subcontractors to carry out the various parts of the project, such as the carting of cement and bricks, the formwork, and the pouring of the concrete. These subcontractors perform work not only for that particular contractor, but also for other contractors.

The Hon. D. K. Dans: There is a major contractor. By using the term "subcontractor" you are getting mixed up with the definition.

The Hon. CLIVE GRIFFITHS: I believe the definition given by the Minister covers the subcontractors who work for several main contractors. The person referred to by the Minister as having worked for the Main Roads Department could, at the same time, have been working for other companies.

The Hon. G. C. MacKinnon: Is it possible for a person to be a contractor and a subcontractor at the same time?

The Hon. CLIVE GRIFFITHS: Yes. Often a person is a main contractor on one project and employs subcontractors; but on another project he might become a subcontractor himself.

The Hon. D. K. Dans: Whom would you regard as a contractor in a goldmine?

The Hon. CLIVE GRIFFITHS: It was about 25 years ago that I worked as an electrician on a goldmine, and in those days we were regarded as subcontractors. Whilst the mine might employ its own electricians, in the case of specialised electrical work very often the mine would employ outside electricians as subcontractors. In those days a different set of industrial conditions applied, but I am not familiar with what applies at the present time.

If what the Minister proposes is agreed to it means that a person who works for the Lake View and Star mine on one day would expect to be covered by that company for long service leave; but the next day he may work for the Great Boulder mine, and he would expect to be covered by that company for long service leave for that day.

The Hon. R. THOMPSON: I refer to proposed section 8 contained in clause 8 of the Bill. This seeks to repeal and re-enact section 8 which deals with ordinary and *pro rata* entitlements. In respect of employees not previously entitled to long service leave under the Act, a separate reference necessitated by the extension of the Act to all employees appears in proposed subclause (4) of clause 8 which deals with the basis of calculating the aggregate amounts of long service leave credits. Paragraphs (a), (b), and (c) of proposed subclause (4) relate to every completed year of continuous employment. I draw attention to the wording in paragraph (c) of that subclause which is as follows—

> (c) for any completed year of such continuous employment that began on or after the first day of October, one thousand nine hundred and seventy-two, the employee shall be credited with one and three-tenths weeks of long service leave; and

We have to read that in conjunction with what appears in clause 4. This adds to the definition of "worker". So it should clear up any doubts that might exist.

The Hon. A. F. Griffith: If a subcontractor works for two people and not exclusively for one person, he will not qualify under the definition.

The Hon. CLIVE GRIFFITHS: That is as I read the provision.

The Hon. A. F. GRIFFITH: Will the Minister tell me more about the person who was working under contract to the Main Roads Department; Did he receive a weekly wage?

The Hon. R. Thompson: No.

The Hon. A. F. GRIFFITH: Did he receive an hourly rate?

The Hon. R. Thompson: He received a rate for the hire of his truck and for his services.

The Hon. A. F. GRIFFITH: So, in his emolument there was an allowance for the use of the truck, for depreciation, for oil, for petrol, and the like; yet you say he was an employee.

The Hon. R. Thompson: He was accepted as an employee.

The Hon. A. F. GRIFFITH: The Minister has greater powers of persuasion than I have in the circumstances.

The Hon. R. Thompson: Your Minister agreed to it.

The Hon. A. F. GRIFFITH: That person was a contractor.

The Hon. R. Thompson: He was covered for long service leave.

The Hon. A. F. GRIFFITH: If the Main Roads Department paid him it was by agreement, but I do not think he qualified.

The Hon. R. THOMPSON: At that stage this person had not quite completed his qualifying period of 20 years. He was put off because there was no work available, so the department paid him *pro rata* long service leave entitlement. On the 24th of this month he will qualify for more long service leave, and he will be going on holidays.

The Hon. F. R. White: How long ago was it?

The Hon. R. THOMPSON: It happened about 14 years ago, and now that person has qualified for another term of long service leave.

The Hon. W. R. WITHERS: There might be some confusion in the interpretation of "employee' and of a "subcontractor" with the Main Roads Department. At the present time some people working for the Main Roads Department and the Public Works Department are actually employees, although they contract their equipment to the department. They operate and drive this equipment.

The Hon. R. Thompson: What if the equipment is not needed? Are they put onto some other work as employees?

The Hon. W. R. WITHERS: In one case such a person was retained to work on one piece of his machinery, but another piece of machinery owned by him was sent to operate in another area. I would like to clarify one point raised by Mr. Dans, and to point out that Mr. Clive Griffiths was correct when he explained the position of a contractor and that of a subcontractor. Mr. Dans seemed to be unsure as to who is and who is not a subcontractor.

The Hon. D. K. Dans: There is no doubt in my mind.

The Hon. W. R. WITHERS: If there is not, then what the honourable member believes is wrong. I refer to contractors to the State Housing Commission who engage various subcontractors to carry out different parts of the work.

The Hon. D. K. Dans: Some form of slave labour!

The Hon. W. R. WITHERS: I do not think the subcontractors will agree with that comment. These are independent men who work in their own time. If they wish to work 80 hours a week they can do so, or if they wish to work 20 hours a week they can do so. They please themselves as long as they finish the job within the time and at the required level of competence.

These people are subcontractors, and they cannot be regarded as employees or contractors. The person who signs the contract is regarded as the contractor. Most subcontractors do not sign contracts; they work under verbal agreements. They receive a certain amount for the work they do, and they perform the work in their own time.

The Hon. D. K. DANS: I understand fully what is a contractor. If one walks down St. George's Terrace one will find many projects in the course of construction. The signs on these projects display the names of the various contractors and subcontractors. Some members opposite seem to have been wandering around, and they have been trying to confuse the issue by bringing unrelated matters into the debate.

I go along with the question concerning the Main Roads Department; it has been a long-standing practice. Also, tributing agreements were in evidence until about 1930, and covered a man leasing part of a mine.

The Hon. A. F. Griffith: A tribute agreement is really an agreement between two persons.

The Hon. D. K. DANS: Yes, I said that was completely different. The position, of course, is that one could call the person to whom we are referring as a contractor, a piece worker. This is where we are concerned.

The definition sets out to cover the subcontractors employed mainly in the building industry. Whilst subcontracting may have been all right at one stage the position has now changed. Many competent builders will admit that the industry has degenerated, and is now run by financiers. This practice has ruined the building industry. On many occasions the question of subcontract work is now on the basis of "take it or leave it". I have witnessed a building subcontractor fixing doors and windows by the lights of his car in order to stay in front. Having had to build a couple of houses I know the trials and pitfalls involved. In order to bring some stability into the industry the subcontractors are entitled to be covered by long service leave conditions.

The owner-drivers and the subcontractors will eventually form themselves into organisations, and they will apply for awards to cover them. That is inevitable.

The Hon. D. J. Wordsworth: How will this Bill put some stability into the industry?

The Hon. D. K. DANS: I did not say it would put some stability into the industry. It is about time some stability was brought into the building industry by allowing the workers to receive the same remuneration and consideration as they would receive if they could get a job on wages—and that is very difficult. In many cases the subcontractor is working for less than the ruling rate.

The Hon. A. F. Griffith: Could the honourable member give me the name of three bricklayers who will work for wages?

The Hon. D. K. DANS: Why talk about bricklayers; I have talked about carpenters and, in general, subcontractors.

The Hon. G. C. MacKINNON: I wonder if the Minister would accept a suggestion from me, that he report progress while he has a talk to his fellow members in an effort to straighten them out. It seems that everything that Mr. Dans has said, in his impassioned speech, was gobbledygook.

The very nature of the building industry is that employees change from job to job. The argument raised by Mr. Medcalf is valid because a subcontractor, by the very nature of his work, does not work for one person for 15 years. The Minister has told us one thing and, Mr. Chairman, we always accept what the Minister tells us. However, what Mr. Dans has said, by implication, completely contradicts what the Minister has said.

The Hon. S. T. J. THOMPSON: I am certainly confused by what Mr. Dans had to say. I know of the experience of a builder who had to employ many subcontractors. Quite frankly, he is having a difficult time and he intends to go back to subcontracting. Regarding bricklayers, they certainly do dictate their prices, on a take it or leave it basis.

I cannot go along with the suggestion put forward by Mr. Dans that subcontractors are underpaid persons.

Progress

The Hon. R. THOMPSON: We have had a pretty good go at this Bill today, and I move—

> That the Chairman do now report progress and ask leave to sit again.

Motion put and passed.

METRIC CONVERSION ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), read a first time.

Second Reading

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [4.22 p.m.]: I move—

That the Bill be now read a second time.

The object of this Bill is to metricate a further number of Acts in addition to those already dealt with in the schedule to the principal Act.

The Bill comprises a further schedule of amendments, and the consequent changes to the principal Act. The schedule in the principal Act includes amendments to 19 Acts. The schedule in the Bill includes proposed amendments to a further 44 Acts.

It is considered perferable to present amendments, necessitated by metric conversion to Acts, to Parliament in the form of schedules rather than use the power of proclamation provided by section 5 of the Metric Conversion Act, which was included in the Act only for use in cases where it becomes necessary to act quickly at short notice to permit a conversion programme to be implemented.

One of the advantages of presenting amendments in this schedule form is that the amendments will be easier to trace in future than they would have been had they been effected as a general rule by the proclamation process authorised by section 5. The approval of this schedule would mean that the majority of Acts requiring amendment have been dealt with. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. V. J. Ferry.

ACTS AMENDMENT (ROAD SAFETY AND TRAFFIC) BILL

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Leader of the House), and returned to the Assembly with amendments.

QUESTIONS (4): ON NOTICE

1. WATER SUPPLIES

Carnarvon

The Hon. G. W. BERRY, to the Leader of the House:

Further to my Question No. 2 on Wednesday, 18th April, 1973, is the economic analysis proceeding as stated, and will it be completed and forwarded to the Commonwealth by the end of May, 1973 as envisaged?

The Hon. J. DOLAN replied:

Yes.

2. DEVELOPMENT

Jervoise Bay: Transfield (W.A.) Pty. Ltd.

The Hon. V. J. FERRY, to the Leader of the House:

(1) Has the State Government entered into an agreement with Transfield (W.A.) Pty. Ltd. allowing that company to conduct industrial operations on land subject to lease arrangements from the Commonwealth Government at Jervoise Bay, south of Woodman Point?

(2) If so, will he table the agreement for perusal?

The Hon. J. DOLAN replied:

(1) The State Government has no agreement with Transfield (W.A.) Pty. Ltd. but it has arranged to sub-lease to the company an area of land south of Woodman Point which it in turn will lease from the Commonwealth to enable the company to construct a drilling rig thereon.

(2) Answered by (1).

3. EDUCATION

Boarding Allowances: Pilbara and Kimberley

The Hon. W. R. WITHERS, to the Leader of the House:

(1) How many families from the Pilbara and Kimberley have successfully applied for—

(a) the living away from home allowance requiring a means test for isolated pupils;

(b) the hardship allowance for isolated pupils?

(2) How many of the successful applicants were—

(a) wage earners;

(b) self employed?

The Hon. J. DOLAN replied:

(1) and (2) The Commonwealth Department of Education is responsible for the policy and administration of boarding allowances. The Education Department is not in possession of records which will supply the information requested.

4. RAILWAYS

Bridgetown Goods Yard

The Hon. V. J. FERRY, to the Leader of the House:

(1) Has the Railway Department closed the goods shed and goods yard on Saturday mornings at Bridgetown?

(2) If so—
  (a) from what date were they closed; and
  (b) what were the reasons for the closures?

(3) If the facilities are still open to the public on Saturday mornings, is it the intention of the Department to close them in the near future?

The Hon. J. DOLAN replied:

(1) Yes.

(2) (a) 7th April, 1973.
  (b) To introduce economies where the patronage does not justify Saturday working.
  To allow staff a five day working week where practicable.

(3) Facilities are still available for delivery of urgent traffic by staff employed on the station at Bridgetown and this arrangement will be maintained.

JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 16th May.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [4.47 p.m.]: The reference made by the Minister in charge of the Bill in the first three lines of his speech explains the total purpose of the Bill before us. The Minister said that the object of this Bill is to enable the services of judges in other jurisdictions to be taken into account for purposes of assessing pensions payable on retirement.

We know that the Judges' Salaries and Pensions Act applies to judges in Western Australia who serve on the bench and become entitled to pension or superannuation benefits according to the scale set down in the Act.

It is obviously now envisaged that there may be brought to the service of Western Australia judges from other jurisdictions and, therefore, with the use of the word "portability", a judge coming from another jurisdiction will be entitled to have counted as part of his service for purposes of qualifying for superannuation rights in Western Australia, that period of time he served in another jurisdiction somewhere in the Commonwealth.

The Bill was introduced last night and I took the opportunity to read the introductory speech made by a Minister in another place and also the comments that were made by the Leader of the Opposition in the Legislative Assembly, together with the reply given by the Attorney-General to one or two points raised by the Leader of the Opposition in that House.

I do not want the Minister to go to any trouble about this, because I have the information with me, but I think it might have been of some advantage had there been included in the speech notes one or two extracts of the information sought by Sir Charles Court, because the Attorney-General, as a result of his inquiries did indicate that obviously there might be some move to bring judges here from other jurisdictions as the occasion arose.

The Hon. L. A. Logan: Have we not got anybody capable of doing the job in Western Australia or will they not take the job?

The Hon. A. F. GRIFFITH: I think it is fair to say from first-hand experience that when a vacancy occurs on the Supreme Court Bench or, for that matter, if a vacancy occurs on the somewhat newly appointed District Court Bench, it is not always easy to get the type of person whom we require to serve in the capacity of a judge.

Over a period of time I fulfilled the function of Minister for Justice. I found this not an easy task, though I was fortunate, however, to be able to appoint a number of people who have proved to be the right type.

I can, however, imagine a qualified solicitor from Western Australia perhaps going into another jurisdiction in the country in Australia and serving as a judge in another State and then for some reason or other deciding to come back to Western Australia. If he did this, of course, whatever entitlement he may have had in that other jurisdiction—and he may not have reached the point of considerable entitlement—would not count in Western Australia; and, as a result, while we would be able to appoint him to the bench, his services may not be as readily available to us in Western Australia as they would now, because his services in another jurisdiction would, under this Bill, provide the portability which would enable him to obtain the benefits of the Judges' Salaries and Pensions Act in Western Australia.

I see no reason to labour the matter and I support the second reading of the Bill. In fairness to the Attorney-General, I think in the circumstances he was as clear as he could be in his suggestions as to what might take place, and I do not find any fault with that aspect. I am sure Sir Charles Court will be grateful for the information given to him by the Attorney-General in connection with this Bill.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [4.53 p.m.]: I thank the Leader of the Opposition for his support of the Bill.

In regard to the interjection made by Mr. Logan, I would point out that I have in mind a particular example, to which the Leader of the Opposition referred in general terms, of a judge who left Western Australia to take up an appointment in the Federal sphere. A little later there was the possibility of his being brought back here because of his vast experience.

The Hon. L. A. Logan: Are you thinking of Judge Dunphy?

The Hon. J. DOLAN: That is right. It is quite possible that a suitable vacancy could have occurred here in his particular field for which the judge in question would have been admirably suited, and had he been brought back at that time he would not have qualified for the benefits, which he would now, under the Judges' Salaries and Pensions Act.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Leader of the House), and passed.

EDUCATION ACT AMENDMENT BILL

In Committee

Resumed from the 9th May. The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. J. Dolan (Leader of the House) in charge of the Bill.

Postponed clause 3: Section 9B amended—

The CHAIRMAN: Progress was reported on postponed clause 3 to which The Hon. R. J. L. Williams had moved the following amendment—

> Page 2, line 4—Delete paragraph (a) and substitute the following paragraph—
>
> (a) as to subsection (1)—
>
> (i) by substituting for the word "The" in line one, the words "Subject to subsection (2a) of this section the";
>
> (ii) by substituting for the passage "subsection (2) of this section", in line seven, the words "regulations made by him under this Act".

The Hon. J. DOLAN: I have had a further talk with the Director-General of Education and with Mr. Williams and I am informed that if this amendment were agreed to it would mean that what Mr. Williams seeks to achieve would become retrospective to the 1st January. We feel this is most undesirable because it would create an unwarranted position.

I do not think Mr. Williams need have any fear that this Government or any other Government would consider reducing the allowance being paid by the State of $30 for a primary school pupil and $40 a year for secondary school pupil for not less than a period of five years. Without making any promises in this direction I can assure the honourable member that this is just plain simple politics. The matter has been considered over a number of years and this is the amount that has been decided upon.

The position that has eventuated is that the previous Commonwealth Government introduced a scheme under which it said it would pay 20 per cent. of the amount necessary to educate a child under the State school system provided that the Governments of the various States would pay the same amount. This of course raised the amount that had been paid per child to the schools. This was most desirable.

What the Commonwealth said in correspondence between the Prime Minister and the Premier was that additional moneys over and above what have been provided this year and will be provided next year would be expended on the basis of need.

In other words the Commonwealth would set up a committee in each State to assess the needs of private schools and, according to those needs, they would receive the extra amount from the additional moneys which the Commonwealth would provide—not from the moneys that have been provided under the scheme to the States by the Commonwealth paying 20 per cent. of the amount; but from the additional moneys.

South Australia has already set up a committee which has determined a method under which this money will be distributed.

In that State the independent schools are divided into four categories according to need. This is a fair scheme, and I believe most members would accept the principle. An analogy can be drawn with people on low incomes: If certain concessions were given to such people, I would not say I should be afforded the same concessions on the basis that if it is good enough for them it is good enough for me. I am in the position to afford things which certain wage earners are not. This same principle applies to schools in the private sector.

The provision to private schools this year and next year is quite adequate and satisfactory to them. I spoke to the president of a parent and citizens' association and he informed me he had written to the press saying he was happy with the scheme.

If we attempt to lay down a formula, we may get into difficulties because of the grants already made by the Education Department. Any variation from the present grants would raise all sorts of difficulties. It is most important that we do not pass the amendment.

The Hon. R. J. L. WILLIAMS: I thank the Minister for his explanation. I have a copy of the South Australian scheme based on the principle of need, and I am not impressed with it. We are so far ahead of the South Australian Government in our provisions for non-Government schools that it is laughable to consider their scheme. The schools in most need will receive $52 per student. In this State independent schools are drawing $68 per student.

Schools in category B will be allotted $42 per student; in category C, $32 per student; and in category D, $22 per student. These figures are considerably below those applying in this State.

The Education Act at present provides for $30 and $40 per student. Mr. White and I have been attempting to arrive at a formula. After an interview with the Minister and the director we realise it is very difficult to formalise.

The Minister appreciates we would like to guarantee that over the next five years the independent schools will not receive less than the 20-20 formula they are receiving at the moment. Money will be made available by the Commonwealth in excess of this. If the Commonwealth is not forthcoming with the money, we wish to ensure that the independent schools will receive 20 per cent. of the average amount necessary to keep a student at a State school. We wish to enable the independent schools to budget, particularly in view of the proposed 8 per cent. increase in teachers' salaries. Last year the schools found it very hard to cope and many of the parents were involved in additional hardship.

The Minister said that the previous Federal Government eroded the situation and that the State Government has been the first to say it will join in the scheme suggested by the new Federal Government. In the amendment before us, I hope I have expressed the sincerity of purpose of the Minister, Mr. White, and myself. We hope to guarantee these amounts.

The provision in the Education Act is below the amounts the independent schools are actually receiving. With the wording of my amendment, I did not mean to imply that the payments should be retrospective to the 1st January, 1973. I was simply seeking to guarantee the payments. Perhaps the Minister may give consideration in regard to the date of proclamation of the Bill.

I am still in a quandary. The Minister has tried to be helpful and I do not wish to imply that I am concerned with the administration of the Act under the present Minister. Both he and the Leader of the House are men of integrity. However, we do not know what is around the corner. A future Minister may say, "We need only pay $30 and $40 per student". The Leader of the House said that no political party would agree to this, but we could have a Minister who is mentally disturbed and who does not care about his political future. It is for this reason I am seeking the safeguards; although I know I am drawing a long bow. I would like to take part in further conciliation with the Minister, possibly the director, and Mr. White. I think we could solve the present impasse. I do not wish the Bill to be defeated because it is so vitally important to the independent schools.

The Hon. J. DOLAN: I would be prepared to put forward an alternative amendment to guarantee this payment for the next five years. I believe Mr. Williams' amendment provides for retrospectivity. We are committed to match the 20 per cent. promised by the Commonwealth. If anything happens in the Federal sphere, we are in trouble.

To ensure the schools in the private sector can budget in the next few years, I will foreshadow an amendment in the following terms—

> For the year commencing the 1st January, 1973, and for each of the next succeeding four years, the amounts specified under subsection (1) of section 9B shall not be less than in the case of a scholar who is in any year of a course of primary school, $20 per annum, and in the case of a scholar who is in any year of a course in secondary school, $40 per annum.

This will ensure that the amount received by the independent schools before the Commonwealth scheme was instituted will be paid for five years, irrespective of which party becomes the Government. The money made available for this year and next year will continue, and it may be added to. We do not want to be in the position of having to go cap in hand to the Commonwealth.

If the honourable member considers the amendment is acceptable, we can then negotiate with the Commonwealth in an endeavour to provide more money to the private schools.

The Hon. R. J. L. WILLIAMS: I thank the Minister for his suggestion. He will appreciate I need time to take advice on

this. Perhaps the Minister will report progress and we could discuss this matter again next Tuesday.

The CHAIRMAN: Because the foreshadowed amendment is an alternative to the amendment before the Committee, do you wish to leave the first amendment on the notice paper and report progress?

The Hon. R. J. L. WILLIAMS: I would be happy with this course. I ask the Minister whether he is prepared to place his amendment on the notice paper?

The Hon. J. DOLAN: I am prepared to do this. I will also arrange for a further conference with the director as well as the Minister if the honourable member desires this. The honourable member is aware that we could proceed to a point of no return and the independent schools will be the ones to lose out. Neither the Government, the Opposition, nor anyone else wishes that to happen.

Progress

Progress reported and leave given to sit again, on motion by The Hon. J. Dolan (Leader of the House).

RAILWAY (COOGEE-KWINANA RAILWAY) DISCONTINUANCE BILL

Second Reading

Debate resumed from the 15th May.

THE HON. V. J. FERRY (South-West) [5.15 p.m.]: The printing contained in this Bill is of small content and the object of it is relatively simple. It merely seeks approval for the closure of a section of the Coogee-Kwinana railway from a point at Coogee to the Alcoa refinery at Kwinana, which is a distance of approximately four miles and 25 chains. I do not intend to oppose the Bill on that score, because that, in itself, is relatively simple.

However, as a result of the proposal to remove this line, which is the narrow 3 ft. 6 in. gauge, other issues arise in that area. I understand that this proposal—as one would expect it would—has been approved by the Railways Department, and it has been examined by the Director-General of Transport.

When the Minister introduced the second reading of the Bill he extended to us the courtesy of tabling a submission by the Director-General of Transport on this proposal which was addressed to him as Minister for Transport. I think it may assist the House if I were to quote one or two relevant parts of that report, because they are important in the whole scheme of things in that area. I therefore quote—

> The Commissioner of Railways has agreed to the closure of approximately 4 miles 25 chains of the Coogee-Kwinana railway to meet this requirement, subject to an alternative direct narrow gauge railway link being provided between Fremantle and Kwinana.

The report goes on—

> The most economic way of providing an alternative route is to convert the existing single track standard gauge railway between Cockburn and Kwinana to dual gauge, by the provision of a third rail. The proposed changes are shown on copy of Plan 65797.

That plan was also tabled by the Minister. A further important feature of the proposals, commented on by the Director-General of Transport is—

> The estimated cost for this conversion and associated work involved is $244,000, which the Commissioner of Railways quite rightly considers should be made available to the W.A.G.R. free of interest charges. I am, however, unaware of any agreement having been finalised for interest free capital funds to be provided for the project.

The Hon. F. R. White: Who would be spending the capital funds?

The Hon. V. J. FERRY: As I understand the position, which has been elaborated on by the Director-General of Transport in his report, the Railways Department, in the interim, has agreed to pay the cost of these works in the expectation that the Government will reimburse it for the attendant out-of-pocket expenses. However at this moment the source from which this money is to come, is a mystery. I have not been able to ascertain from what source the replacement funds will come, and I would be happy to ascertain from the Minister what the Government intends to do to reimburse the Western Australian Government Railways, which department has agreed to undertake these works, because I think it is a pertinent point.

Perhaps I could refer again to the submission that has been made by the Director-General of Transport. In that report the following appears—

> The possible closure of the Coogee-Kwinana narrow gauge railway has previously been under consideration in regard to general development in the area.

I interpolate here to stress the importance of the general development of the area. To me this is one of the features of the Bill before the House. It is not so much a question of the closure of the railway and the lifting of that line over a distance of about four miles and 25 chains. The important feature is the development of the area of land through which this line passes. We should give some consideration to that.

The report of the Director-General of Transport continues—

> But so far as the W.A.G.R. is concerned, as the system would derive no operational or financial benefit from

such a change, economic justification could not be established to support the capital expenditure involved in providing the essential alternative narrow gauge link between Fremantle and Kwinana.

In these circumstances, although the proposal is supported to meet industrial development requirements, it is considered that the cost of this work should not be charged to the W.A.G.R. Indeed, precedent exists to support this thinking.

The report goes on to refer to the part played by the Alcoa refinery in regard to this proposal under its agreement with the Government.

As I have said, the whole purpose of the Bill is to remove this old section of railway line to enable a firm known as Transfield (W.A.) Pty. Ltd. to be granted a sufficient area of land on which to construct offshore oil rig platforms. At the outset I wish to say that I consider this is a worthy industry which we all desire to see established in Western Australia and I fully support the endeavour of this company to construct these oil rig platforms in Western Australia. Therefore the company should be fully accommodated, because its activities will mean the employment of several hundreds of men.

The Hon. J. Dolan: Six hundred.

The Hon. V. J. FERRY: Yes, that is correct. In this particular area, contained within the industrial stretch of land from south of Fremantle to Kwinana and Rockingham, it is important to Western Australians to have an opportunity to be employed in heavy industry. However, Transfield (W.A.) Pty. Ltd. is already occupying quite a large tract of land at Woodman Point. In fact it is already established there. Therefore it is somewhat unusual for Parliament to be presented with a Bill which will facilitate the activities of this firm when it has already commenced its activities and has carried out ancillary and other developments. So actually we are presented with a *fait accompli* and Parliament is being asked to act as a rubber stamp to put the seal of approval on what is already going on in that area.

The Hon. F. R. White: What about the zoning of the land?

The Hon. V. J. FERRY: I will deal with the zoning of the land a little later in my speech, because that is important, too. Although I have no objection to the industry to be established by Transfield (W.A.) Pty. Ltd. in view of the fact that it is a worthy project and it will prove to be of great benefit to Western Australia, I am in an inquiring mood and I believe I can justify the inquiries I intend to make in relation to associated matters.

I have already made passing reference to the role that is played by Alcoa of Australia (W.A.) Ltd. in this particular region, and I have made a check with the management of that company to ascertain its views on the closure of this railway line. The representatives of that company have assured me they have no objection to the measure which is now before us. When I first studied the Bill I was a little concerned that Alcoa may be somewhat disadvantaged by the closure of this line, but the company has checked the proposal and its representatives have assured me the company will not be disadvantaged by it and they are quite agreeable that the railway should be closed and the line removed.

In speaking of industrial developments there is another point that is fairly important, particularly as this proposal affects our coastline. In this somewhat sensitive area south of Fremantle the proposal may have to be examined by the Environmental Protection Authority. I raise this question with the Minister so that he may ascertain whether that authority has been acquainted with the proposal to establish a heavy industry in this region. I sincerely hope that the area will not be adversely affected because of this industry.

The Hon. J. Dolan: It cannot be. It is a plain, straightforward, engineering works. It is like building a house.

The Hon. V. J. FERRY: I quite agree that this could well be the case, but I raise the point because we do hear from the public and the Press at times, when a new industry is to be established, questions as to what effect it will have on the environment.

The Hon. R. Thompson: I am not trying to be funny, but have you had a look at the way this concept is being planned?

The Hon. V. J. FERRY: Unfortunately time has not permitted me to make an on-the-spot investigation of the project, and this is something I want to mention later. I believe this Bill could have been introduced a little earlier in the session, because it is relatively simple, so that members could become acquainted with what is happening. The plan that was laid on the Table of the House depicting the area and showing the length of railway line to be removed has the number 65797 embossed on it and bears the approval of the Chief Civil Engineer of the W.A.G.R., dated the 19th March, 1973 which is some two months ago.

I consider that perhaps the members of this House could have had the benefit of an earlier introduction of the measure to permit them to make an on-the-spot investigation of the site to ascertain how these works will fit into the general area. I have already mentioned that this coastal

strip of land south of Fremantle is a sensitive area. It is a public issue that our coastline should not be unduly occupied by industrial complexes, and I wish to refer to that in more detail in a moment.

From the Metropolitan Region Scheme map, No. 19, I have ascertained that the area in question is coloured yellow on the map, and is zoned for special purposes and public use. I have also discovered that the land is owned by the Commonwealth Government. As the Minister has stated, the land is held under lease from the Commonwealth Government, and there is an arrangement for a sub-lease with Transfield (W.A.) Pty. Ltd.

In answer to a question I asked today, the Leader of the House said—

> The State Government has no agreement with Transfield (W.A.) Pty Ltd but it has arranged to sub-lease to the company an area of land south of Woodman Point which it in turn will lease from the Commonwealth to enable the company to construct a drilling rig thereon.

No actual agreement is available for us to peruse.

I now wish to deal with the ultimate use of the land. It has been mentioned by the Minister that Transfield will have the benefit of the area of land until 1976 by which time it will have constructed at least one rig and maybe two. After that the future use of the land is doubtful. It has been suggested that it will revert to the State Government from the Commonwealth Government for recreational purposes.

We have no assurance that Transfield will relinquish its right to the land in 1976 or whether, because of circumstances at the time, it may be necessary for the arrangement to be extended. The company may receive further contracts for rigs or other heavy fabricated machinery. I do not know what the future will hold, but I am concerned about the area. A great deal of thought has been given to that stretch of coastline around Woodman Point and I am obliged to the Town Planning Department for providing me with a plan of the area indicating the projected development for recreational facilities. Such things as a motel, a hotel, holiday chalets, a caravan park, a golf course, a heliport, a hydrofoil terminal, and so on are envisaged. Therefore heavy industry is being established in an area which it is anticipated will be devoted to recreation in the future. This is a situation we must watch very closely.

I do not know what plans the Government has in mind for the development of the area, and this is a point on which I think the Government should really have advised us. I understand this aspect was being considered by the previous Government and that the present Government has also given it some attention. However, I do not know whether any conclusions have been reached. The industry is being established in the area and it is reasonable to suggest that the House should be informed whether the Government intends to allow further heavy industry to be established in the region.

When the Minister replies I would like him to let us know whether the Town Planning Department was asked to look at the proposition and whether it has in fact reported on it to the Government. I cannot help but feel this may not have been done, and I would like to be reassured on the point because it is important. If we are to plan sensibly and logically it must be done on a reasonable basis no matter for what purpose the land is used.

I would also like to know what liaison has existed with the local authority for the area; that is, the Cockburn Town Council. The local authority may have been presented with a *fait accompli*—which is a situation in which we often find ourselves—without having been given the opportunity to discuss the proposition or to make suggestions in connection with it.

The Hon. R. Thompson: It is Commonwealth land and therefore is not under the jurisdiction of the local authority.

The Hon. V. J. FERRY: It may not be under its jurisdiction, but as a matter of courtesy it should be kept informed.

The Hon. R. Thompson: It is aware of it.

The Hon. V. J. FERRY: I would like that point to be checked because any development in an area will affect in some way or other the local authority involved. If it does not have a direct effect it certainly has an indirect effect because if the industry is to employ as many as 600 people, other things must follow, and it is not unreasonable to ask what has transpired between the shire and the appropriate authorities on this occasion.

I am concerned also about the future of the road system in the area. This matter has been mentioned by the Director-General of Transport and I believe that also in the alumina refinery agreement as amended in 1967, provisions are made for an alteration to the road system as it affects Alcoa. So it is not unreasonable to raise the issue because it will be affected by the closure of the railway line in question.

I wish to again refer to the plan the Minister tabled showing the section of line which it is proposed to close. I do not disagree with the closure. However, what is not clear is the section of the standard gauge line on which it is proposed to put the third rail to make it a dual carriageway from Fremantle to Kwinana. I would like this to be shown. Maybe it is not necessary, but it is referred to and I would like the Minister to indicate exactly which section of the line will be affected.

The Hon. R. Thompson: I think you will find it goes from the line into Cockburn Cement and then continues on that branch line.

The Hon. V. J. FERRY: No indication is given on the plan either concerning the exact location of Transfield's operations. I obtained a plan from the Town Planning Department indicating further details particularly regarding recreational projects. I then went to the Department of Development and Decentralisation in an endeavour to ascertain exactly where Transfield is being established because no specific mention was made of this in the notes and it certainly is not indicated on the plan. I have before me a plan which an officer of the Department of Development and Decentralisation drew in freehand for me. He assured me it was reasonably accurate, at least accurate enough to give me the position of the company's operations. Nevertheless, I consider the House should have been given this information.

I was able to ascertain from the officer the location of further areas of Commonwealth land the company proposes to seek in order to extend its operations. I understand that land both to the north and to the south of the existing site is involved.

The whole matter appears to be a little unsatisfactory. I do not raise this in any heat, but feel that when matters such as this are brought to Parliament we should be given a little more detail and information, because the project is, after all, in the public interest, the same as is the establishment of the industry. Of course the industry will provide employment and associated benefits.

I have no argument about the closure of the railway line which has outgrown its usefulness; but other issues are involved. We must not squander our coastline, particularly in the inner metropolitan region. We must keep industry away from the coast whenever possible because this is the desire of the public.

The Minister has indicated that ultimately, because the pond which is being constructed for the erection of the oil platform, is some 30 feet deep, it could, in years to come, be used as part of a marina. Whether such a marina will ever be established, no-one knows. There is no telling what condition the site will be in in five or six years' time. The land might be used for recreational purposes in which case the establishment of a marina would be an added bonus for the public.

I do not disagree with the closure of the railway line, but I do believe the issues I have raised require clarification and amplification. With those remarks I support the Bill.

THE HON. R. THOMPSON (South Metropolitan—Minister for Community Welfare) [5.43 p.m.]: I am in full accord with the proposed closure of the railway line which is the only subject matter before us for the simple reason that the land involved is owned by the Commonwealth and members who were in the Chamber in 1960 will recall that I fought strenuously against industry of a permanent nature being established on this strip of land. Finally, with members of the Opposition, I succeeded in preventing it. At that time Southern Cross shipbuilding yards were to be established in the vicinity of Clarence Rocks. If I thought for one moment that Transfield would be permanently located in the area I would voice my total opposition to it. As a matter of fact I was very concerned when the Cockburn Shire Council, with which I have had the pleasure of working very closely for a number of years, let three or four shipbuilding yards be established on land not covered by public reserve. However that was a council decision, but personally I was not happy about it.

I will give members a general picture of the location. Most members know where the magazine and quarantine station are situated along Cockburn Road. At the end of the tin fence a road leads to the right to Woodman's Point, where there was an oil drilling rig several years ago. A building has now been constructed at the end of Woodman's Point and the lime sands dredged from Cockburn Sound are pumped to Cockburn Cement for the manufacture of that commodity. The area of land leased from the Commonwealth is directly south of the road which leads into that area. During the war a submarine was beached at this point. It is directly behind the area of land where the Naval jetty and store are and where the wreck of a barque still lies.

I think the proposals will bring great benefit in that the oil-drilling rig will be built on the pond which has already been excavated and a channel has to be cut through. About the time of the change of Government, the previous Government gave permission to Cockburn Cement to dredge and take lime sands out of Cockburn Sound, in the meantime dredging a second shipping channel, but no mention was made to the Cockburn Shire Council or anybody else of a building being constructed at the end of Woodman's Point. I think that was wrong because, in conjunction with the Town Planning Department, the local authority, and political representatives, including the Federal member for the area, an endeavour has been made over several years to secure this area for public recreation.

Mr. Logan knows only too well about those negotiations. I give him credit because he could see the benefit in this area being set aside when the magazine and the quarantine station are sited elsewhere. This would enable a playground to be developed to a very high standard.

After consultation with Mr. Hyland, the Manager of Cockburn Cement, we agreed that when it was too rough for dredging he would have his dredges come around on the southern side of Woodman's Point, take out some of the sludge—that is all it can be called; it is not lime sands—and dredge out a safe channel. During the summer, and sometimes in winter, when the tide goes out the 30 to 50 boats which are usually moored in this vicinity are left high and dry for perhaps two or three days, and even at high tide it is doubtful whether there is more than 18 inches of water. Transfield will have to dredge a permanent channel for No. 1 rig. Perhaps more rigs will be built there. That would be an advantage.

If the period for this work to be carried out were extended beyond 1976, I would not be very happy until the State has control of the land for development, because I think the people in that region are entitled to a decent piece of beach, which they do not have at the present time.

I do not think there is any question about moving the railway line because, when the Cockburn Cement agreement was introduced into this House, it was a condition of the agreement that a railway siding would be erected at the junction of Russell and Cockburn Roads. There have been changes since then, with the advent of the standard gauge and the rearrangement of other railway lines to service industry—C.B.H. and so on. Cockburn Cement now has a direct route, so the facility at the end of Russell Road has not been used for a number of years. The line would still be left to service W.A. Meat Exports, Anchorage Butchers, and associated works at the other end of it. It will still services the Alcoa alumina refinery.

I would like the line to be terminated a little short of its southern leg so that it will not extend through the caravan park. Perhaps that section of the line could be done away with in the interests of safety, although no accidents have occurred in the caravan park area.

I discussed this matter with my colleagues because I did not want another industry to be developed in an area which I consider should be retained as a playground for the people. I will be quite happy to have the assurance that it will be available in 1976. I can see the ultimate benefits which will flow from the work these companies will be doing, at no cost to the State. Even if the area is not available until after 1976, we will still be faced with having to get the land from the Commonwealth and having the magazine and quarantine station resited before total development can take place. I therefore support the Bill.

Debate adjourned, on motion by The Hon. F. R. White.

ACTS AMENDMENT (ROAD SAFETY AND TRAFFIC) BILL

Assembly's Message

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

ADJOURNMENT OF THE HOUSE

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [5.53 p.m.]: Before I move the adjournment of the House I advise that I propose that next week—which is the last week of this part of the session—we will sit on Tuesday at 4.30 p.m. as usual, on Wednesday at 11.30 a.m., and on Thursday at 11.00 a.m.

I have discussed these arrangements with the interested parties and they seem to have no objection. We may be very late on Tuesday night and Wednesday night, and if we have to run into Friday morning it will be too bad, but I can see no way out of it. A great deal of legislation will be coming to us and we will deal with as much of it as we can. I do not say we intend to finish it all before we go into recess.

I move—

That the House do now adjourn.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [5.55 p.m.]: I thank the Leader of the House for the information he has given us. I am in possession of a Legislative Assembly notice paper, which the Leader of the Opposition in that House made available to me. The Premier has indicated to the Leader of the Opposition in the Legislative Assembly the Bills the Government wishes to be considered between now and next Thursday. In my humble opinion, it is a formidable list, to say the least, quite apart from the Bills which are on our own notice paper. I will not say the target is impossible of achievement but it will be extremely difficult to achieve.

We will sit at 4.30 p.m. on Tuesday, following the party meetings we all have. We will sit again at 11.30 a.m. on Wednesday following meetings which, in my own case, will begin at 10.00 a.m. On Thursday we will sit at 11.00 a.m. The thing that worries me is that there will be very little time to look at the Bills. I know that when I was over on the other side this kind of thing happened, so I am not complaining about it.

The Hon. L. A. Logan: It is not the end of the session.

The Hon. A. F. GRIFFITH: That interjection is, of course, to the point. It is not the end of the session, and I am quite certain that in arranging for two sittings of Parliament each year it was never intended that Standing Orders should be suspended for the purpose of hurriedly considering

legislation in the first part of the session. That took place in the second part of the session.

The Hon. W. F. Willesee: Do you think consideration might be given to this House resuming a week before the other House in order to catch up with legislation, as it were?

The Hon. A. F. GRIFFITH: I would not mind that, but the Government should make sure it has its majority when it decides to do that.

The Hon. W. F. Willesee: You are confusing a very sensible question.

The Hon. A. F. GRIFFITH: No, I am not. The honourable member suggested we come back a week before the other House, and I said the Government should make sure of its situation before it does that. I will talk to the honourable member about it privately afterwards. If we come back a week earlier we will not have the other House with which to communicate, so whatever we did in that week would not be communicated to the Legislative Assembly until the week after.

The Hon. W. F. Willesee: But we could develop a lot of Bills up to a certain point.

The Hon. A. F. GRIFFITH: That is for the Government to decide. Personally, I would not mind doing that in order to facilitate consideration of the legislation, but I think we should leave this evening with the understanding that I will endeavour as far as I am able to deal with as much legislation as is reasonably possible in the time available, although I foreshadow there will not be time to deal with the quantity of legislation the Government wants us to consider, according to the list I have.

Question put and passed.

House adjourned at 5.59 p.m.

Legislative Assembly

Thursday, the 17th May, 1973

The SPEAKER (Mr. Norton) took the Chair at 11.00 a.m., and read prayers.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Personal Explanations

MR. R. L. YOUNG (Wembley) [11.07 a.m.]: I seek leave of the House to make a personal explanation.

The SPEAKER: If there is a dissentient voice leave will not be granted. There being no dissentient voice, leave is granted.

Mr. R. L. YOUNG: Firstly I would like to apologise to the Chairman of Committees and the Premier for attempting to make this explanation in Committee last night. I knew I would not get away with it and that is as it should be. However, I now wish to raise a point in connection with a statement made by the Minister for Labour in his reply to the debate on the Industrial Arbitration Act Amendment Bill.

Mr. Taylor: To help me in my co-operation with you, will you choose your words as carefully as you can, please?

The SPEAKER: Order! No debate will be allowed on this explanation.

Mr. R. L. YOUNG: With due respect to the Minister, I think he would be aware of the fact that I always have done so up to date and no reason exists for my not doing so now.

During my second reading speech on the industrial arbitration legislation I referred to a certain pamphlet issued by the Trades and Labor Council in regard to the legislation and that pamphlet was distributed in respect of four industrial Bills which were to be or had been introduced to the House. I pointed out that the pamphlet must have been prepared before the 30th April because it commenced—

> A newspaper will be produced for distribution in the week of the 30th April.

The connotation is that the pamphlet was prepared at least a considerable time before the 30th April.

Mr. Graham: Is this another second reading speech?

Mr. R. L. YOUNG: No. Just let me make the explanation.

During the course of my speech I pointed out that the pamphlet contained a statement to the effect that the Women's Electoral Lobby was one of three groups which saw the legislation as an advancement for their interests. I said that was a lie. Mrs. Pat Giles, who is the Convenor of the Women's Electoral Lobby, sent me a note in her own handwriting, and it reads—

> I don't know where your information was obtained, but as Convenor of the Women's Electoral Lobby, I assure you that the meeting of the co-ordinating committee on Saturday, May 5th—

which was obviously quite a time after the pamphlet was prepared. To continue—

> —and the general meeting of Sunday May 12th ratified and confirmed the action of the sub-committee (Women in the Work Force) which agreed to co-operate with the T.L.C. on the clauses of the Act which were of relevance to women.