Legislative Assembly

Thursday, the 2nd October, 1958.

CONTENTS.

The SPEAKER took the Chair at 2.30 p.m., and read prayers.

QUESTIONS ON NOTICE.

GNOWANGERUP SWIMMING POOL.

Examination by Public Works Department.

1. Mr. WATTS asked the Minister for Works:

(1) Did an officer of the Public Works Department examine the Gnowangerup swimming pool for the purpose of advising the Gnowangerup Road Board as to necessary improvements?

(2) If so, how long will it be before his report is available?

Mr. TONKIN replied:

(1) Yes.

(2) Approximately one month.

COLLIE COAL.

Supply of Samples to Chairman of the Joint Coal Board.

2. Mr. WILD asked the Minister for Mines:

(1) Have arrangements been made for samples of Collie coal to be included in the samples of Australian coal which will be carried by the Chairman of the Joint Coal Board (Mr. S. F. Cochrane) when he travels with the Australian trade mission to the Far East later this month?

(2) If not, will he ensure that the requisite arrangements are made and other necessary technical data supplied to Mr. Cochrane?

Mr. MOIR replied:

(1) No official advice of Mr. Cochrane's mission has been received by this department.

(2) A telegram has been sent to him drawing attention to Collie coal and seeking information regarding his mission. Necessary data and samples can be supplied.

SWANBOURNE ARMY CAMP AND RIFLE RANGE.

Removal to Another Site.

3. Mr. ROSS HUTCHINSON asked the Premier:

Will he give consideration to requesting the Commonwealth Government to remove the Swanbourne army camp and rifle range to a site less likely to affect future development?

Mr. HAWKE replied:

Yes.

MINE WORKERS' RELIEF FUND.

Amount Paid to Contributors and Present Assets.

4. Mr. EVANS asked the Minister for Mines:

(1) What amount was paid out to contributors for 1957, by the Mine Workers' Relief Fund, including payments made on

behalf of the old voluntary fund?

(2) What is the total value of assets of the fund at the present time?

Mr. MOIR replied:

(1) For its financial year ended the 31st January, 1958, the fund paid in relief £61,736 2s. 3d. This figure includes payments made to beneficiaries under the old voluntary fund.

(2) The fund's position, vide its balance sheet as at the 31st January, 1958, was:

	£	s.	d.
Total assets	283,873	4	5
Less liabilities	1,742	17	7
Accumulated funds	£282,130	6	10

This is a decrease in assets as compared with the previous year of £13,818, which is approximately the rate at which the assets of the fund are diminishing annually.

PRIMARY SCHOOL AT SOUTH SCARBOROUGH.

Selection of Native Name.

5. Mr. MARSHALL asked the Minister for Education:

Has consideration been given to naming the primary school now in course of erection in South Scarborough, with preference for a native name suitable to the locality, so avoiding confusion with the existing Scarborough and North Scarborough schools?

Mr. W. HEGNEY replied:

The matter has been referred to the Nomenclature Committee, and a reply is awaited.

PICTON BRIDGE.

Number of Accidents.

6. Mr. ROBERTS asked the Minister for Transport:

On the 2nd September, 1958, in reply to a question submitted by me, it was stated that only one accident had occurred in 1958, to that date at the Picton Bridge over the Preston River. However—

(1) Is it not a fact that at about 4.15 p.m. on Saturday, the 25th January, 1958, and again at about 7 p.m. on the same night, there were accidents at that bridge?

(2) It is not a further fact that another accident occurred at that bridge at about 3.25 p.m. on Saturday the 10th May, 1958?

(3) As there is a possibility of further inaccuracies being contained in the answers to my question of the 2nd September, 1958, will he now ascertain from all available sources, the number of accidents that did actually occur at that dangerous bridge during the years as indicated in my question referred to?

Mr. GRAHAM replied:

(1), (2) and (3) The information furnished on the 2nd September was correct in respect to accidents reported to the local authority. The other accidents which are now referred to were, it is understood, not reported. As traffic administration in the area concerned is under the jurisdiction of the Bunbury Municipal Council the hon. member should direct his inquiry to that authority.

SUPERPHOSPHATE CARTAGE SUBSIDY.

Verification of Cases.

7. Mr. CORNELL asked the Minister for Transport:

(1) Are the cases listed hereunder correct in calculating the subsidy payable in respect of the cartage of superphosphate in the Wialki-Bonnie Rock area, where the farmer does his own carting:—

Case A—Farm situated 26 miles from Mukinbudin and 13 miles from Bonnie Rock:

	s. d.	Ton. s. d.
26 miles @ non-back loading rate of 9d. ton/mile		19 6
Deduct—		
Terminal charge	6 0	
13 miles @ 9d.	9 9	
Difference in rail freight as between Mukinbudin and Bonnie Rock	3 3	
		19 0
Subsidy payable		6

Case B—Farm situated 31 miles from Mukinbudin and 12 miles from Bonnie Rock:

	s. d.	Ton. s. d.
31 miles @ non-back loading rate of 9d. per ton/mile		23 3
Deduct—		
Terminal charge	6 0	
12 miles @ 9d.	9 0	
Difference in rail freight as between Mukinbudin and Bonnie Rock	3 3	
		18 3
Subsidy payable		5

Case C—Farm situated 23 miles from Mukinbudin and 13 miles from Wialki:

	s. d.	Ton. s. d.
23 miles @ non-back loading rate of 9d. ton/mile		17 3
Deduct—		
Terminal charge	6 0	
13 miles @ 9d.	9 9	
Difference in rail freight as between Mukinbudin and Wialki	1 6	
		17 3
Subsidy payable		Nil

(2) Are the cases set out hereunder correct in calculating the charges payable by the farmer where a Government contractor is engaged for the cartage of superphosphate:—

Case D—Farm is situated 6 miles north of Wialki and the total distance from Mukinbudin is 40 miles:

	Ton. s. d.
34 miles @ back loading rate of 6d. per ton/mile	17 0
6 miles @ non-back loading rate of 9d. per ton/mile	4 6
Total carrier's charge	21 6

	Ton. s. d.
Rate payable by farmers to carrier is assessed thus:	
Terminal charge	6 0
6 miles @ 9d.	4 6
Difference in rail freight as between Mukinbudin and Wialki	1 6
	12 0

Difference of 9s. 6d. per ton equals rate of subsidy payable.

Case E—Farm is situated 10 miles south of Wialki (including detour of two miles) and 26 miles north of Mukinbudin:

	Ton. s. d.
26 miles (from Mukinbudin to farm) @ back loading rate of 6d. ton/mile	13 0
2 miles (detour) @ non-back loading rate of 9d. ton/mile	1 6
	14 6

	Ton. s. d.
Rate payable by farmer to carrier is assessed thus:	
Terminal charge	6 0
10 miles at 9d. ton/mile	7 6
Difference in rail freight as between Mukinbudin and Wialki	1 6
	15 0

No subsidy is payable.

(3) If the examples given above are correct, do not the following conclusions arise therefrom:—

(a) Where the farmer does his own carting he receives for the additional distances involved—

Case "A": 3½d. per ton, per mile.

Case "B": 5.21d. per ton, per mile.

Case "C": Nil.

(b) Where carting is done by Government contractor, it costs the farmer for the original distance (i.e., between old siding and farm)—

Case "D": 12s. per ton, less freight advantage of 1s. 6d. or 10s. 6d. per ton or 1s. 9d. per ton per mile;

Case "E": 14s. 6d. per ton, less freight advantage of 1s. 6d. or 13s. per ton, or 1s. 3½d. per ton per mile

for what previously cost him approximately one shilling?

(4) If the examples given are correct, is it not a fact that the bases of calculating the subsidy and cartage costs payable respectively contain many anomalies?

(5) Would not the abolition of the terminal charge, or relating it to the distance involved in each case remove many existing inequities?

(6) If the examples given above are correct, are they not out of line with the assurance given by the Government that, for the first year anyway, farmers in areas affected by the suspension of rail services would be involved in no additional transport charges?

Mr. GRAHAM replied:

(1) Yes.

(2) Yes.

(3) (a) The rates stated are correct as representing the difference between "old" and "new" costs in each case.

(b) The calculations for Case "D" are correct. For Case "E" the cost is 13s. 6d. for 10 miles, or 1s. 4d. per ton per mile. The statement that the previous cost was 1s. is not agreed to.

(4) The principle of subsidy calculations during the first year aims at paying the difference between costs prior to rail suspension and those which must be paid for road transport. It is a fact that the cartage rate per ton mile is greater for a journey of one or two miles than for longer hauls.

(5) The terminal cartage charge upon which subsidy calculations have been based is 6s. per ton plus 9d. per ton mile. This is a realistic rate and is somewhat lower than the official charges of the Road Transport Association. The amount of 6s. as part and parcel of the terminal cartage charge is not an additional charge but represents only what has been the cost in the past and cannot therefore be altered. Arrangements have been made to standardise rates for superphosphate carting during the next season which should simplify the calculations of subsidy and avoid some confusion where different rates had applied in different areas.

(6) No. The aim is to compensate the grower for the additional expense involved through loss of the rail service. Any apparent anomalies are related to fact and not to policy.

JAPANESE TRADE MISSION.

Inclusion of Western Australia in Itinerary.

8. Mr. COURT asked the Premier:

(1) Is Western Australia included in the itinerary of the Japanese trade promotion mission which arrived in Sydney last Saturday?

(2) If not, were representations made directly by the State Government, or will they be so made, to have this State included?

(3) If the mission is not to visit Perth what arrangements have been made for a Minister to make contact with the mission while it is in Australia?

Mr. HAWKE replied:

(1), (2), and (3) The State Government has no advice regarding this delegation other than what has been published in the Press. Information is being sought, but it would appear this is yet another instance in which Western Australia has been ignored by the Commonwealth Government. I have recently on two separate occasions protested strongly against similar treatment.

ALBANY HIGH SCHOOL EXTENSIONS.

System of Construction.

9. Mr. COURT asked the Minister for Works:

(1) Is it correct that tenders are to be invited from private building contractors for the proposed additions to the Albany High School?

(2) If so, what is the reason for calling tenders for this work and not for the new Albany regional hospital which is being built by day labour by the Public Works Department?

(3) Is the decision to make extensions to the Albany High School by contract likely to be changed in view of the Government's decision to build the Albany regional hospital by day labour as a matter of Government policy, although the Minister for Health (Mr. Nulsen) had announced at the laying of the foundation stone that it would be built by contract?

Mr. TONKIN replied:

(1) Yes.

(2) Departmental convenience.

(3) No.

EFFECT OF LIQUOR ON NATIVES.

Police Reports.

10. Mr. I. W. MANNING asked the Minister for Native Welfare:

(1) Has he, in his capacity as Minister for Police, obtained any written reports, from police officers in districts with native populations, on the conditions likely to arise in those centres in the event of natives having automatic access to intoxicating liquor, should the legislation at present before Parliament, granting natives full citizenship rights, become law?

(2) If so, will he table such reports as are available?

(3) If not, will he take steps to have such reports obtained and made available to Parliament before consideration of the Natives (Status as Citizens) Bill is completed by the Legislative Council?

Mr. BRADY replied:

(1) No.

(2) No.

(3) No.

No. 11. This question was postponed.

BEACH TRUST.

Government's Attitude and Newspaper Announcement.

12. Mr. CROMMELIN asked the Minister for Lands:

(1) Can it be taken that the Government agrees that there is no necessity for the creation specifically of a beach trust in view of the announcement in the "Sunday Times" of the 28th September, 1958, that consideration is being given to the appointment of a top-level administrator to handle development of the State's tourist attractions, including our ocean beaches?

(2) Will he give specific details of the proposals referred to in the article and the proposed method of financing them, in view of the lack of finance which confronts the National Parks Board and similar bodies?

(3) Will he elaborate on the statement in the article that "feeling in some Government circles is that tourism and tourist attractions are becoming too big to handle"?

Mr. HAWKE (for Mr. Kelly) replied:

(1) No.

(2) These matters are under consideration.

(3) This statement is very general and not in accordance with the view of the Government.

CHARCOAL IRON INDUSTRY.

Establishment and Control by British Firm.

13. Mr. COURT asked the Premier:

(1) Was the Deputy Premier (Mr. Tonkin) correctly reported in the issue of "The West Australian" of Wednesday, the 17th September, 1958, as having said in Sydney that the State Government may hand over the establishment of a charcoal iron industry in Western Australia to a British

firm which would control the Wundowie project and set up the industry at Bunbury or Collie?

(2) Was the item in the issue of the "Daily News" of Wednesday, the 17th September, 1958, to the effect that it was unlikely that Cabinet approval would be given to the company taking over the Wundowie charcoal iron plant, a correct statement of the Government's attitude?

(3) If so, has the company referred to by the Deputy Premier been told that should it decide to commence operations in the State it will be in competition with a wholly Government-owned and financed charcoal iron industry?

(4) If the company established a charcoal iron industry in Western Australia which did not include Wundowie, would the Government amend its existing directive to State departments and Government instrumentalities to buy from State trading concerns, and permit the new charcoal iron venture equal opportunity to supply Government departments and instrumentalities?

(5) Will the new industry be expected to cater only for the export market?

(6) Is it correct, as reported, that the company in question is in a strong financial position and is likely to need little financial assistance from the Government?

(7) Would it not be preferable to dispose of, if possible, to this company the industry at Wundowie which to date has absorbed over £2,000,000 of Government moneys so that all or part of this money can be released for other urgently needed projects?

Mr. HAWKE replied:

(1) The report is partially correct. The establishment of a large-scale charcoal iron industry in the South-West by private capital could possibly involve some alteration of ownership at Wundowie.

(2) to (7) These matters will receive consideration by Cabinet from time to time as negotiations between the Government and the company concerned proceed.

No. 14. This question was postponed.

WAR SERVICE LAND SETTLEMENT.

Dairy Farms at Narrikup.

15. Mr. WATTS asked the Minister for Lands:

(1) Referring to the answer to my question re land settlement, adjustment of an assessment, on the 10th September, will he define exactly what is meant by the expression "the establishment stage" used in that answer?

(2) Referring to a later portion of the answer to the same question, will he state what debts are actually included in the term "revenue debts" used in that answer?

(3) Has any order of priority been determined for repayments on loans by war service land settlers, where commitments exceed full year's income; and if so, what is that order?

Mr. HAWKE (for Mr. Kelly) replied:

(1) The establishment stage is the stage at which a lessee should be able to pay full commitments.

(2) Rent and interest.

(3) Yes. Working expenses, plant, structures, and stock.

SPEEDING CHARGES.

Comparison of Numbers and Fines.

16. Mr. CROMMELIN asked the Minister for Transport:

(1) How many charges of exceeding the speed limit were laid in the metropolitan area from the 1st July to the 31st December, 1957, against drivers of motor-vehicles?

(2) What amount of fines as a penalty was received from these offenders?

(3) How many charges for the same offence were laid in the same area from the 1st January, 1958 to the 30th June, 1958, against drivers of motor-vehicles?

(4) What amount of fines as penalties was received for the period referred to in No. (3)?

(5) As the average fine imposed for this offence from July, 1956, to June, 1957, was less than £5, is this amount considered adequate to prevent this breach of the law?

Mr. GRAHAM replied:

(1) Total 2,041.

(2) £11,878.

(3) Total 2,931.

(4) £14,493.

(5) The penalty under the Traffic Regulations (Reg. 397) is £20 for a first offence, and £50, for any subsequent offence. The penalty imposed on an offender is entirely within the jurisdiction of the magistrates and is not controlled by any other person.

SCALLOPS.

Situation at Shark Bay.

17. Mr. NORTON asked the Minister for Fisheries:

(1) Is there any truth in an A.B.C. news item broadcast on the 5th September, that the schools of scallops had disappeared from the areas being fished in Shark Bay?

(2) If so, is it normal for scallops to shift considerable distances and then return to their original location?

(3) Was the Fisheries boat "Lancelin" in the area at that date; and if so, was it advised of this report?

(4) Did the "Lancelin" make any test trawls of the Shark Bay scallop beds on or about the 5th September?

(5) If so, with what results?

Mr. HAWKE (for Mr. Kelly) replied:

(1) No.

(2) Normal for a slight southerly migration during September and October.

(3) The Fisheries boat "Lancelin" was in the area at that date but was not advised of this report.

(4) No.

(5) Answered by No. (4).

No. 18. This question was postponed.

EDUCATION.

Frequency of Roll Checks at Schools.

19. Mr. HEARMAN asked the Minister for Education:

(1) How frequently are rolls called or other checks instituted at—

(a) Primary schools;

(b) Junior high schools;

(c) Five-year high schools;

to determine the daily attendance at these schools?

(2) What other steps are taken to check children playing truant?

Mr. W. HEGNEY replied:

(1) In primary schools and junior high schools, rolls are called at the commencement of the morning and afternoon sessions. This procedure is modified somewhat in five-year high schools due to the fact that the major part of the teaching is by subject specialists, and the students move from room to room.

(2) Welfare officers of the Education Department examine the rolls of metropolitan schools once a month for cases of unsatisfactory attendance and similarly visit approximately 200 country schools once each term. In the metropolitan area, headmasters advise the welfare branch by telephone of any case of known or suspected truancy. Country schools advise by letter. Absentee notes are forwarded to the parent if no explanation is received by the school concerning a child's absence.

STATE ELECTRICITY COMMISSION.

Use of Term "Economic Possibility" in Relation to Extensions.

20. Mr. CORNELL asked the Minister for Works:

(1) What is meant exactly by the term "economic possibility" when used by the State Electricity Commission in relation to an extension of its supplies?

(2) What return on the capital cost of an extension is regarded by the commission as being "economic"?

Mr. TONKIN replied:

(1) The term "economic possibility" as applied by the State Electricity Commission to its extensions means that the gross return must be sufficient to cover the cost of electricity and standard rates of interest and depreciation on the capital cost of the extension.

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

No. 21. This question was postponed.

ELECTRICITY SUPPLIES.

Government Aid to Carnarvon and Local Authorities.

22. Mr. CORNELL asked the Premier:

(1) Were there any special circumstances surrounding the grant by the Treasury towards the cost of electrical generating plant at Carnarvon?

(2) If so, would he state them briefly?

(3) Would he give consideration to extending assistance by way of similar grants or interest-free loans to local authorities and others required to rehabilitate country electrical generating stations?

Mr. HAWKE replied:

(1) Yes.

(2) (a) Inadequacy and run-down condition of present d.c. plant.

(b) Necessity for conversion and installation of new a.c. plant to provide light and power for an extended area and to meet the demands of industry, Commonwealth and State Government requirements.

(c) Cost of conversion beyond financial capacity of municipality and condition of plant demands immediate action.

(3) Each case will be considered on its merits.

Nos. 23 and 24. These questions were postponed.

QUESTIONS WITHOUT NOTICE.

STANDARD GAUGE.

Proposal for Kalgoorlie-Perth Railway.

1. The Hon. A. F. WATTS asked the Premier:

(1) In connection with the Premier's reply to my question on the 25th September relating to his request to the Prime Minister regarding the standardisation of the Kalgoorlie-Perth railway gauge, when he said that the work would be put in hand by the 31st March, 1959, what were the precise terms of the proposal forwarded by him to the Prime Minister in connection with the financing of the proposal?

(2) What detailed information did the Prime Minister seek in his reply?

Mr. HAWKE replied:

(1) The letter in question did not contain any proposals but requested the Commonwealth Government to give consideration to the standardisation of the railway gauge from Kalgoorlie to Fremantle and stressed the employment value of the suggested work.

The letter was a follow-up to previous correspondence sent to the Prime Minister in this matter which sought consideration for the Kalgoorlie-Fremantle railway section at least equal to any practical considerations which the Commonwealth Government might give to standardisation of railway gauges in the other States of Australia.

(2) The appropriate portion of the Prime Minister's reply is as follows:—

> You will know of the heavy financial commitments facing my Government in the current financial year. We already have substantial obligations on rail standardisation work as well as many other urgent demands on the limited funds available. In these circumstances I cannot, at this stage, hold out any promise of early action to standardise the Kalgoorlie-Fremantle line; but the Commonwealth is willing to give careful consideration to your request in conjunction with other rail standardisation proposals now before it. It would be helpful to us if you could forward at an early date whatever detailed information you may have available about the proposal.

CARNARVON GYPSUM DEPOSITS.

Exploitation by American Company.

2. Mr. COURT asked the Minister for Industrial Development:

Can he give the House any further information than that which appears in "The West Australian" this morning under the heading "U.S. Shows Interest in Gypsum?" The letterpress dealing with the matter indicates that there will be discussions between a representative of the Commonwealth Government and the United States Gypsum Co. of Chicago, regarding deposits near Carnarvon.

Mr. HAWKE replied:

No; but I think an elector of mine has been in communication with this company on more than one occasion in recent months.

EDUCATION.

Roll Checks at Five-Year High Schools.

3. Mr. HEARMAN asked the Minister for Education:

In reply to question No. 19, the Minister said—

> In primary schools and junior high schools, rolls are called at the commencement of the morning and afternoon sessions. This procedure is modified somewhat in five-year high schools due to the fact that the major part of the teaching is by subject specialists, and the students move from room to room.

Can the Minister tell me whether the rolls are called at all at the five-year high schools; and, if not, what is the procedure for checking attendances at such schools?

Mr. W. HEGNEY: replied:

I would like to give the hon. member the detailed information. In order to ensure that I will not be making any indefinite statements, I would like him to put the question on the notice paper.

Mr. Hearman: I have already put the question on the notice paper. It appears as question No. 19, today.

Mr. W. HEGNEY: Only acting in fairness to the hon. member for Blackwood I point out that, as the Premier mentioned the other day, if an hon. member frames a question in a certain way and the answer is framed correspondingly, no-one can be blamed.

If the hon. member will specify in greater detail just what he actually wants, I will do the best I can to get the information for him. There is nothing to hide in this or any other matter. If the hon. member for Blackwood will put his question on the notice paper again, I will get the fullest information I can for him.

4. Mr. HEARMAN: The question which I asked is as follows:—

> How frequently are rolls called or other checks instituted at . . . five-year high schools?

That seems to me to be quite clear. In answer to my question I have been told what is done at primary schools and junior high schools, and then the answer goes on to say—

> This procedure is modified somewhat in five-year high schools.

The Minister, however, has not told me what is done.

Mr. W. HEGNEY: If the hon. member for Blackwood wants to know the extent of the modification as it applies to country high schools and metropolitan high schools, I will do the best I can to get the information for him, but off-hand I am not in a position to give him detailed information. I would hate to mislead the hon. member. I suggest he put his question on the notice paper.

ASSISTANCE FOR SETTLERS.

Distribution of Funds by Rural and Industries Bank.

5. Mr. HAWKE: On the 25th September, the hon. member for Katanning asked whether the Rural and Industries Bank

would be prepared to undertake the distribution of any funds which the Commonwealth Government might make available to assist settlers, particularly newer settlers in the agricultural districts.

I have now discussed this matter with the Chairman of Commissioners of the R. & I. Bank, and he has informed me the bank will be only too pleased to co-operate to the fullest extent in the implementing of any policy decided upon by the Commonwealth and State Governments in this matter.

GOLD.

Overseas Interest in Production and Price Increase.

6. Mr. EVANS asked the Deputy Premier: Could he inform me as to whether he knows of any interest being displayed in either England or America in the production of gold in this State; and particularly as to whether there is likely to be an increase in the price of that commodity in the not too far distant future?

Mr. TONKIN replied:

The hon. member was good enough to give me prior notice of this question; therefore, I am able to inform him that my experience was that there was considerable interest in Great Britain in regard to the production of gold, and its price, and they were hopeful that something would be done to increase the price. I did not find any great interest in the subject in America; but then I was not moving among people who were directly interested in mining.

TOTALISATOR DUTY ACT AMENDMENT BILL.

First Reading.

Introduced by the Hon. J. T. Tonkin (for the Hon. A. R. G. Hawke, Treasurer) and read a first time.

LONG SERVICE LEAVE BILL.

In Committee.

Resumed from the 30th September. Mr. Sewell in the Chair; the Hon. W. Hegney (Minister for Labour) in charge of the Bill.

Clause 18—Certificate of determination of question of dispute:

The CHAIRMAN: Progress was reported on the clause after the hon. member for Nedlands had moved the following amendment:—

Page 21—Delete Subclause (2).

Mr. COURT: When we reported progress I had moved to strike out Subclause (2) as one of a series of amendments which have to be considered collectively, because they are inter-related, and I refer particularly to amendments Nos. 33, 34 and 35 on the notice paper; and, to an extent, to amendment No. 28 which was accepted by the Committee on Tuesday.

The Minister seemed concerned that the deletion of the subclause would affect the enforcement of determinations by the board of reference. I undertook to have a look at the matter, as did the Minister. I have examined the amendments which are on the notice paper, and I am sure that the Bill will be improved by the acceptance of the amendments which all have reference to the same point. Let me assure the Committee that if this subclause is deleted there will be no interference with the enforcement of determinations of the board of reference, and neither will there be any restriction on the matters that can be dealt with by the board. The Bill itself does not provide for the board of reference to enforce its own decisions.

Mr. W. Hegney: It definitely says that it cannot.

Mr. COURT: That is so; the Bill does not give it that power. There was a query regarding the situation under awards. This matter is not specifically referred to in the award, because the situation in that award is well covered, not only by the Industrial Arbitration Act, but also by established practice. The board of reference would make its determination and unless challenged it would become part of the award; therefore the question of enforcement is well covered by the established law. It is not necessary to write the details of enforcement into every award, otherwise the situation would become farcical. It is for that reason that we have an Industrial Arbitration Act which sets out all the provisions regarding the enforcement of decisions and determinations.

If this amendment, and the others to which I have referred are agreed to, there will be a complete and comprehensive coverage within the Bill of the method of enforcement of the determinations. Behind all this is a desire on the part of the Opposition to get away from the board of reference being a board of sole jurisdiction. We want to have it so that a person who wants to go straight to the Court of Arbitration can in fact do so. I do not want to reiterate many of the things that I said on Tuesday night, but these amendments will be of advantage to unions acting together, and employer-organisations acting together through test cases. If they can, by mutual arrangement, take a case direct to the Arbitration Court, and obtain a decision, it will mean that a terrific lot of administrative work and detail will be avoided on both sides. If the position is left in its present form I am certain that people will go to the board of reference well knowing that as soon as they get a decision one of the parties will go to

the Court of Arbitration. I am convinced that we should place in this measure the same provisions and machinery as exists in the Industrial Arbitration Act; I am asking for no more and no less.

There is one reservation I should make in connection with a matter which would be before the Supreme Court, say for a breach of contract in respect to an executive who felt that he had been wrongfully dismissed. Under the amendments it would be possible for the Supreme Court not only to decide the main argument between the two parties to the litigation, but at the same time be able to determine the issue in respect of long service leave, which could be part of the over-all claim. If the Bill remains in its present form, it will mean that at that point of time the Supreme Court will have to say, "We can deal with the main part of your claim, but we cannot deal with the little part about long service leave. That has to be referred back to the board of reference," because under the Bill as it stands at present these things must primarily go to the board of reference. That could be a farcical state of affairs.

That would be an unusual case, of course, because the amendments I propose do not envisage a person going direct to the Supreme Court to have his claim for long service leave alone determined; in fact, he could not go to the Supreme Court because it would not hear him. But it would not prohibit the Supreme Court from dealing with a part of the claim in the case of a breach of contract being claimed before the court, if that part of the claim dealt with long service leave. I think it is a fair proposition.

Mr. W. HEGNEY: The Deputy Leader of the Opposition mentioned that this amendment was bound up with a number of others which follow it. We have to deal with them collectively, as the hon. member said, and for that reason I think I should briefly mention this: Under the consent award recently submitted to and accepted by the Arbitration Court regarding long service leave—which was the subject of agreement between the Employers' Federation and the Trade Unions' Industrial Council—which is dated the 1st of April, Part (h) refers to a special board of reference. That part states that there shall be constituted a special board of reference which shall determine all disputes and matters brought before it. Also, there shall be assigned to it the function of settling disputes and any matters arising thereunder and of determining all such matters as are especially assigned to it.

That appears in the long service leave consent award which, in actual practice, is an amendment to the multiplicity of awards set out in the schedule. Therefore, in many awards, registered in the Arbitration Court, dealing with margins, hours, etc., there are clauses which refer to boards of reference which would handle matters common to a particular industry and which would be presided over by the Industrial Registrar. The other members of the board, of course, would be a representative of the employers and a representative of the union.

I point out, however, that under this consent award, dated the 1st April, there is provision for a special board of reference to be constituted. I asked the general secretary of the A.L.P. what his view was in regard to an appeal from this clause to the Arbitration Court. He advised me that the Employers' Federation does not want an appeal to the Arbitration Court. Instead, that federation wants this special board of reference to determine any matters submitted to it concerning disputes as a result of this agreement.

Under this consent award, unless mutual agreement is arrived at between the parties, no chairman can be appointed. From this a further question arises, namely: Has the Arbitration Court power to appoint a chairman? The point I am making in regard to the amendment is that under the award which has been mentioned by me there is no appeal from the decision of the special board of reference and, I reiterate, the Employers' Federation does not want an appeal to be heard before the Arbitration Court.

The Chief Parliamentary Draftsman, in conjunction with the Secretary for Labour, gave a lot of thought to the compilation of this clause in the way that it concerns appeals; the constitution of the board of reference; offences under the legislation and the administration of the Act when it is passed. If this subclause was struck out it would mean that the board of reference as such would be left without any force. Under the Bill, the board of reference will not have power to enforce decisions or to hear offences that are committed under the legislation, but if there is no appeal from the board of reference, its decisions, to all intents and purposes, will be the decisions of the court.

Subclause (2) of this clause is clear enough, and if hon. members will carefully study the functions and the powers of the board of reference they will realise that an appeal will never find its way to the Arbitration Court. The functions of the board of reference under this legislation include "the granting to an employer of exemption from the operation of this Act, the period, and the conditions, of exemption."

Only this morning Mr. Chamberlain advised me that finality is being sought in regard to the appointment of either the Industrial Registrar, or, in his absence, the Conciliation Commissioner to act as chairman of this board of reference. If that is settled, what more representative board could one get than to have as its chairman the Industrial Registrar or the

Conciliation Commissioner, and a representative of the Employers' Federation and a representative of the industrial unions, as members? I quite agree that we should follow as closely as we can the provisions of the Industrial Arbitration Act, because the other day we heard that this was legislation dealing with industrial law and that it was designed to cover those people who are not bound by industrial awards and agreements. In order that the legislation may work effectively, it should conform to the provisions of the Industrial Arbitration Act as much as possible. However, I cannot agree with the comments made by the Deputy Leader of the Opposition on this clause, and I hope the Committee will not agree to the amendment.

Mr. COURT: It is apparent that the Minister and myself are at variance on this particular subject. I have studied it very closely since Tuesday night and I do not deny the words which the Minister read out in regard to a special board of reference and the fact that it shall determine all disputes and matters brought before it, etc.

Mr. W. Hegney: There is no appeal under that award.

Mr. COURT: The Minister knows that he will not find appeal provisions in any award; they are inherent in the Industrial Arbitration Act. If he looks at Section 89 of that Act he will see the machinery for setting up the boards of reference.

Mr. W. Hegney: But this is a special board of reference.

Mr. COURT: What is the difference between a board constituted under Section 89 of the Industrial Arbitration Act and a special board of reference? According to the Minister's argument it means that for years the industrial machinery of this State has been working with the mutual agreement of the employer and employee bodies and accepting certain decisions of the boards of reference quite unnecessarily, because, if he would have us accept his proposition, it means that the determinations of the boards have no effect; that if anyone chooses to ignore them they will become a dead letter.

In point of fact, the reverse is the case. When the board makes its determination on a matter—and there can be many matters referred to the board—that becomes part of the award, unless either of the parties elects to take further action in the matter. Let us look at the situation where a board of reference made a determination regarding a particular condition in a workshop, such as dirt money, or something like that, after examining the situation. In most cases—I think practically in every case—the parties to it accept it as a determination which is fair and equitable. It is a most unusual circumstance for them to quarrel beyond that.

Mr. W. Hegney: That is ordinary boards of reference.

Mr. COURT: There is no difference with this board.

Mr. W. Hegney; Oh, yes; there is!

Mr. COURT: It is going to determine special matters referred to it in connection with long service leave. Many matters will arise in connection with long service leave, such as entitlements, time of taking leave, amounts to be paid whilst on leave, how the amounts are to be paid while on leave, etc. I do not want the Minister to give the Committee the impression that we are seeking to restrict the powers of the board of reference. We are not. It comes down to a question of enforcement. The Minister should give this serious thought and, if necessary, not make a decision today, because it is very important. If the Minister persists with his proposition and votes against the amendment, he will not produce machinery equivalent to that provided for in the Industrial Arbitration Act. Under that Act the board of reference makes its determination and, if it is not challenged, it becomes part of the award; it is worked on by both parties, and is enforceable under the Act.

But the Act gives power of enforcement if one party fails to honour a particular arrangement. The court then buys into the argument. The entire enforcement provisions are inherent in the Industrial Arbitration Act and, for that reason, it has not been necessary to write those words into the consent award. It is, however, necessary to write the provisions of the Industrial Arbitration Act into this legislation because, in itself, this legislation is not tied to the Industrial Arbitration Act; it is tied to it only when we are specific and say that a particular section of the Industrial Arbitration Act applies for the purpose of this long service leave Act. To allow further action to be taken, and to permit further investigation, I hope the Minister will agree to report progress because, if the amendment is rejected, it will make it difficult to proceed with others which are necessary for the smooth working of the measure.

Mr. W. HEGNEY: I wish to emphasise that in regard to the long service leave award there is a clause for a special board of reference which will have arbitrary powers. There will be no appeal to the Arbitration Court from its decisions. That is one of the weaknesses written into the award; it is a carry-over from the days of the drafting of the original long service leave provisions. It is necessary to have adequate machinery in the Bill for the implementation of its provisions, and we propose to set up a board of reference

to deal with matters arising out of disputes under long service leave legislation, including certain matters enumerated in the Bill.

We say that a board of reference shall hear and determine those cases. Under the Bill the board of reference is to be representative of the Employers' Federation, the Trades Union Industrial Council, and a chairman mutually agreed upon, or one appointed by the court. There are a number of matters that will be referred to the board of reference, and if anyone feels aggrieved by the decision of the board of reference machinery is provided for an approach to be made to the Arbitration Court. That is clear. We gave special consideration to these proposals because the workers and the employers would not be bound by an award.

Mr. Court: Do I take it you are not going to agree to any amendment concerning jurisdiction so as to allow those matters to be referred direct to the Arbitration Court?

Mr. W. HEGNEY: We have given careful consideration to it and we stand adamant on this point: The board of reference shall function, and there shall be an appeal from it to the Arbitration Court. We are adamant on that. Although I think it will clutter up the court to an extent, we are not adamant on the provision concerning a conciliation commissioner and the Arbitration Act. From the remarks of the Deputy Leader of the Opposition it appears that in any case there should be an appeal to the Supreme Court.

Mr. Court: No.

Mr. W. HEGNEY: Then I have misinterpreted his remarks. We are prepared to follow the provisions of the Arbitration Act, and where there is a fine of more than £20 there can be an appeal to the Supreme Court. The Deputy Leader of the Opposition would be well advised to allow the provisions in the Bill to be passed at this stage; the Bill can then go through Committee today and be forwarded to another place for consideration next week. Between the time when it is being considered in another place and when it is returned, further amendments can be considered.

Regard must be had to the importance of the machinery in this clause for giving effect to the provisions in the Bill. I have been advised strongly by the Parliamentary Draftsman that the method in this clause is the better one for the implementing of the provisions. We have opposed the representation of parties by the legal fraternity only in so far as such representation is restricted by the Industrial Arbitration Act. At present if all parties agree, legal representation may be availed of.

Mr. COURT: I am more than ever convinced that the Minister has not grasped the importance of this and the following amendments. On a matter like this the Minister, and his advisers, and I, must have regard to the practical experience of the men who handle the industrial arbitration law in the ordinary course of their duties. There is no suggestion that the determinations of the board of reference are to be restricted. Its powers are not gained from this clause. They are defined in other clauses. This clause does not restrict any of the matters which can be dealt with by the board of reference.

The Minister has not indicated to which of the succeeding amendments he will agree. I would point out that amendments Nos. 33, 34 and 35 are all important and relevant. If he agrees to any of them it will be necessary to make a consequential amendment, even if this subclause is not deleted. I am not keen on the idea of having this Bill sent to the Legislative Council to have that House play around with it, and send it back in an altered form. It is the job of this Chamber to interpret as far as it can the intention of hon. members. I would rather the Minister report progress so that the import of his remarks as well as mine, in respect of this clause, can be studied. The matter can be proceeded with without any delay on Tuesday next, and we on this side will co-operate with the debate on this clause.

I want to dispel the suggestion which the Minister has put abroad that the determinations of the board are impaired by this clause. They will not be affected in any way. The board will make its decisions, as it does under many awards, and if they are not challenged they become part of the award. In this case, if the board makes a decision, and it is not challenged, then it is binding on all the parties.

Mr. W. Hegney: That is what we are saying in this clause.

Mr. COURT: The Minister is overlooking the fact that we are trying to get away from exclusive jurisdiction. What he is doing by opposing my amendments is to restrict the jurisdiction to the board. If he is prepared to indicate how far he will go in respect of amendments Nos. 33, 34 and 35 we might reach some agreement.

Mr. W. HEGNEY: I oppose amendments Nos. 33, 35, 36 and 38, but I agree to No. 34. I do not see the logic of postponing this debate any further. The position is very clear. I reiterate that we are not trying to include in the Bill machinery which is of a restrictive nature.

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

Ayes—15

Mr. Bovell	Mr. Nalder
Mr. Court	Mr. Oldfield
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. Lewis	Mr. Wild
Mr. W. Manning	Mr. I. Manning
Sir Ross McLarty	*(Teller.)*

Noes—21

Mr. Andrew	Mr. Lawrence
Mr. Bickerton	Mr. Moir
Mr. Brady	Mr. Norton
Mr. Gaffy	Mr. Nulsen
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Toms
Mr. Jamieson	Mr. Tonkin
Mr. Johnson	Mr. May
Mr. Lapham	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Brand	Mr. Kelly
Mr. Mann	Mr. Hawke
Mr. Hutchinson	Mr. Rowberry
Mr. Thorn	Mr. Marshall
Mr. Perkins	Mr. Evans
Mr. Cornell	Mr. Sleeman

Majority against—6.

Amendment thus negatived.

Clause put and passed.

Clause 19—Appeal against determination made by Board of Reference:

Mr. COURT: Members will see from the notice paper that I desire to move for the deletion of Clauses 19, 20 and 21. I do not desire to elaborate greatly on these clauses. I will confine my remarks at the moment to Clause 19. These clauses come under Part V, appeals from determinations made by the Board of Reference. In our opinion this clause will become unnecessary if the Minister is prepared to accept subsequent amendments on the notice paper.

He has indicated he is not prepared to accept amendment No. 33, which is important in this recasting of the Bill. I do not want to elaborate more than I have, because it is all tied up with our proposed recasting of the Bill so as to provide better jurisdiction and, in particular, to bring it strictly into line with the Industrial Arbitration Act.

I would like to hear what the Minister proposes in connection with the succeeding amendments because it affects the attitude of hon. members on this clause.

Mr. W. HEGNEY: I would like to indicate that I am opposed to deleting these three clauses. Clause 18 sets up the machinery for appeals and the determinations of the court in regard to appeals by aggrieved persons. Clause 19 merely indicates that an employee or personal representative of a deceased employee, or an employer, who is aggrieved by any determination made by the board of reference, may appeal against the determination of the court. Clause 20 then sets out what the court is entitled to do, and it provides that an appeal under this part may be brought and shall be heard and determined in all respects as if it were an appeal referred to in Section 89 of the Industrial Arbitration Act, 1912. All Clause 20 does is to give to the court the same powers it has under Section 89 of the Industrial Arbitration Act.

Clause 21 is enforceable under Section 105 of the Industrial Arbitration Act, in all respects as an order or direction referred to in that section is enforceable. Section 105 provides for the enforcement and carrying out of any decision made. To my mind these three clauses are essential for the purpose of the Bill and I hope the Committee will vote against their deletion.

Mr. COURT: I was hoping the Minister would be more specific as to which amendments on the notice paper, directly related to this group, he is going to agree to.

Mr. W. Hegney: I am sorry.

Mr. COURT: I invite the attention of the Minister to the provisions of Clause 21, which is part of this group.

If the Minister studies the amendments we have proposed, he will find that all we seek to do is to bring in the provisions of the Industrial Arbitration Act; and why he wants to deny this is beyond me. It has worked extremely well; it is thoroughly understood in industrial practice, and I do not see why he wants to make this particular section of industrial arbitration law any different from the existing law. I thought I made the position clear the other night that if a person was claiming money from an employer he could take action through the industrial magistrate; from there he could go to the Arbitration Court; and from there, if it is over a specified amount, he could go to the Supreme Court.

I am not asking for the Supreme Court to be brought in in any way other than exists under the Industrial Arbitration Act at the present time, except that I want it to consider, on special occasions, aspects of long service leave, should a claim for litigation be before the court on a general matter, which involves as one part of that litigation long service leave. As the Bill is constituted at the present time, the Supreme Court in considering say 19 or 20 other matters going to make up a particular case before it, would have to stop at the small section which might be in connection with long service leave and say that that particular part of the claim has to be decided by the board of reference and no other.

There is a right of appeal from the board of reference under the Minister's suggestion, but one must start at the board of reference. I am not suggesting that under these amendments a person should go straight to the Supreme Court; he would have to go through the same procedure as he would under the Industrial Arbitration Act.

I was hoping the Minister would give more enlightenment as to his attitude towards this matter, because it is difficult to consider these amendments piece-meal. If he is going to disallow one and allow another we, on this side, have to consider the end result of deleting one of our amendments. All of these amendments are part of the group, and the disallowance of some and the allowance of others could bring about a state of distortion in the Bill when it eventually left the Chamber. Could the Minister give a clear indication of the amendments he is going to agree to in this particular group?

Mr. W. HEGNEY: I am sorry I went too quickly before. We are now on amendment No. 31 which I indicated was to be opposed. That includes three clauses. It is proposed to oppose amendment No. 32 —that is just the heading; No. 33 will be opposed; No. 34, which could clarify the position a bit, will be agreed to; No. 35, which is vital, will be opposed; No. 36 will be opposed for reasons which I hope to give; No. 37 will be agreed to; No. 38 will be opposed; No. 39 will be agreed to with some modification of the words; and No. 40, the last one mentioned by the Leader of the Country Party—referring to the phrase "all or any of"—I am happy to agree to.

The Deputy Leader of the Opposition said that a case could arise where an executive officer could be suing an employee or vice versa for a breach of contract with regard to long service leave. The Employers' Federation—an astute body, as is the Trade Union Industrial Council—has not written anything in its award in regard to that position. The same situation could arise under the award as under this Bill. If, during the course of employment, an employee—whether an executive officer or wages employee—should have a difference of opinion with his employer which is of such a vital nature that it finds its way to the Supreme Court, why should the interpretation of this Bill be dragged into it? It is not a matter for the Supreme Court. This Bill will set out certain provisions; and if the employer refused the employee long service leave, the latter would exercise his rights under this Bill. After all is said and done, the President of the Arbitration Court has the authority and jurisdiction of a Supreme Court judge.

Mr. Court: I think you are mis-stating the position—not intentionally—which I tried to explain to you. I am not suggesting for one minute that a man can go straight to the Supreme Court.

Mr. W. HEGNEY: The position is plain. The situation could arise where long service leave could be mixed up with a breach of contract. This is to an extent, I would say, experimental legislation because it has not been on the statute book before; and I would hazard a guess that in due course it is very likely that it will be found necessary to alter some of the verbiage. But I think in its present state the wording of the Bill is correct. If experiment proves, after one or two years, that some modification is necessary, I do not think either House would be averse to making it.

Sitting suspended from 3.45 to 4.5 p.m.

Mr. COURT: As previously indicated, I intend to oppose this clause, together with Clauses 20 and 21 in accordance with the bracket of amendments that we have on the notice paper dealing with jurisdiction. The Minister has conceded one amendment which brings into the legislation the provisions of the Industrial Arbitration Act—I refer to amendment No. 34 —but he has foreshadowed the defeat of amendment No. 35. We will have a most extraordinary state of affairs if the Minister persists in retaining Clauses 19, 20 and 21 and defeating the amendments we have on the notice paper, in particular amendment No. 35, while he concedes amendment No. 34. I say this because Clause 28, covered by amendment No. 35, provides specifically for exclusive jurisdiction for certain courts and persons. If that clause is agreed to in its present form, it could mean interference with the present civil rights of the community; and that is one of the things that the legislatures of Australia have tried to avoid—namely a totalitarian State where there is exclusive jurisdiction.

If the Minister agrees to amendment No. 34—and I hope he will—he will have provided for the machinery in the Industrial Arbitration Act to be brought into the Bill; but at the same time he will deny the use of that machinery in Clause 28 because he has foreshadowed the defeat of the amendment relating to that clause. I should like the Minister to give us some explanation of what he has in mind because it is the intention of the Opposition not to divide on each of these amendments.

Mr. W. HEGNEY: Amendment No. 34 deals with Clause 26. Mr. Chairman, would I be in order in referring to it at this stage.

The CHAIRMAN: Yes.

Mr. W. HEGNEY: There is an appeal from the industrial magistrate to the Court of Arbitration. My idea, in allowing appeals to be heard before the Arbitration Court, was to bring this legislation into conformity with the Industrial Arbitration Act.

Mr. Court: With which we agree.

Mr. W. HEGNEY: Well, what is the hon. member concerned about?

Mr. Court: Amendment No. 35 on the notice paper has to be read in conjunction with this.

Mr. W. HEGNEY: In regard to that, I think I can move that the clause shall be subject to the proviso under Section 108 of the Industrial Arbitration Act. Industrial matters are exclusive to the Arbitration Court only on matters of jurisdiction or in accordance with the provisions of Section 108. That deals with the hon. member's amendment No. 34.

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

Ayes—21

Mr. Andrew	Mr. Moir
Mr. Bickerton	Mr. Norton
Mr. Brady	Mr. Nulsen
Mr. Gaffy	Mr. O'Brien
Mr. Graham	Mr. Potter
Mr. Hall	Mr. Rhatigan
Mr. Heal	Mr. Sleeman
Mr. W. Hegney	Mr. Toms
Mr. Johnson	Mr. Tonkin
Mr. Lapham	Mr. May
Mr. Lawrence	*(Teller.)*

Noes—15

Mr. Bovell	Mr. Nalder
Mr. Court	Mr. Oldfield
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. Lewis	Mr. Wild
Mr. W. Manning	Mr. I. Manning
Sir Ross McLarty	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Kelly	Mr. Brand
Mr. Hawke	Mr. Mann
Mr. Rowberry	Mr. Hutchinson
Mr. Marshall	Mr. Thorn
Mr. Evans	Mr. Perkins
Mr. Jamieson	Mr. Cornell

Majority for—6.

Clause thus passed.

Clause 20—How appeals may be brought, heard and determined:

Mr. COURT: As indicated, the Opposition does not intend to debate each and every one of the clauses. The principle has been established, and I merely wish to record our opposition to Clauses 20 and 21.

Clause put and passed.

Clause 21—put and passed.

Clause 22—Provisions for enforcement:

Mr. COURT: For the reasons previously given, I do not propose to move the amendment which is listed as No. 32 on the notice paper and which refers to the heading of Part VI. In regard to Clause 22 itself, as distinct from the heading, there is amendment No. 33 on the notice paper which is related to those which have previously been debated and defeated. Therefore, I do not propose to move the amendments listed. I merely record our opposition to the clause in its present form.

Clause put and passed.

Clauses 23 to 25—put and passed.

Clause 26—Appeals from decision of Industrial Magistrate:

Mr. COURT: I move an amendment—

Page 23, lines 27 to 33 inclusive—Delete this clause and substitute in lieu thereof the following:—

> The provisions of section one hundred and three A of the Industrial Arbitration Act, 1912, relating to appeals from decisions by an Industrial Magistrate, section one hundred and four relating to the removal of proceedings into the Court of Arbitration, the proviso to section one hundred and eight relating to appeals from the Court of Arbitration, section one hundred and eight B relating to the jurisdiction and powers of the Conciliation Commissioner, section one hundred and eight C relating to appeals from the Conciliation Commissioner, shall apply as if repeated *mutatis mutandis* in this section to decisions, determinations and proceedings under this Act.

This is the point that was touched on in the previous debate relating to associated clauses and the intention is to bring into this legislation the effect of those sections of the Industrial Arbitration Act which we consider desirable and necessary.

The CHAIRMAN: I would point out to the hon. member that if he moved an amendment to strike out all the words after the word "Magistrate" in line 30 to the end of the clause, it would have the same effect.

Mr. COURT: Very well, Mr. Chairman. With your permission I will withdraw the amendment I have just moved.

Amendment, by leave, withdrawn.

Mr. COURT: I move an amendment—

Page 23, lines 30 to 33 inclusive—Delete the words, "apply as if repeated *mutatis mutandis* in this section to decisions made under this Act by an Industrial Magistrate."

Mr. W. HEGNEY: I just want to get this point clear: The intention of deleting this is to insert the remainder of the amendment previously submitted?

Mr. Court: Yes.

Amendment put and passed.

Mr. COURT: I move an amendment—

That the following be inserted in lieu of the words deleted:—

> Section one hundred and four relating to the removal of proceedings into the Court of Arbitration, the proviso to section one hundred and eight relating to appeals from the Court of Arbitration, section one hundred and eight B relating to the jurisdiction and

powers of the Conciliation Commissioner, section one hundred and eight C relating to appeals from the Conciliation Commissioner, shall apply as if repeated *mutatis mutandis* in this section to decisions, determinations and proceedings under this Act.

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

Clause 27—put and passed.

Clause 28—Exclusive jurisdiction:

Mr. COURT: I do not know whether the Minister is going to move a consequential amendment in view of a previous amendment accepted by the Committee, because there appears to be an anomaly. If this clause goes unamended, on the one hand we will be referring to exclusive jurisdiction and, on the other, providing for something different.

Mr. W. HEGNEY: It is doubtful whether cases would arise where the proviso to Section 108 of the Industrial Arbitration Act would be invoked. The intention is to have the Arbitration Court as the final authority; and clauses were drafted so that there could be an appeal from the industrial magistrate and the conciliation commissioner to the Arbitration Court. Thus far and no further. That is why Clause 28 confers exclusive jurisdiction on the Arbitration Court.

Mr. Court: Not only on the Arbitration Court.

Mr. W. HEGNEY: An amendment which has just been carried, and which was moved by the Deputy Leader of the Opposition, will give an aggrieved person coming within Section 108 of the Arbitration Act a right of appeal from the Arbitration Court to the Supreme Court. I move an amendment—

Page 24, line 12—After (1) insert the following words:—

Subject to the proviso contained in Section 108 of the Industrial Arbitration Act, 1912-1952.

Mr. COURT: It is no use my moving an amendment because the Minister has made it clear that he will not accept it, and he has the numbers. However, he is trying to make sure that the previous amendment that he accepted is effective. I am not sure if the proviso he proposes to incorporate goes far enough. However, that is a matter he will have to decide. This clause is still objectionable to us because blatant reference to exclusive jurisdiction is repugnant.

Mr. W. Hegney: In certain cases.

Mr. COURT: It means that a person must go to these particular courts in the sequence named, regardless of his feelings. I know the Minister will say there is the right of appeal.

Mr. W. Hegney: No I will not.

Mr. COURT: What will the Minister say?

Mr. W. Hegney: I am not going to say that.

Mr. COURT: In most matters, rights of appeal end at the Arbitration Court. A very limited number go on to the Supreme Court. What we are trying to achieve, though unsuccessfully up till now, is that if a person does not wish to go to the board of reference to have his case dealt with, he can go to the Arbitration Court. Can the Minister enlighten us on that? In the amendments he has put into the Act, does the Minister consider he has broken down the sequence; or will a person have to start at the bottom and work his way up in connection with long service leave?

Mr. W. HEGNEY: I am surprised at the Deputy Leader of the Opposition raising that point, because the Government has done its best to meet a number of his objections in the drafting of the Bill. We accepted in toto a number of amendments concerning the verbiage under the award between the Employers' Federation and the unions, which was later made a consent award. The basis of that implementation under that award is a board of reference to deal with the matters arising out of that award relative to long service leave. We have carried on that machinery and have also given the right of appeal against decisions of the board of reference.

Mr. Court: There is a right of appeal under the award.

Mr. W. HEGNEY: There is under awards in regard to boards of reference.

Mr. Court: And in regard to special boards of reference.

Mr. W. HEGNEY: It is not necessary to argue that. The board of reference in the first place will deal with all matters concerning disputes under the award or legislation as the case may be. There is an appeal to a higher authority from the decision of the board of reference if any person feels aggrieved. I can visualise numbers of cases in which the board will command confidence. People will think a second time before they appeal. We must have regard to the functions of the Arbitration Court. I suggest it should not be cluttered up by having to hear many miscellaneous applications which in the first place could be determined by a board of reference.

I would refer to this part of the infamous legislation which was passed in 1952 by the Opposition which was then the Government. It gave no appeal from the court's decision in regard to disputed elections. Section 36 stated, in regard to the jurisdiction of the court, that an act or decision of the court should be final

and conclusive and not be questioned in the Supreme Court or any other court. I mention that to show that when it suited the Government of the day, it did not provide for appeals to the Supreme Court or any other court in regard to disputed elections. We are trying to bring the provisions in the Bill into line with the jurisdiction of the Arbitration Court.

Mr. COURT: The Minister is completely distorting what I have said. We have not asked for the right of appeal to the Supreme Court in addition to what is already contained in the Industrial Arbitration Act. The whole tenor of our argument is to provide the same channels in this Bill as are provided in the Industrial Arbitration Act. The Minister cannot suggest that Clause 28 contains the normal provisions of the Industrial Arbitration Act, even with the amendment he has suggested.

Mr. W. Hegney: It will not be far off.

Mr. COURT: It is far from it, because this exclusive jurisdiction referred to in the Bill means that one has to start off with the board of reference, whether one likes it or not. One is prevented from going before the Arbitration Court directly. I am aware that one can go through the ordinary processes and, by appeal, go before the Arbitration Court; but there will be the contentious process of having to go before the board of reference in the first place. We do not accept Clause 28.

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

Clause 29—put and passed.

Clause 30—Prohibition of employment during long service leave:

Mr. COURT: I move an amendment—

Delete paragraph (a) on page 25; and paragraph (b) (i) and (ii) on pages 25 and 26 and insert the following in lieu:—

> the employee shall thereupon forfeit his right to leave hereunder in respect of the unexpired period of leave upon which he has entered, and the employer shall be entitled to withhold any further payment in respect of the period and to reclaim any payments already made on account of such period of leave.

There is not a great variation in principle involved. This amendment is moved with the object of bringing the clause into line with Part (e) (1) (f) of the award made by the court in April. For reasons previously explained, we consider it most desirable, where practicable, to have the wording of the Bill identical with the wording of the award, in order to avoid possible disputation. The provisions of the award are well established and are well understood by the parties which negotiated it. We feel that it is desirable that the extension of the application of long service leave be related to that award as far as practicable.

Mr. W. HEGNEY: I am not violently opposed to this amendment. I agree that the wording of the amendment is identical with the wording in the award referred to. I would like to draw attention to the wording of Clause 30 (1) and (2). If the amendment is accepted, what machinery will be provided for the recovery of amounts due?

Mr. Court: There is ample machinery.

Mr. W. HEGNEY: The clause under discussion was drafted in conformity with the relevant section in the award, with a view to preventing any person whose employment had been terminated from accepting other employment while enjoying long service leave. If the hon. member insists on his amendment, which has the exact meaning as the wording in the clause, I am prepared to agree.

Mr. COURT: I would prefer to see the provisions of the award incorporated in the Bill. There is ample machinery to protect the employers, to which the Minister has referred, for the recovery of any amount due. In this case it is practicable to incorporate the wording of the award in the Bill.

Amendment put and passed.

Mr. ROBERTS: I move an amendment—

Page 26—Delete Subclause (3).

This does not appear in the award. It could be that an employer, in all good faith, employs a new person; and after that person has been employed for a month or so, he is informed that the employee is actually on long service leave. Immediately he finds that out, he could give the employee a week's notice; but according to the award, it is an obligation on the part of the employer to pay at least a week's wages; during that period he knowingly is employing an employee who is on long service leave. I hope the Minister will agree to the deletion of this Subclause.

Mr. W. HEGNEY: It is true that the words are not in the award in this State, but this particular provision was lifted from the Victorian Act in relation to long service leave. It is admitted that in certain cases it would be difficult for an employer who might be put in a false position, and I do not propose to persist with the clause and will accept the amendment.

Amendment put and passed.

Mr. COURT: I move an amendment—

Page 26—Delete Subclause (4).

I find no provision along these lines in the consent award that was made and cannot see the object of it. No doubt the Minister will be able to explain his

reason for it. It will start disagreement and disputation by legal people taking the Act on the one hand and the award on the other, and in the event of disputation, will be a disadvantage to the worker who is under the award. Surely that is not our intention. Once we get these documents at variance there will be people who will try to read these things into one or the other to suit their convenience. I would like the Minister to explain why this particular subclause has been included and say whether he will agree to its deletion.

Mr. W. HEGNEY: I will not agree to its deletion. As a matter of fact, this clause was specially designed to take its place in the Bill. It arose from a position where an employee either had his services terminated by an employer, or the employee terminated his services with the employer. He was entitled to long service leave; and, so far as I know, he was being paid by instalments on a weekly or a fortnightly basis. I believe he accepted other employment, and his previous employer said he was not entitled to any further long service leave payments. When an employee severs his connection with an employer after being employed by him for 20 years or more, no relationship of master and servant obtains; and after he secures further employment the previous employer may say he is not entitled to long service leave payments.

If an employee is obtaining full wages from his employer after 20 years' service in an industry, and is on long service leave, and goes elsewhere to work during that period, he is helping to undermine the very basis for which long service leave is granted. However, there is some difference in regard to an employer who terminates the services of an employee at the end of 20 years, or where an employee, having earned the right under the provisions of the Bill to enjoy long service leave, terminates the employment. If, after a week or a fortnight, he elects to work for some other employer, his previous employer is not entitled to recover moneys paid to him and withhold the difference between what he has paid and the total liability. There is a difference in these cases.

Mr. COURT: The explanation given by the Minister is one that I thought he might give; but he creates the impression that employers are interpreting the long service agreements that way, which is not so. If he consults his officers, he will find that the employers, through their recognised body, have been definitely advised and instructed that the employee whose services are terminated to coincide with his going on long service leave is not subject to the re-employment provisions. By re-employment I mean employment in another industry. I am trying to ascertain what is behind it in addition to the point the Minister has stated because there is no problem in industry today. There was one, which the Minister touched on and which I think was in the timber industry. Surely he will find on reference that that case has been completely and satisfactorily finalised along the basis that he has outlined as being desirable. I am just trying to find out whether there is anything more to it.

Mr. W. Hegney: No, that is the reason.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clause 31—put and passed.

Clause 32—Powers of Inspectors:

Mr. ROBERTS: I move an amendment—

> Page 26, lines 21 to 25 inclusive—Delete the words "or may enter at any time any premises or place where he has reason to believe any offence against this Act has been committed."

The provisions in this subclause are not included in the provisions covering powers of inspectors in Section 11 of the Factories and Shops Act. It was agreed in 1957 that this particular part should be deleted from the Bill presented in that year; and the point I want to make is that the record of long service leave by any person is over a long period of years, and does not apply to any particular single day.

Therefore, I feel that to include this particular part in paragraph (a) is unwarranted. It gives the inspectors greater powers than a police officer has, and that is repugnant. The Minister should agree to this amendment. I understand he is going to modify it somewhat, but I dislike very much the thought that the inspector under the Shops and Factories Act is going to have greater powers than any police officer.

Mr. W. HEGNEY: The wishes of the hon. member for Bunbury will probably be met by a modification of paragraph (a) of Clause 32. I am willing to move for the deletion of the words "at any time" in line 22, on page 26, with a view to inserting the words "during usual working hours." It may be asked: "Why duplicate, because 'usual working hours' are mentioned at the commencement of the clause?" but two different positions can arise. The first is that—

> An inspector may enter during usual working hours by day or night any premises or place in which he has reasonable cause to believe that any employee is working at his employment . . . .

But the position could arise where a person has left the employment and makes a complaint in regard to the non-payment of long service leave. How is the inspector going to determine whether an offence has

been committed unless he has access during usual working hours? I am prepared to move—

The CHAIRMAN: I draw the Minister's attention to the fact that he cannot move an amendment unless the hon. member for Bunbury withdraws his amendment.

Mr. ROBERTS: The Minister's proposed amendment takes the place of what I was intending, so I ask for leave to withdraw the amendment, on the condition that the Minister will move for the deletion of those words and the inclusion of other words.

Amendment, by leave, withdrawn.

Mr. W. HEGNEY: I move an amendment—

Page 26, line 22—Delete the words "at any time" and insert in lieu the words "during usual working hours."

Amendment put and passed.

Mr. W. A. MANNING: I have an amendment which the Minister has indicated he will accept. It seems even under the present wording of the clause, that the word "exclusively" is incorrect. Without prolonging the debate on this matter, I move an amendment—

Page 27, line 10—Delete the word "exclusively."

Mr. W. Hegney: I have no objection.

Amendment put and passed.

Mr. ROBERTS: I move an amendment—

Page 27, line 12—Delete the words "all or any of."

The Minister in previous debates in Committee agreed to the deletion of these words.

Mr. W. Hegney: He still sticks to it.

Mr. ROBERTS: In that case there is no necessity for me to say anything further.

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

Clause 33—put and passed.

Clause 34—Obstruction of Inspectors:

Mr. COURT: I move an amendment—

Page 28, line 5—Add to paragraph (d) the following:—

Provided that no person shall be required to answer any question tending to criminate himself.

This proviso is copied from Section 11 (d) of the Factories and Shops Act, as was the other provision in this paragraph; and no reason is seen for the deletion of the proviso. Briefly, a man could be guilty of an offence if he refused to admit that he was guilty of an offence under the Act. That would be a most unfair situation.

Mr. W. Hegney: I have no objection to the amendment.

Amendment put and passed.

Mr. COURT: I move an amendment—

Page 28, line 12—After the word "if," insert the following words:—"without reasonable cause."

The same reasons apply to the amendment as applied to Subclause (1) of this clause; and I think this amendment was agreed to by the Minister in 1957.

Amendment put and passed.

Mr. COURT: I move an amendment—

Page 28, line 14—Delete the word "he."

If the Committee studies the clause it will be found to be better with the deletion of the word "he." This was agreed to by the Minister in 1957.

Mr. W. Hegney: He agrees.

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

Clause 35—Offences generally. "This Act" includes regulations:

Mr. COURT: I move an amendment—

Page 28, lines 22 to 24 inclusive—Delete the words "or of any determination, judgment, order or direction by the Board of Reference and which applies to him."

I remember this matter being debated during the early hours of the morning in the 1957 session; and the comments I made on that occasion apply equally today. If a person were unable to make a payment required of him under the Act, it seems harsh that he would thereby commit another offence.

Mr. W. HEGNEY: I have not looked up Hansard to see how I shaped on that occasion; but I think I would have opposed it, otherwise the words would not have been included now.

Mr. Court: You agreed to quite a few things which are not corrected in this Bill.

Mr. W. HEGNEY: This deals with offences.

Mr. Court: That is so.

Mr. W. HEGNEY: We have decided that the board of reference shall have certain jurisdiction under the Act, and we must have machinery for administering the Act. I do not think the amendment is necessary or advisable, and I hope it will be defeated.

Mr. COURT: If the Minister reads the clause in conjunction with clauses 24 and 27, he will see the significance of what I mean. A person could be harshly dealt with if the words are left in the clause, because he would be committing another offence, in many cases in circumstances completely beyond his control; and there is already ample provision in the Bill for

the enforcement of orders and determinations made. I hope the Minister, upon reflection, will agree to the amendment as he did on a previous occasion.

Amendment put and negatived.

Clause put and passed.

Clauses 36 to 38—put and passed.

Clause 39—Proceedings to be heard by Industrial Magistrate:

Mr. COURT: I move an amendment—

Page 29, line 15—Add after the words "Industrial Magistrate" the following words:—"The Conciliation Commissioner or the Court of Arbitration."

The object of the amendment is to give the Conciliation Commissioner and the Arbitration Court power to deal with matters under the Act. I would like to know the Minister's attitude in view of his attitude to previous amendments.

Mr. W. HEGNEY: I think the hon. member would be well advised to leave the position as it is in the Bill, because the Arbitration Court does not want to be loaded up with this sort of thing, if it can be avoided. If, in the light of experience, it is thought that the amendment is necessary, it can be made. However, if the hon. member really wants the amendment, I will agree to it.

Mr. COURT: I thank the Minister for his helpful attitude, and I would like to see the amendment agreed to, because it is consistent with our whole attitude towards the jurisdiction for this legislation.

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

Clause 40—Representation of parties in proceedings under this Act:

Mr. COURT: I move an amendment—

Page 29, line 20—After the word "by" first appearing, add the following words "his solicitor or by."

As solicitors can appear in respect of hearings of offences under the Industrial Arbitration Act, I cannot see why there should be any difference with this legislation. The Minister agreed to it in 1957.

Mr. W. Hegney: I doubt that.

Mr. COURT: I respectfully suggest that the Minister did. I agree that he did so in the early hours of the morning and he may have been in a weakened state. However, he did agree to it for the reasons we advanced. I know that the Minister's party is opposed to solicitors appearing in these cases, but, on reflection, he must realise that the unions gain more advantage than disadvantage when solicitors appear at the hearings of these cases. It is only with trained representation that certain points of law are brought out, and judges and magistrates, from time immemorial, have commented on the fact that their judgments are greatly assisted by the legal points which are raised by trained legal men.

This principle works in favour of both the employee and the employer. Therefore, I hope that on this occasion the Minister will agree with the provision being brought into line with the provision in the Industrial Arbitration Act. For example, there could be many test cases involved where the unions are fighting for the establishment of a principle, and the same could apply to the employers. Is it not logical that in those cases, particularly, trained legal advocates should appear for both parties?

Mr. W. HEGNEY: I do not agree with this amendment. This legislation deals specifically with long service leave. We have clearly set out the wording of the provisions in the Bill, and quite often the wording of the award, to which reference has been made, has been followed. I can quite imagine that the matters that will be submitted to the competent authority for decision will be such that, invariably, the determinations will be made on questions of fact. Such matters, therefore, should be heard in an atmosphere far removed from legal processes. The participants in the hearing should be represented either personally or by their duly appointed agents.

The board of reference would comprise men of wide experience, and they would be quite capable of determining a question submitted to them without regard to the rules of evidence or the legal technicalities which could be raised and which could prolong proceedings. As this is experimental legislation we could agree for the present for the parties to be represented either personally or by their duly appointed agents, and then, at a later stage, if it is considered advisable, the legislation could be amended to provide for the appearance of legal practitioners. I am not one of those who believe that there will never be requests from either the employers or the workers to have amendment made to this legislation after it is passed, which I hope it will be this session.

Mr. Bovell: It should have been passed last session.

Mr. W. HEGNEY: I have an idea that requests for amendments to the legislation, as they are found to be necessary after practical experience over the years, will be made by both parties.

Mr. COURT: If we are to agree to the appearance of legal advocates at these hearings, now is the time to insert a provision accordingly. It is no use waiting until we get into a mess through a bad interpretation of the law. If we provide for the appearance of legal practitioners it is competent for either party or both to obtain legal assistance; and so the

matter in dispute will be determined properly. We would have far less disputation if that were done. The practice of people appearing at these hearings without any proper training, and being comparatively new to this legislation will, I am sure, be highly dangerous.

However, if we provide for trained legal advocates to appear at these hearings, we will get established principles of law which, in the long run, will be available for the use of both the unions' and the employers' organisations. The Minister knows that in the practice of industrial law, well defined principles are thrashed out by both parties, and once that is done they are used conscientiously from then on without litigation. With legislation such as this, it is wrong to exclude legal practitioners. With the passage of time, after the initial problems are overcome, there will be little need for recourse to legal men. However, it will then be too late to commence making amendments to legislation to include legal practitioners. I hope the amendment will be agreed to.

Amendment put and negatived.

Clause put and passed.

Clauses 41 and 42, Title—put and passed.

Bill reported with amendments.

ELECTORAL ACT AMENDMENT BILL (No. 2).

Second Reading.

THE HON. E. NULSEN (Minister for Justice—Eyre) [5.20] in moving the second reading said: The principle enunciated in this Bill is something in which the Labour Party believes very strongly, and for which it has fought on a number of occasions, unfortunately without achieving the desired result. The Government is therefore again placing before Parliament a measure which, if passed—and I hope it will be this time—will confer upon the people of Western Australia, over 21 years of age, the right to vote at elections for the Legislative Council.

This means that the present property qualification required for voting at elections for the Upper House will be discarded, and the qualification provisions will be identical for both Houses. I do not see why there should be the discrimination which exists today. As a matter of fact, some of the cases where a person has the right to vote at an election for the Legislative Council are rather ridiculous. I refer, for instance, to the entitlement to enrolment of any person whose name appears on the electoral roll of any municipality or road board in respect of property which has an annual ratable value of £17 or more. Although a person might not be responsible for the rates, and might only rent a room in a building, if his name appears on the municipal roll he is entitled to enrolment for the Legislative Council.

The proposal in this Bill will put matters on a more equitable and democratic basis. As I have said before in this Chamber, our Parliament should be representative of the majority of the people; but with the limited franchise for the Upper House, it is not so. If the Bill becomes law there will be no necessity to keep two rolls, and only one claim card will be required. The Bill envisages compulsory enrolment of electors for provinces in the same way that the Act, as it stands, requires compulsory enrolment of electors for districts.

The passing of this Bill will need a consequential amendment to the Constitution Acts Amendment Act, 1899-1955, to remove the relevant sections from the latter Act. With the Electoral Act containing the qualifications of electors of the Legislative Council, those provisions in the Constitution Acts Amendment Act, 1899-1955, must be removed.

This proposal has been presented to the House on many occasions, and we are strongly of the opinion that there should be no distinction between the two Chambers. There are a number of States in Canada where no distinction is made. We also find that position obtaining in the United States of America. New Zealand has only one House, and the same applies to Queensland. We all know that there is no distinction in qualification in relation to the Senate of our Commonwealth.

While the same thing does not apply in England, we do know that if a Bill is sent to the House of Lords three times, and the House of Lords does not agree to it, it becomes law whether the House of Lords likes it or not. If the Legislative Council only conceded that point, it would be a step in the right direction. If it is suitable for a country like England, which has made such wonderful industrial progress, it should be good enough for us, because England is a marvellous little nation.

Under the present system quite a number of very distinguished people are denied the right to vote because of the provision relating to the property qualification. I feel sure we can appreciate the feelings of such well-educated and learned people as church dignitaries, and professors of universities, doctors and lawyers, when they are denied the right to vote because of the provision dealing with the property qualification.

We know that our lawyer friend on the other side of the House possesses those qualifications today, but it is possible that he did not do so when he was a young man. I know exactly how he must have felt when he was denied the right to vote because of that fact. I know of two school teachers who are at present teaching in the country and who are denied the right to vote for the Legislative Council because of the property qualification that is required. This qualification is most unfair. To the above list of people who are

not permitted to vote we can add dentists, chemists, and other highly qualified and learned folk.

It would seem that the Legislative Council possesses an advantage which it does not wish to see whittled away. We find that the percentage of those voting for the Legislative Council, as compared with those who vote for this Chamber, is only 16 per cent. That should not be so.

Mr. Watts: What is the 16 per cent. you are talking about?

Mr. NULSEN: It is the number of electors voting for that House as compared with those voting for the Legislative Assembly.

Mr. Nalder: You mean actual voters?

Mr. NULSEN: I refer to the number of electors who have voted for the Legislative Assembly as compared with those who are entitled to vote for the Legislative Council.

Mr. Watts: Not those who are entitled to vote?

Mr. NULSEN: I know the hon. member will continue and say that there is not compulsory voting for the Legislative Council. The comparison is nevertheless true. I went into this matter last year and found that 16 per cent. of the electors voted for the Legislative Council as compared with 100 per cent. for this place.

Mr. Watts: You make voting for the Assembly voluntary and see how you get on!

Mr. NULSEN: We all know perfectly well that the Legislative Council in this State has more power than any other second Chamber in the world. The hon. member cannot tell me one country where there is a second Chamber that has more power than the Legislative Council in Western Australia. I am not for one moment reflecting on the members of that House, but on the system.

Mr. W. Hegney: South Australia will run them a close second.

Mr. NULSEN: That is possible. It would be another matter if that Chamber were a House of review, as it is supposed to be. But it is a party House, and there is no doubt about that. It consists of the Labour Party and the Opposition. Yet, here, we have the confidence of the people—

Mr. W. Hegney: Hear! hear!

Mr. NULSEN: —and although the other place has only 16 per cent. representation as compared with us, it can veto anything we put up. When we went to the polls at the last election we had a very small majority, but we were returned with a much greater majority. Yet although we have the confidence of the majority of the electors, whatever we put up here can be thrown out in another place unless it suits them. I know it is difficult to get away from tradition, but the time is arriving when responsible people feel that a move should be made away from the present system. They ask: What is the use of returning a Government with a big majority to this House if there is an Opposition party with a majority in another place? In the main the Opposition in the other place is made up of property owners who, of course, are very important persons. There is no reason why, with the high standard of education in these days, they should have all the say.

It would have been better for the State had we pensioned off the other place many years ago. If that had been done we would have had better and more responsible legislation resulting from the efforts of this House. The other place is not now a House of review. It is a case of the Labour Government versus the Opposition. Time marches on, but so has the standard of education.

It seems to me to be wrong that there should be an age qualification of 30 years in respect of the other place. Can any hon. member tell me that a person of 30 years of age is more learned than a younger person? He may be more experienced. If a person, 30 years of age, is participating in sport, he will be on his way out because he has already passed his maximum. The present system in that regard applying to the other place is outmoded, and it is time that a change was made. The only way to bring about a change is to have sufficient representation of the Labour Party in the other place to form a majority, and abolish it.

Sir Ross McLarty: Your party will not abolish it.

Mr. NULSEN: That remains to be seen. If we got a majority in the other place there would be no doubt about the abolition of that House; alternatively it might be put on a more equitable basis, like the Commonwealth set-up with a Senate and a House of Representatives.

Sir Ross McLarty: There would be no hope of abolishing it if you got a majority.

Mr. NULSEN: I can say that with the present state of mind of the Labour organisation and the Labour Government, if we got a majority in the other place, or if the other place were to agree, we would abolish it immediately. I thought when I came into Parliament that the other place was a House of review. If it had been, it might have done some good.

Mr. Watts: It was strictly a House of review for many years.

Mr. NULSEN: But not now.

Mr. Watts: You have contributed substantially to the change.

Mr. NULSEN: I do not know whether I have personally. The only way to get justice or impartiality in the other place is to have its members appointed

from people from Mars. Even they would probably be led astray by the pyschology which predominates at this juncture. I move—

That the Bill be now read a second time.

On motion by Mr. Bovell, debate adjourned for one week.

CONSTITUTION ACTS AMENDMENT BILL (No. 2).

Second Reading.

THE HON. E. NULSEN (Minister for Justice—Eyre) [5.35] in moving the second reading said: This is a very small Bill and is a consequential one. It does not require any explanation other than that it is complementary to the Electoral Act Amendment Bill which provides for adult suffrage for the Legislative Council, thus necessitating the removal of the franchise provisions from the Constitution Acts Amendment Act.

The measure, if passed, will come into operation on a date to be proclaimed. This would enable the Bill relating to the Electoral Act and the one now under discussion to come into operation at the same time. I move—

That the Bill be now read a second time.

On motion by Mr. Bovell, debate adjourned for one week.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL (No. 2).

Second Reading.

THE HON. W. HEGNEY (Minister for Labour—Mt. Hawthorn) [5.37] in moving the second reading said: If I might borrow the preface used by the Minister for Justice I would say this is a very small Bill. I foreshadow it will be noncontentious; but whether or not that will be the case remains to be seen.

Only one principle is involved in the Bill, and it relates to the building industry. The relevant clause in the Carpenters' Union award provides as follows:—

> No employer shall employ a worker nor shall any worker accept employment for work under this award at piecework or labour only rates or at the rates for labour and material, unless the rates for such work shall have been fixed by the Court.
>
> No person who is a member of the applicant union shall, except in the capacity of a servant or worker, enter into any contract to execute any works involving service of a kind for which the rates and conditions are fixed by this award.

That clause is very clear. A position has arisen in the building industry in which some employers have let part of their contract on what is generally regarded as a sub-contract basis, but I prefer to refer to it as piecework, having in mind that to all intents and purposes the tradesmen who perform the work are employees. In great measure, the relationship of employer-employee is present. By means of alleged subcontracting some employers have been able to sidestep the provisions of the award.

I am advised that a number of employers in the building industry are in favour of the amendment contained in this Bill. On reading it, it does not appear to be very extravagant. All that it seeks to do is to place in the hands of the Arbitration Court the jurisdiction to determine whether a worker is an employee or is a sub-contractor in any particular case.

Section 61 of the Industrial Arbitration Act sets out certain powers of the court. It provides—

> The Court shall have jurisdiction—
>
> (a) on its own motion to deal with and determine all industrial matters, and to prevent, settle, and determine all industrial disputes, pursuant to this Act, irrespective of whether the parties to any dispute are registered industrial unions or not, if the dispute has caused a cessation of work:
>
> (b) to settle and determine—
>
> (i) all industrial matters and disputes referred to it by any party or parties under this Act.

A case was recently taken in the court by the building trades unions, and the evidence was against the unions. They could not show that the men were actually employees. To overcome this difficulty it is suggested in the Bill as follows:

> (i) that the court shall have power to declare for the purpose of an award or an industrial agreement that any person who is working or engaged in the industry to which that award or industrial agreement applies and who is performing work which is ordinarily the work of a carpenter—
>
> members of other trades are referred to
>
> —shall, notwithstanding any contract or pretended contract to the contrary, whether made before or after the coming into operation of this paragraph, be deemed to be a worker; and
>
> (ii) that the person by whom the person referred to in subparagraph (i) of this paragraph is engaged shall be deemed to be his employer.

It must be understood that if this Bill is passed, those to whom I have just referred would not be automatically regarded as workers, but the court would have power to decide whether, in any particular case brought before it, the person was or was not a worker. If it were decided that the person was a worker, he would be entitled to the whole of the provisions of the particular award.

The Bill also contains a consequential addition to the definitions of "employer" and "worker" and to the definition of "industrial matters" as set out in the Act. If hon. members will study this amendment closely in relation to the present provisions of the Act, and if they will make inquiries as to what the practice is in some sections of the building industry, they will realise that the Bill is desirable for the protection of industrial standards and workers. I move—

That the Bill be now read a second time.

On motion by Mr. Court, debate adjourned.

CANCER COUNCIL OF WESTERN AUSTRALIA BILL.

Second Reading.

THE HON. E. NULSEN (Minister for Health—Eyre) [5.45] in moving the second reading said: This is a Bill to help people in regard to that deadly disease, cancer. Much research work has been done, but no means have been found as yet of curing or preventing cancer.

In January, 1955, a cancer conference was held in Canberra under the auspices of the Commonwealth Government. The objective of the conference was to discuss whether some form of national co-operation was desirable to link effectively and to foster the work going on in the various States against cancer; and to examine the state of development of existing cancer organisations and consider in what field of anti-cancer activity joint action by State bodies would advance the effectiveness of this work in Australia.

On their return, the two Western Australian delegates submitted a report, and included in the recommendations was one that a body similar to the anti-cancer councils in the Eastern States should be established in Western Australia. Subsequently, steps were taken to form an anti-cancer council in this State, with the object of improving the facilities and techniques for the diagnosis and treatment of cancer.

In its constitution it was stated that the function and purpose of the council would be to advise the Government in the development and direction of anti-cancer activities within the State; to advise and enter into arrangements with individuals and institutions in order to provide and improve anti-cancer facilities within the State; to receive, hold, invest and expend funds on providing anti-cancer facilities, and to perform such other related functions as the Minister for Health may approve.

The council, having become registered as a charitable organisation, set about proceeding to raise funds for anti-cancer activities. Its first two objectives were the introduction of a cancer registry, and the provision of a high energy radiation unit in the form of a linear accelerator.

A committee known as the Cancer Appeal Committee was formed, with authority to raise and collect funds. The ultimate objective of the council in its appeal for funds was the establishment of a cancer institute for treatment and research in the field of cancer. The immediate objective was to commence the institute by acquiring a linear accelerator and to provide suitable accommodation for it, so that such an establishment would form an important part of the ultimate institute. This committee was instrumental in raising well over £100,000 for a linear accelerator and cancer institute.

Matters have now got to the stage where it is felt the control of the institute and the funds raised, and to be raised, for cancer work should all be put on some sound statutory basis. Hence this Bill, which constitutes a body corporate with the functions of co-ordinating, stimulating, promoting and subsidising research into the cause, diagnosis, prevention and treatment of cancer and allied conditions, and with power to establish and maintain cancer institutes to give effect to its functions.

The Bill is divided into several parts and Part II deals generally with the Cancer Council of Western Australia. It provides for 16 people to be members of the council, and the method of appointment. Provision is made for deputies and for vacancies in office. When constituted as a corporate body, the council will have the usual powers to deal with property, and to sue and be sued.

Part III concerns itself with the objects, functions, duties and powers of the council. The council shall, subject to the Minister, carry out the administration of the Act.

Part IV contains a provision that the council may recommend to the Minister that cancer institutes be constituted. A board will control an institute; it will be a body corporate, and will be deemed a teaching hospital within the meaning of the University Medical School, Teaching Hospitals Act, 1955. Seven persons may be appointed as members of a board. The method of appointment in the case of a board is the same as that applying to the

appointment of members of the council. Power is given to the Minister to dismiss members of a board and appoint new members in their place and if a board is unable to function owing to dismissal of members, a commissioner may be appointed to carry on the institute until a new board is appointed. It has functions similar to a board of a hospital.

Part V covers finance and accounts. The council is enabled to accept the moneys and property of the voluntary association known as the Anti-Cancer Council of Western Australia, which body it would supplant on the passing of this Bill. This transfer of assets takes place at the first meeting of the council.

A fund, to be known as the Cancer Council of W.A. Fund, is to be established and an account opened at the Treasury in the name of the council. The council may invest moneys and, subject to the Minister, apply moneys from the fund generally for the purposes of the Act and in particular, pay its officers and servants. It will also make subsidies and loans to any organisations approved by the Minister. This will enable the encouragement of research into cancer.

Provision is made for the council to keep proper accounts, which shall be audited by the Auditor-General. An annual report shall be made and presented to both Houses of Parliament. There is power to make regulations in respect to the council and a board. The last part contains miscellaneous matters.

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

This is not a very difficult Bill to understand, and I feel that there is no need for any further explanation. It is designed to help the people; and the deadly disease which now is the second greatest killer in the world requires a good deal of research. I am told that millions of pounds are spent on this research in the world and we in this State are now commencing to make further investigations. The response to the appeal for funds was magnificent and it indicates clearly that the public is anxious to have the institute established for purposes of further research. I move—

That the Bill be now read a second time.

On motion by Mr. Crommelin, debate adjourned for one week.

TUBERCULOSIS (COMMONWEALTH AND STATE ARRANGEMENT) BILL.

Second Reading.

THE HON. E. NULSEN (Minister for Health—Eyre) [5.49] in moving the second reading said: This Bill, although small, is very desirable. I must say that the Commonwealth Government has been very helpful in regard to the control of tuberculosis in this State, and the department here has made wonderful progress. Only four or five years ago there were about 22 deaths in every 100,000 because of t.b., but today, because of the work done in Western Australia, the number has been reduced to five in every 100,000.

The arrangement between the Commonwealth and the States concerning the campaign against t.b. expired on the 30th June last, after having been in operation for ten years. Prior to that date, however, the question of the renewal of the arrangement, either in its existing or in an altered form, was taken up with the Prime Minister. Subsequently agreement was reached between the Commonwealth and the States that the arrangement be renewed on similar terms. Basically and substantially it is the same as the previous one, which has proved very satisfactory in its operation. This arrangement, however, is subject to review at the end of five years. Action has been taken to secure the formal engrossment of the arrangement and legislation is required for the purposes of ratification.

The main objective is the continuance of the campaign against tuberculosis in Australia by providing adequate facilities for the diagnosis, treatment, and control of this disease. To this end the Commonwealth reimburses the State certain expenditure. The State's liability is to meet an amount equal to the base year, viz. 1948, for maintenance expenditure, and the Commonwealth pays the expenditure above that. All capital expenditure is met by the Commonwealth; for example, the new Chest Hospital at Hollywood. The object of this Bill is to renew the old arrangement with the Commonwealth with regard to the treatment of tuberculosis. I move—

That the Bill be now read a second time.

On motion by Mr. Crommelin, debate adjourned.

BILLS (3)—MESSAGES.

Messages from the Lieut.-Governor and Administrator received and read recommending appropriation for the purposes of the following Bills:—

1, Electoral Act Amendment (No. 2).

2, Cancer Council of Western Australia.

3, Tuberculosis (Commonwealth and State Arrangement).

WEIGHTS AND MEASURES ACT AMENDMENT BILL.

Second Reading.

THE HON. J. J. BRADY (Minister for Police—Guildford-Midland) [5.59] in moving the second reading said: This Bill is the result of legislation passed by the Commonwealth Parliament in 1948, known as the Weights and Measures (National Standards) Act of 1948. This Act gives the Commonwealth power to prescribe Commonwealth legal units of measurement and Commonwealth standards in regard to those units of measurement, and it is intended that they will be prescribed under statutory rules. The proposed statutory rules have been the subject of negotiations between the States for a number of years. Agreement having been reached, the Commonwealth now intends to bring the rules into effect as soon as possible. When this action is taken, Part II of the Weights and Measures Act, 1915-1941, of this State will cease to have effect; and it is to meet this situation that this Bill has been introduced.

The subject goes back many years. At a conference of Commonwealth and State Ministers held in 1939, reference was made to a resolution agreed to at a similar conference held in 1936, to the effect that if the Commonwealth Government enacted legislation concerning the establishment and maintenance of Commonwealth standards, the States would fully co-operate in the adoption of such standards throughout Australia.

At present each State has established its own standards of measurement, resulting in lack of uniformity in many instances. In enacting its legislation, the Commonwealth has provided for standards of measurement which will be the ultimate reference standards throughout the Commonwealth, and against which the State standards may be calibrated, thus ensuring that all measurements will ultimately be referred back to the Commonwealth standards maintained in the National Standards Laboratory of the C.S.I.R.O. In providing for the national standards, the Commonwealth leaves the administration and control of weights and measures in the hands of the States to be carried on through existing State legislation.

The Bill provides that the amending Act will come into force on a date to be proclaimed. In this manner the amendment will not be made operative until the promulgation of the Commonwealth statutory rules. The Bill defines the Commonwealth Act and adds two new sections, 8A and 8B. The proposed section 8A substitutes a prescribed Commonwealth unit of measurement for the like standard weight or measure, or unit of weight and measure under the State Act.

The proposed section 8B provides for the State to adopt the Commonwealth standards of measurement, and requires the Minister to provide and deposit at the State Treasury, standard weights and measures, and to have them verified and re-verified as prescribed by the Commonwealth Act. It further requires that such weights and measures shall be declared the standard or units of weight and measure for the State by notice in the "Government Gazette."

Other small amendments are necessary to conform with the proposed new sections, and these are contained in the Bill. Weights and measures are a very important part of commerce and industry and any move towards uniformity between the States can only lead to greater efficiency. I move—

That the Bill be now read a second time.

On motion by Mr. Roberts, debate adjourned for one week.

House adjourned at 6.4 p.m.

Legislative Council

Tuesday, the 7th October, 1958.

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