

Noes—20

Mr. Blaikie	Mr. Mensaros
Sir David Brand	Mr. O'Connor
Mr. Coyne	Mr. O'Neill
Dr. DaGour	Mr. Ridge
Mr. Gayfer	Mr. Rushton
Mr. Grayden	Mr. Sibson
Mr. Hutchinson	Mr. Thompson
Mr. A. A. Lewis	Mr. R. L. Young
Mr. E. H. M. Lewis	Mr. W. G. Young
Mr. W. A. Manning	Mr. I. W. Manning

(Teller)

Pairs

Ayes	Noes
Mr. Bertram	Mr. Stephens
Mr. Taylor	Mr. Nalder
Mr. Brady	Mr. Kunciman
Mr. Lapham	Mr. McPharlin
Mr. J. T. Tonkin	Sir Charles Court

The SPEAKER: The voting being equal, I give my casting vote with the Ayes.

Question thus passed.

Bill read a second time.

**ADJOURNMENT OF THE HOUSE:
SPECIAL**

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [11.15 p.m.]: I move—

That the House at its rising do adjourn until Wednesday, 8th August, at 2.15 p.m.

Question put and passed.

House adjourned at 11.16 p.m.

Legislative Council

Wednesday, the 8th August, 1973

The DEPUTY PRESIDENT (The Hon. N. E. Baxter) took the Chair at 4.30 p.m., and read prayers.

QUESTION WITHOUT NOTICE

ROAD MAINTENANCE TAX

Abolition: Proclamation of Legislation

The Hon. J. HEITMAN, to the Leader of the House:

This morning the Premier received a deputation of farmers from the Lakes district in regard to legislation to abolish road maintenance tax and its effect in that area. The Premier promised that if the Traffic Act Amendment Bill (No. 2) were not passed and the Road Maintenance (Contribution) Act Repeal Bill were passed, he would still proclaim the Bill to abolish road maintenance tax. As this point will have a big bearing on our comments in connection with the two measures, will the Leader of the House confer immediately with the Premier to ascertain the truth of his remarks? When the Premier introduced the Bills in another place,

he said that he would not proclaim the Road Maintenance (Contribution) Act Repeal Bill if the Traffic Act Amendment Bill (No. 2) were not passed.

The Hon. J. DOLAN replied:

This is the first time I have been made aware of this matter.

The Hon. A. F. Griffith: It only happened this morning.

The Hon. J. DOLAN: Yes, I know, but if the honourable member had mentioned it to me before the House commenced sitting I probably would have had an opportunity to see the Premier.

The Hon. J. Heitman: We have only just left the deputation.

The Hon. J. DOLAN: I will handle the matter with all expediency and advise the honourable member as soon as possible.

QUESTIONS (8): ON NOTICE

1. **STATES' LEGISLATIVE POWERS**

Federal Government's Policy

The Hon. A. F. GRIFFITH, to the Leader of the House:

In the issue of *The West Australian* dated the 14th July, 1973, the Premier is reported making the following statements:

"The Federal Government's policy of State legislative power reference was unnecessary and unwise. People were not ready to accept what was an erosion of State powers so soon after Western Australia had nearly seceded from the Commonwealth. It would mean the eventual destruction of State Labor Governments and their reduction to the status of Local Government. It was now Labor policy to call on States to refer legislative power to the Commonwealth if it was in the Party's interest. But it really will not have any practical result for Western Australia. The Commonwealth might call on us to refer a certain power and the Labor Party will introduce a Bill, but it will be blocked by the Upper House. Opposition majority in the Legislative Council would be a stumbling block that would prevent the policy working. The shift of power to a central body was a world-wide movement, but people here were not ready to accept it."

In view of these statements, can it be taken that the Premier and Members of his Government would desire the Legislative Council to prevent the passage of the unnecessary and unwise policy legislation referred to by the Premier?

The Hon. J. DOLAN replied:

The "statements" are not completely accurate but, despite this, I trust the Legislative Council will treat all legislation which reaches it on the merits of the Bills, and with due regard to the interests of the State of Western Australia and its people.

2. KANGAROOS

Export Ban

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

What is the present position regarding the ban on the export of kangaroo products?

The Hon. J. DOLAN replied:

Regrettably the position remains unchanged. While no written confirmation has been received it is understood, from verbal inquiries, that Western Australia is the only State that has provided full details of its Kangaroo Management Programmes in the manner agreed in the Ministerial Working Party Report. It is further understood that New South Wales has rejected the report's recommendations while Queensland has strong reservations about them.

It is understood that the Minister for Environment and Conservation has not yet decided whether to submit, in isolation, this State's situation report to the Minister for Customs and Excise.

The Minister for Fisheries and Fauna will be having conversations with Dr. Moss Cass, M.P., Minister for Environment and Conservation, during his visit to Perth next Monday, 13th August.

3. DEVELOPMENT

Woodchip Industry

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

What are the essential differences between the woodchip industry proposed for Western Australia, and other woodchip industries proposed for or established in other Australian States?

The Hon. J. DOLAN replied:

(a) Utilises marri, virtually of no commercial value, from State forests where existing saw-

milling operations are being conducted for jarrah and karri.

- (b) The mature and overmature marri trees would otherwise have to be removed by felling, burning or poisoning.
- (c) The Eastern States operations virtually take the wood resource on a face. There is no parallel between the culling of marri from our State forests and the wood chipping operations as practised in the Eastern States.
- (d) W.A. has demonstrated successful regeneration of the native species from past operations and research work simulating chipwood operations. Some Eastern States operations had no such demonstration areas.
- (e) The environmental safeguards have taken account of experiences in other States, and are far more sweeping in their protection of the environment.
- (f) W.A. price was negotiated over an acceptable base price set by the Commonwealth contrary to earlier Eastern States prices which were negotiated without Commonwealth restriction.

4. DAYLIGHT SAVING

Referendum

The Hon. A. F. GRIFFITH, to the Chief Secretary:

According to a statement which appeared in *The West Australian* of the 29th June, 1973, the New South Wales Government intends holding a referendum on daylight saving. Has the State Government in Western Australia any intention of following this course of action?

The Hon. R. H. C. STUBBS replied: Advice from the New South Wales Chief Secretary's Department today is such that a referendum on daylight saving is not contemplated at this time. The present New South Wales legislation provides for daylight saving on a permanent basis. No decision has been made on a referendum in Western Australia.

5. CANNINGTON HIGH SCHOOL

Hall-Gymnasium

The Hon. CLIVE GRIFFITHS, to the Leader of the House:

(1) In regard to the completion of the Hall Gymnasium at the Cannington Senior High School, would the

Minister, in his capacity as Minister for Education, advise whether it is his intention to—

- (a) have the building completed during this financial year; or
 - (b) set a firm date for its completion?
- (2) If the replies to (a) and (b) are "No", what action does the Minister propose to take in regard to the provision of this necessary facility?

The Hon. J. DOLAN replied:

- (1) (a) No.
 - (b) The hall-gymnasium at Cannington High School is to be constructed during the 1974-1975 financial year and it is hoped that completion will occur early in 1975.
- (2) Answered by (1).

6. METROPOLITAN MARKETS

Restrictions on Purchase

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

Are there any restrictions on the purchase of produce from the Metropolitan Markets, Perth, for re-sale in the Eastern States?

The Hon. J. DOLAN replied:

There are no restrictions on the actual purchase of produce from the Metropolitan Markets, Perth, for resale.

However, there are certain regulatory, marketing and quarantine requirements on the movement of produce to the Eastern States and such produce would need to meet these requirements.

7. STORM DAMAGE

Availability of Aid

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

- (1) Would he please advise what avenues of assistance are immediately available to citizens unfortunately the victims of civil emergencies such as storm damage to buildings and properties, as occurred in a number of localities in recent days?
- (2) As violent storms invariably dislodge some roofing materials, from what source may tarpaulins or other suitable weatherproofing material be obtained at short notice?

The Hon. J. DOLAN replied:

- (1) There are a number of roofing contractors who are available at short notice, and who carry out

emergency repairs at any time. The names, addresses, and emergency telephone numbers of these contractors are recorded at Civil Defence headquarters. Arrangements may be made by the Duty Officer.

In the event of widespread damage which is beyond normal resources, the local Civil Defence organisation can assist from its own resources, and by co-ordinating the efforts of the contractors and other organisations.

- (2) A number of commercial firms hire tarpaulins which are available at short notice in an emergency. The names and emergency telephone numbers of these firms are recorded at Civil Defence headquarters. The Duty Officer will make arrangements, on request. Through the Civil Emergency Service, tarpaulins—when available—are obtained from Government Departments and local government authorities.

8. WATER SUPPLIES

Carnarvon

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

- (1) Has any decision been made by the Commonwealth Government regarding the State's request for financial assistance to stabilise Carnarvon water supplies?
- (2) If so, what is the decision?
- (3) If not, when can the decision be expected?

The Hon. J. DOLAN replied:

- (1) No.
- (2) Answered by (1).
- (3) No estimation of the date of a decision can be made at this stage. The Commonwealth Government has requested an environmental impact statement which is in course of preparation and is expected to be forwarded within a month.

LEAVE OF ABSENCE

On motion by The Hon. L. A. Logan, leave of absence for six consecutive sittings of the House granted to The Hon. J. M. Thomson (South) on the ground of private business overseas.

On motion by The Hon. J. Heltman, leave of absence for six consecutive sittings of the House granted to the Hon. C. R. Abbey (West) on the ground of private business overseas.

TRADE DESCRIPTIONS AND FALSE ADVERTISEMENTS ACT AMENDMENT BILL

Receipt and First Reading

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

JOINT HOUSE COMMITTEE

Membership: Assembly's Message

Message from the Assembly received and read notifying that the member for Pilbara (The Hon. A. W. Bickerton) had been discharged from attending the House Committee and that the member for Canning (Mr. Bateman) had been appointed in his place.

WEIGHTS AND MEASURES ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by The Hon. R. Thompson (Minister for Police), and passed.

SICK LEAVE BILL

Second Reading: Defeated

Debate resumed from the 22nd May.

THE HON. G. C. MacKINNON (Lower West) [4.51 p.m.]: Anything dealing with sickness and a possible loss of income as a result of that sickness naturally excites our sympathy because there is probably nothing worse than for a person to be anxious to work and be unable to do so due to ill-health. Therefore it behoves us to give a Bill such as this very careful examination. This I have done. We have had plenty of time in which to do so and I have studied the Bill with a great deal of care.

No contention exists with regard to the principle of sick leave as part of the provisions of service of any employee. Unfortunately over the years a great deal of dissension has occurred in regard to the use of sick leave or, perhaps I should add, the reported use of sick leave purely and simply as a means of obtaining an extra holiday instead of for its proper purpose which is to ensure continuity of payment to the person involved. It has been used as virtually an automatic holiday. We have all heard the constant rumour that people take a "sickie". We have even heard stories that in some places it has been quite a simple matter from time to time to obtain the necessary certificate for presentation to the employer, and that such certificates have not always been valid. This is a great pity because, whether true or false, these rumours tend to inhibit the principle of sick leave for an employee.

It is in the light of this considerable history of sick leave that we must examine the Bill and I suppose the first question one is entitled to ask is: To whom does the Bill apply? One could put the question another way and ask: Without the Bill who will not get sick leave in one form or another? In order to answer the question we must examine just who does in fact get sick leave at the present time. Those who do are the people covered by awards. Of the 342,100 workers in Western Australia constituting wage and salary employees as at January, 1973, 11.3 per cent, or 38,657 are not subject to an award of either the State or Federal commissions. The majority of the 88.7 per cent. are subject to industrial coverage through one institution or another and all such persons have an existing code relating to absence through ill-health; but the story does not finish there.

When considering the 11.3 per cent. not covered we must study the Factories and Shops Act, 1963, as amended. Section 60 reads—

Payment
for non
attendance
through
ill health

60. The occupier of a factory shall allow to any person employed in the factory payment for non-attendance for work at the factory caused by the ill health of that person for one-twelfth of a week for each completed month of employment with the occupier but—

- (a) the liability under this section is limited to payment for one week for each calendar year of employment with the occupier and to an accumulation not exceeding two weeks;

However, the story does not finish there, either, because section 96 of the same Act reads—

Payment
for non
attendance
through
ill health.

96. Every shopkeeper shall allow to each shop assistant employed by him payment for non-attendance at the shop caused by the ill health of the shop assistant for one-twelfth of a week for each completed month of employment with the shopkeeper, but—

There then follow one or two provisions about which we need not worry. The fact is that payment for nonattendance, due to ill-health, covers those people. But the cover does not stop there. We have now reduced the original figure of 11.3 per cent. of the work force not covered by a specific Statute or an agreement, award, or the like, to something under 5 per cent. A big proportion of that balance would consist of people who, though not covered by an award are, in fact, protected from loss

of income as a result of ill-health. In this building we have 81 citizens who are in receipt of a salary but who would enter that category, and I refer to you, Sir, to myself, and to all other members of Parliament whose incomes go on whether or not we are sick. Also in this category are the many executives in various industries who are dealt with by the management or firm concerned on a basis of mutual arrangement. If they happen to be sick they are paid under a very loose arrangement which allows for a continuation of their income unless they must be replaced on a permanent basis. We are all aware of the sort of arrangements that take place in that connection.

I consider that if a careful analysis were made we would find that nearly less than 2 per cent. of the community is not already covered for sick leave. Therefore we are entitled to ask ourselves the purpose of this piece of legislation. Surely a specific piece of legislation—in some parts containing very clumsy detail, but nevertheless detail—would not be introduced to cover only a small percentage of the work force.

I am authorised to indicate that if the Trades and Labor Council or any other worker organisation is unable to secure for those few people an award, Mr. Frank Cross of the Employers Federation would be quite prepared to act on their behalf to secure for them an award concerning sick leave. So no difficulty exists in that direction and we are therefore entitled to ask ourselves why the legislation has been introduced.

This is the question I propose to make some endeavour to answer. I believe the measure has been introduced to Parliament for the sole purpose of furthering the virtual avowed aim of the Labor Party to destroy the effectiveness of the Industrial Commission and for no other reason.

The Bill may be compared—indeed, in another place it was compared—with the Long Service Leave Act Amendment Bill, but I believe the comparison to be invalid. Long service leave provisions were introduced in an across-the-board fashion after due conference and consultation and they were discussed before the relative commissions. They were brought in literally throughout the length and breadth of the land to cover everyone not included in agreements. The question of long service leave stands alone.

Sick leave provisions have always been part of awards since the principle was adopted. Indeed, we find that clause 6 of the Bill reads—

6. This Act does not apply to or in relation to a worker who receives a pay loading in lieu of sick leave entitlements.

Of course there are occupations which are short-lived by their very nature. In these cases the award lays down provision for payment in lieu of sick leave and, consequently, sick leave does not apply. The measure before us contains a specific clause to cover that eventuality.

I believe the Bill before us is further evidence of a desire to take out of the hands of the Industrial Commission as much as can be taken. It is sick leave this time; it will be holidays next; and then one thing after another until finally the Industrial Commission would determine wage loadings and perhaps a little more.

These matters, which have always been separated and divorced from the political party philosophy of the group in power at the time, would become no more than political footballs. In the same way as we now see promises made to pensioners—"vote for me and it will mean an extra \$1, \$2" or whatever it may be—so we would see these matters added to the list and opposing political parties would be offering to amend particular Acts of Parliament if they were elected in order to give a greater accumulation of sick leave, a greater number of days per year, or to reduce the necessity for doctors' certificates and the like. In short, it would become a matter for political determination rather than a matter for discussion and agreement as part and parcel of the total reward for labour which is the proper due of those who work, the proper responsibility of those who employ, and the subject of determination by the Industrial Commission.

As a matter of political philosophy I oppose this attitude because I believe there should be give and take and a certain amount of flexibility over the range of matters which cover the proper reward for services. These can vary in regard to conditions, income, and the like. It may be that wages should be greater if conditions are extremely harsh. Perhaps sick leave provisions should be greater if the work entails a greater risk to health. If the occupation is a healthy one perhaps there should be less pay, reduced sick leave conditions, and the like. In totality these are the factors which make up the reward of the worker and are the responsibility of the employer to meet. It is wrong in principle to keep whittling away these matters from the appropriate authority, which is the Industrial Commission.

I would feel more respect—and I believe we all would—were we told straight out that it is the fundamental belief of the group introducing this Bill—in this case, the Government—that the powers of the Industrial Commission should be severely limited—

The Hon. R. Thompson: I can assure you that is not the case.

The Hon. G. C. MacKINNON:—and that all these matters should be taken away from the jurisdiction of the commission.

I am interested that Mr. Ron Thompson has said, by way of interjection, that he can assure me this is not the case. It would take much more than an interjectory remark to convince me of this because not only is the evidence to the contrary but the stories I have heard along the way and the rumours which are adrift would indicate quite the contrary. Indeed there have been enough statements made by people in authority in the union movement and in the Labor Party to give credence to my assertion that some, at least, who espouse the Labor Party side of politics desire to see a diminution in the authority of the Industrial Commission and an increase in the number of matters dealt with directly by political action through legislation. Anyone who follows the general industrial trend, the industrial laws, and statements made by people in authoritative positions could not fail to accept the statement I have just made as being true and as reflecting the general trend which we seem to be facing. I, for one, will do what I can to oppose it.

I do not profess to be in a position to argue the relative merits of the different systems of setting awards. I make the plain statement that the system in use in Australia is that of arbitration. We all accept this. We know it is peculiarly Australian and has, in our context, been successful. If given a go it could be even more successful.

I do not think it is really a matter for debate whether the arbitration system is better or worse than systems adopted in other countries. The arbitration system is the one we have grown up with and the one to which we are accustomed. The unions and the employers present their cases before the commission and the commissioners—who act as judges—make a decision. I believe the Industrial Appeal Court should have jurisdiction over the case and should be left with the flexibility to make determinations on various matters. It should not, by intent, be restricted further and further in its field of operation.

Let no-one say that I—or any of my colleagues—am opposed to sick leave for workers or sick leave provisions in an award because that is simply “not on” as a statement of fact.

The Hon. D. K. Dans: Do you agree with its being increased in awards?

The Hon. G. C. MacKINNON: I will deal with that question in a moment. I have made the statement because too many of us have worked for employers and have children who work for employers. We know what it is to be genuinely sick

because we, and our children, have been in this situation. It is pointless to quote the silly nonsense in the *New Deal*; I would rather not.

The Hon. A. F. Griffith: That really was a rubbishy paper.

The Hon. G. C. MacKINNON: That is why I will not refer to it.

The Hon. D. K. Dans: How do you define “the genuinely sick”? Surely you are not suggesting people take sick leave if they are not genuinely sick?

The Hon. G. C. MacKINNON: I was extremely cautious about that point when I first started speaking.

The Hon. A. F. Griffith: Mr. Dans apparently has not heard the expression “taking a sickie”.

The Hon. G. C. MacKINNON: I use the term in inverted commas. “Taking a sickie” has become an expression in the language. We see somebody downtown and say, “You are taking a sickie.” I really do believe that people—workers, if we like—have done their own cause a grave disservice, Mr. Dans.

The Hon. L. D. Elliott: Do not members of Parliament ever have “sickies”?

The Hon. G. C. MacKINNON: Yes, and I go so far as to say that probably from time to time one or two have said they were sick when they were not really sick. If this has been the case I think they did the wrong thing.

The Hon. A. F. Griffith: I have heard speeches which have made me feel sick for a week.

The Hon. G. C. MacKINNON: After such speeches we have had to sit on, feeling sick as we may and bravely battle on. Be that as it may, I was going to great pains to state that I think all of us believe in the principle of sick leave in the case of genuine sickness. In answer to Mr. Dans I would go so far as to say that I really do not see any great hardship to anyone—indeed, I see some merit—in the court allowing a greater degree of accumulation. However, I think that accumulation of sick leave for life goes too far. However, good arguments can be advanced for a greater accumulation than exists at the moment and I am surprised that this has not been argued before the court with perhaps more effect. The situation in Western Australia now is that sick leave may be accumulated for no more than two or three weeks. A number of common illnesses cause a person to be absent for longer than this. For instance, if a person is suffering from gallstones he would need to be away for longer than two weeks. If sick leave can be accumulated for only, say, six days a year I can well understand a man saying, “Only a

cold in the nose will take six days to clear. I may as well take my sickies as an automatic holiday."

If sick leave could be accumulated for, say, six weeks or even a month, I believe this would lead to a diminution in the number of "sickies" taken as automatic holidays. Men and women would, perhaps, think of the possibility of contracting appendicitis, hernia, or gallstones, and would tend to save their sick leave because it would be of more use to them.

I have no objection to the idea of accumulation to some degree and, indeed, I think it is reasonable. I do believe the matter ought to be argued in front of the court and determined by the court which would then write it into awards.

The Hon. D. K. Dans: I am glad you will not be the advocate trying to argue the degree of sickness.

The Hon. G. C. MacKINNON: I did not catch that interjection which is a pity because usually Mr. Dans' interjections are intelligent. I am sorry I cannot answer him. Either his enunciation or my hearing is at fault. However, this is, of course, already agreed to by the Government in the Bill before us, so the Government has accepted the fact that there is some degree of concern.

An amendment was made to clause 14 which tightened up the requirements in relation to a medical certificate. From the interjection made by Mr. Dans I take it he has not caught up with this one. Clause 14 now states in part—

Before a worker receives sick pay from his employer for—

- (a) a period of two or more consecutive working days;
- (b) a period of one working day where that day immediately precedes or immediately succeeds a day on which the worker is not required to work;
- (c) any period in a calendar year, if he has already received from his employer sick pay for sick leave in that year exceeding five working days;

the employer may require a certificate from a medical practitioner . . .

So the Government in another place did agree to tighten up the need for certificates. If it is a case of the Friday preceding the week-end or the Monday following the week-end, or the like, a certificate is needed under the Bill as proposed.

The Hon. D. K. Dans: That is a pretty old requirement in a lot of agreements.

The Hon. G. C. MacKINNON: So why not leave it in the agreement. But do not let us hear the sort of peurile argument that we are against sick leave, because I

have worked for people who have been glad of sick leave. There are a number of us here who would be in that category. There are a number of us who have sons and daughters who have worked in a certain capacity where they have been grateful for the sick leave conditions that apply.

The question is whether this should be a matter for legislation or a matter for agreement to be fought out before the Industrial Commission, and ratified by the Industrial Commission. I believe in the latter. I have gone through the figures carefully to prove conclusively that the number of people who would benefit by getting sick leave when they have never been entitled to it are so few as not to warrant a total Bill. There are other courses open to them to secure this privilege. Indeed, we would be hard pushed to say with absolute certainty that there was anyone who did not get sick leave because we would have to inquire from the employer as to what he does in those circumstances.

To appreciate the position we have to look not only at the agreements but also at the Factories and Shops Act and at what has virtually grown up as common law practice and normal procedure when one reaches a situation of being on the executive staff where one is not covered by awards or agreements.

Indeed, it could well be that people in that category could find themselves at a disadvantage, because instead of the generous treatment they are now receiving the employer could say, "There is an Act covering you and I will cut you down under its provisions."

It is obvious that, in cases like this, one can go on for a great deal of time and provide a great deal of detail, but I have elected not to do this. I have kept my remarks to the bare principle of the matter which, so far as I am concerned, is that until it is proved that the Industrial Commission is utterly useless and cannot work we should stick with it. Until it is proved there is a better method that can be substituted for the Industrial Commission—and that would be a cataclysmic or revolutionary step—we should stick with the Industrial Commission.

I do not think we should be a party to the gradual whittling away of principles concerning matters that should normally come under the control of the Industrial Commission. We should ensure that in the exercise of its parliamentary-given duties the commission should not be deprived of the flexibility that is necessary to enable it to arrive at a sensible, rational, reasonable, and fair agreement as between the worker and the employer.

I trust I have convinced a sufficient number of my colleagues to prompt them to support me, because it is my intention to vote against the second reading of the Bill.

THE HON. L. D. ELLIOTT (North-East Metropolitan) [5.22 p.m.]: I strongly support the Bill. I will commence my remarks by reading from a section of the Australian Labor Party's policy speech presented to the State electors in 1971. In this speech there is a section dealing with sick leave which states—

It is our intention to provide for standard sick leave provisions for all workers. The sick leave entitlement will be cumulative and the minimum provision to be made will be extended to two weeks.

The first point I wish to make is that this policy was presented to the people at the last election and because our Government was returned to office I believe it has a mandate from the people to introduce this Bill. The people expect it to be introduced and they expect it to be passed by this Chamber.

The Hon. G. C. MacKinnon: Your mandate has got a little blotchy around the edges.

The Hon. L. D. ELLIOTT: In his second reading speech the Minister listed some of the standards for sick leave which obtained in other States. I would like to repeat these to emphasise the fact that these standards are better than those enjoyed by the majority of people in this State.

The Hon. G. C. MacKinnon: Before you do, tell us about the decision of the courts.

The Hon. L. D. ELLIOTT: This includes the decision of the courts. In Queensland in July, 1972, the Conciliation and Arbitration Commission declared a general rule of eight days paid sick leave per annum cumulative to 13 weeks. In Victoria, in November, 1972, the Industrial Appeals Court agreed to 64 hours per annum fully cumulative, while in South Australia, in November, 1972, the conciliation and arbitration legislation that was introduced provided 10 days per annum fully cumulative.

As I think most members will be aware, Commonwealth and State Government employees enjoy vastly superior standards in relation to sick leave than those enjoyed by people in private industry.

The Commonwealth employees in this State are given two weeks per annum on full pay, two weeks per annum on half pay, cumulative to 52 weeks, while the State Public Service and Government officers are given two weeks on full pay and one week on half pay fully cumulative. State wages employees are given two weeks per annum fully cumulative.

The number of people employed by the Commonwealth and State and those employed by the local government bodies totals in the vicinity of 100,000 workers. As Mr. MacKinnon has already pointed out, the total work force in this State is

in the region of 342,000. That means that the people who enjoy the highest standard of sick leave in this State would be about one-third of the total work force. There are some awards in private industry which provide better than the five-day average standard, but these are very few.

To my mind it is most unfair that workers as a whole should not be able to enjoy the superior standards of sick leave enjoyed by Government employees.

The Hon. G. C. MacKinnon: You are not suggesting that we should reduce the Government employees down to their level?

The Hon. L. D. ELLIOTT: On reading through *Hansard* I find the argument was advanced in another place—and I am sure this is one of the major reasons for the opposition to the Bill in this Chamber—that we must be sure the economy can stand it.

This type of thinking came out of the Ark and whenever Labor Governments have tried to introduce legislation which sought to improve the standards of the working people they have always been faced with the same argument that either the time or the economy is not right.

The Hon. G. C. MacKinnon: You have dredged that up out of your imagination because nobody has said anything about it so far. I certainly did not mention it.

The Hon. L. D. ELLIOTT: I was referring to the statements made in another place.

The Hon. G. C. MacKinnon: I do not take any notice of them.

The Hon. L. D. ELLIOTT: I was referring to a remark made in another place when it was suggested that we should be sure the economy could stand it. Surely in this age the criterion should be whether this is desirable from a humanitarian point of view, because in the long run the humane actions are the most economical whether these be in terms of education, housing, social welfare, or industrial conditions. A happy and healthy worker is surely the most productive worker.

I would ask Mr. MacKinnon how he would like to exist if he were off work for five weeks and lost income when his normal award was just above the minimum wage. Only last week a case was referred to me of a man whose net income was \$62 a week. The man concerned was in trouble because he had been off work for five weeks because of illness. He was not covered by workers' compensation or by any other compensation fund. He fell behind in the payment of his rent.

The Hon. G. C. MacKinnon: It would be a good idea if you got the secretaries of the unions to get off their tails and do something about this rather than fiddle around with industrial strikes.

The Hon. L. D. ELLIOTT: That is rubbish and Mr. MacKinnon knows it. As I have said, the net income of the man in question is \$82, out of which he pays \$16.90 a week for rent; that is near enough to \$17. His food bill costs him \$30 a week, wood and electricity \$3 a week and he is paying off a car at \$10 a week. He entered into this contract before he took on the house. His outgoings total nearly \$60 a week for these basic and fundamental things.

The Hon. J. Heitman: That would be the result of mismanagement. He was trying to spend more than he was getting.

The Hon. L. D. ELLIOTT: The honourable member must be joking. Could Mr. Heitman live on that amount? The figure I have quoted does not include clothes, insurances, licenses, children's needs, and extras such as cosmetics for his wife—and I do not want anybody to tell me that this is not necessary. Apart from this there is entertainment to be considered and also contributions to hospital benefits, etc.

The Hon. G. C. MacKinnon: How many children has he?

The Hon. L. D. ELLIOTT: He has three school-age children one of whom is an epileptic. How would he get on if he were trying to buy a washing machine, a TV set, or furniture? It is impossible for a person in the position in which this man finds himself to build up the necessary bank balance for an emergency such as ill health or for holidays for himself and his family.

The Hon. G. C. MacKinnon: With that number of children he would get \$60 a week from the social services if he were out of work or sick. He is getting \$60 a week now and he would get that amount if he were out of work. So what is your point?

The Hon. L. D. ELLIOTT: He was still out of pocket as a result of illness—he probably had doctors' bills and other accounts to pay and he may not have been covered by the hospital benefits fund.

The Hon. G. C. MacKinnon: That is another matter.

The Hon. L. D. ELLIOTT: How would the honourable member like to manage on that wage?

The Hon. G. C. MacKinnon: I would hate it.

The Hon. L. D. ELLIOTT: The honourable member is able to take sick leave and get full pay during that period. The man concerned was finding it difficult enough while he was working but he would be very much worse off if he were on sick leave.

Mr. MacKinnon also referred to malingerers who constantly took "sickies". I say that workers with decent employers very seldom take "sickies" or extended sick

leave. They might take one now and again, which does not greatly interfere with production.

The Hon. G. C. MacKinnon: The term "sickie" usually refers to a single day.

The Hon. L. D. ELLIOTT: Workers with decent employers seldom take sick leave unless they have good cause; and workers who enjoy good health and are contented in their work will usually attend work even if they are ill. I recall that many times my father went to work when he was just about dead on his feet.

If there are people who regularly take time off, I would put it down to three things. Firstly, they may be in an occupation that is either boring or unrewarding; secondly, they may be poorly paid or poorly treated by their employers; and thirdly, they may in fact be people who are not healthy; they may have some complaint that is not easily discernible by a medical practitioner. I feel we have very few lazy people in the work force, and that usually there is good reason for people not turning up to work.

But in any case, employers are covered under clause 10(2) of the Bill, which states—

(2) A worker is not entitled to receive from his employer sick pay for any period of sick leave—

(b) subject to section 11 of this Act, in which the sickness of the worker is due to his own fault, neglect, or misconduct.

The other argument we hear continually is that we are proposing to take away from the Industrial Commission certain rights to establish sick leave conditions in industrial awards. If the Opposition parties were really genuine in this argument, why did they remove certain matters from the jurisdiction of the Industrial Commission when during their term in office they introduced industrial legislation in 1963? I would like to read two short paragraphs from the second reading speech of The Hon. G. P. Wild when he introduced the Industrial Arbitration Act Amendment Bill (No. 2). At page 2020 of *Hansard* volume 165, we find Mr. Wild had this to say—

Under the Bill, the commission will not have power to determine what days in the week or how many days in the week an industry may carry on operations. It is the view of the Government that this is a matter which should be regulated by the economic requirements of the industry or by public demand; or, if some particular evil exists, by the Parliament.

Later Mr. Wild said—

The commission is prohibited from requiring a worker to enter into or remain in the service of an employer, and from requiring an employer to

engage, or to continue to employ a worker, unless the worker or the employer are engaging in specified unlawful activities.

So, as I said a moment ago, if members of the Opposition are genuine in their argument that we should leave such matters for the commission to handle, I submit they would not have taken away from the commission the rights they took away in that Bill of 1963.

This legislation will not inhibit the Industrial Commission from making decisions on sick leave provided the commission does not reduce the standards laid down in the measure. So I really feel that Mr. MacKinnon and other members of the Opposition are not really concerned with the rights of the commission, but are more concerned with preventing the workers of this State from obtaining better standards.

The Hon. G. C. MacKinnon: Are you calling me a liar?

The Hon. L. D. ELLIOTT: I did not use that term.

The Hon. G. C. MacKinnon: You went pretty close to it.

The Hon. L. D. ELLIOTT: However, if the honourable member is genuine and wishes people to obtain improved conditions he would vote for the Bill.

The Hon. G. C. MacKinnon: Funnily enough I have far more personal knowledge of these matters, from my own previous employment and from the employment of my children, than you have.

The Hon. L. D. ELLIOTT: If Mr. MacKinnon has so much understanding he would support the Bill.

The Hon. G. C. MacKinnon: I have made my position abundantly clear.

The Hon. L. D. ELLIOTT: I would like to refer to long service leave benefits to give an example of how long it takes for workers in private employment to achieve the standards enjoyed by those in Government employment. Government wage employees in this State were granted three months' long service leave after 10 years' continuous service way back in 1927. It took 30 more years for people in private employment to obtain three months' leave after 20 years' service; and had it not been for the decision of this Chamber in May of this year those workers would only now be receiving three months' leave after 10 years' service. However, even now they are still denied that right as a result of a decision taken on the Long Service Leave Act Amendment Bill earlier this session.

I cannot see why we in this State must always lag behind the other States in improving wage rates and working conditions. Why cannot we for once take the lead so that we are able to hold up our heads and say Western Australia is leading the whole of Australia in industrial

standards? It is no good mouthing meaningless slogans such as, "A State on the move"—a phrase coined by our predecessors who are now opposing this Bill—unless all the citizens of the State are sharing in the progress. I support the Bill.

THE HON. D. K. DANS (South Metropolitan) [5.37 p.m.]: I wish briefly to support the Bill. The main argument of the Opposition is that the power to amend and vary industrial agreements—and, indeed, long service leave and sick leave agreements—lies with the Industrial Commission. I do not think that is quite fair because the Opposition has not clearly outlined to this Chamber where it stands on the question of increased sick leave benefits for the workers of the State. It would be wrong for any member of this Chamber to speculate what the commission may or may not do—indeed, it would be very dangerous to do that.

The Hon. G. C. MacKinnon: I do not think we should instruct judges or commissioners; although mind you Mr. Tonkin has tried to do it once or twice.

The Hon. D. K. DANS: I am not suggesting that anyone try to instruct any judge, but from the tenor of this debate and others the commissioners would be on fairly safe ground if they decided to increase sick leave benefits especially after hearing some of the remarks made by Mr. MacKinnon. However, being the men they are I am sure the commissioners would not have regard for what was said here—at least I hope they would not.

The Hon. G. C. MacKinnon: They would not feel it was binding upon them.

The Hon. A. F. Griffith: Surely the commissioners would listen to advocacy and not speeches made in Parliament.

The Hon. D. K. DANS: I do not wish to digress, but it is a fact, and it has been stated by many eminent judges of the Commonwealth Arbitration Commission and many eminent lawyers, that decisions are influenced from time to time by the militancy of an organisation with which they are dealing. There is an abundance of case history to prove that. Perhaps if we considered some of the works of Justice Joske, we would find he has made similar comments. Possibly other judges before him have also made them.

I do not know why we consistently turn away from a very human problem concerning the ordinary working people of this State and refuse to accept the sovereignty of Parliament and its right to change laws and conditions which materially affect the living standards of those people. We take it upon ourselves to amend all manner of things. We adjust the Criminal Code, amend the Milk Act and the Dog Act, and allow dog racing; but when we come to a simple question such as that before us now we say we do

not want any part of it and that it should be taken to the commission. Miss Elliott raised a very moot point.

The Hon. G. C. MacKinnon: In all but one of the examples you gave we do not interfere with the day-to-day running of them.

The Hon. D. K. DANS: Miss Elliott gave an excellent example when she referred to the industrial arbitration legislation of 1963. The Government of Western Australia at that time did not see anything wrong with restricting the power of the Industrial Commission. It restricted the power of the commission to reinstate and to order retrospective payments. If this Chamber can agree to conditions such as those—I do not know whether they operate anywhere else in Australia—then surely it is quite competent to strike a standard of sick leave, and such a standard is outlined in the Bill now before us.

Of course, that does not necessarily mean that this Bill is the ultimate in sick leave legislation, because it is true that more enlightened employers in what might be termed an age when civilisation is at the crossroads of a technological revolution see great benefit in allowing sick leave to accumulate to their employees. They do so in the belief that workers who have a right to sick leave which they will not lose do not use that right indiscriminately. We all know there are exceptions to the rule. Indeed, there are exceptions to the rule in this Chamber.

The Hon. G. C. MacKinnon: That is one of the arguments I presented.

The Hon. D. K. DANS: Yes. So I cannot understand why members opposite are turning away from this simple Bill which proposes merely to strike a minimum requirement.

Let us now turn to the question of Government workers. I do not suggest for one moment that I would support the suggestion of Mr. MacKinnon to bring Government workers down to the level of other workers.

The Hon. G. C. MacKinnon: It was not my suggestion; I thought Miss Elliott was suggesting it.

The Hon. L. D. Elliott: I did not.

The Hon. D. K. DANS: We have a whole host of Government workers; and, in addition to them, we have many workers employed under conditions far better than those proposed in the Bill simply because their employers are enlightened.

The Hon. A. F. Griffith: And many of them would lose their benefits if this Bill is passed.

The Hon. D. K. DANS: I do not know of any employer—and I have had some harsh things to say about employers from

time to time—who would reduce a benefit that already applied to his workers simply because the court struck a minimum standard. Surely Mr. Arthur Griffith would not know of such an employer. Probably if we ferret through the industrial arbitration legislation of the State and the Commonwealth we would find that precedents have been set and that an existing benefit has been reduced; but why discriminate between Government workers and workers employed in private industry?

The Hon. G. C. MacKinnon: This is a pretty traditional thing.

The Hon. D. K. DANS: But traditions provide no excuse for this Chamber to deny workers in private industry a minimum standard of sick leave, which the Bill seeks to implement.

The Hon. G. C. MacKinnon: That is no argument. We are not taking it away from them; we are leaving the court with full jurisdiction to deal with it.

The Hon. D. K. DANS: I cannot reconcile myself to accept the argument of Mr. MacKinnon for this Chamber to prune the powers of the Industrial Commission, with detrimental effects to the workers. We find that sometime in the past there was a Minister for Labour in a previous Government who tried to upset the decision of the commission in regard to a dispute involving BHP; and he was not a Minister of a Labor Government. This caused widespread disputation in the Kwinana area. All the conditions set down were met, and the recommendation of the commission was that the worker be reinstated, but the company said that could not be done because that right had been taken away from the commission.

It is said that the Lord giveth and the Lord taketh away. I am not suggesting the honourable member can walk on water, but he is giving that impression. The whole point is that the Opposition in this Chamber and that in another place are "anti" people.

The Hon. G. C. MacKinnon: What rot!

The Hon. D. K. DANS: They are "anti" people, or they are anti the working class.

The Hon. V. J. Ferry: They are human beings.

The Hon. D. K. DANS: That is the honourable member's term; I did not use it. The Government had no qualms about reducing the powers of the Industrial Commission to deprive workers of conditions which had applied for years. It balked at the possibility of the sovereignty of Parliament being jeopardised by conferring the right to accumulate sick leave on the bulk of the workers in private industry. If that is not anti workers I am prepared to eat my hat.

THE HON. R. THOMPSON (South Metropolitan—Minister for Community Welfare) [5.46 p.m.]: I thank members who have made a contribution to the debate on the Bill. Those members who listened to my second reading speech will realise that Mr. MacKinnon has not made one point in his contribution to the debate, nor has he introduced anything that I did not mention in my contribution. Therefore I have virtually nothing to reply to in this debate. Mr. MacKinnon started off by saying that in some cases certificates issued by doctors were not valid.

The Hon. G. C. MacKinnon: I did not say that.

The Hon. R. THOMPSON: That is what I wrote down.

The Hon. G. C. MacKinnon: I wish the Minister would not do that. I said there had been rumours in the past from some areas.

The Hon. R. THOMPSON: If in the past there have been rumours from some areas that certificates issued by doctors were not valid, then the integrity of the doctors and the workers concerned was at stake.

The Hon. G. C. MacKinnon: You are perfectly right

The Hon. R. THOMPSON: A doctor has a responsibility to his profession and to the community to issue certificates only in genuine cases of illness. Mr. MacKinnon made a further point. He asked to whom did this Bill apply, and would not sick leave benefits be granted if it were not passed. The honourable member then rephrased his question. He said that something like 2 per cent. of the community at the present time were not covered, and he asked what was the purpose of the Bill.

However, in my introduction of the second reading of the Bill on the 22nd May I said—

Finally, in this respect, it must always be borne in mind that there are workers who are not covered by awards whose entitlements, legally, will always be doubtful; the Government has a duty to protect these workers also. Numbers of workers in this group cannot be ascertained with any degree of precision as the situation with respect to award coverage may change at any moment. However, the Department of Labour has advised the Minister that at the moment workers in the following industries are not covered by awards—

Fibre Glass Industry
Dairy Farm Workers and Farm Workers outside S.W.L.D.
Female Transport Workers
Motor Bike Messenger Girls
Managerial Staff, Hotels, Motels, etc., or people performing more than one function

Clerks in Solicitors' Offices
Pest Exterminators
Door to Door Salesmen
Used Car Salesmen
Workers in Rest Homes and Un-registered Hospitals

Lawn Mowing
Window Cleaners—Female
Caravan Park Employees
Fishermen and Employees on Cray Boat Maintenance

Poultry Farm Workers
Child Minding Centres
Gardeners (other than in Nurseries)

Laboratory Assistants (Private)
Real Estate Salesmen
Electronic Industry
Workers in Sheltered Workshops, other than Government

Driving Instructors—Male and Female

Health Studios.

We do not know whether a wide range of workers are entitled to sick leave.

The Hon. D. J. Wordsworth: The contractors you mentioned would be self employed.

The Hon. R. THOMPSON: If a worker is self employed he is not entitled to sick leave. That is the most ridiculous matter raised in the debate.

The Hon. J. Heitman: You referred to lawn mowing contractors.

The Hon. R. THOMPSON: Some firms in the State employ up to 12 workers on the landscaping of gardens, and others engage a large number on lawn mowing contracts. In fact, some Government departments employ them.

The Hon. J. Heitman: If they are employed they would be covered by workers' compensation in respect of sick leave.

The Hon. R. THOMPSON: They are not covered under the law. Mr. MacKinnon said he estimated that 2 per cent. of the work force was the number involved. I say we cannot strike a figure. We do not know how many people are involved. However, it does not matter if only one worker is not entitled to sick leave; we should legislate to make sure that he is given an entitlement.

Mr. MacKinnon has asked what was the purpose of the Bill. Its purpose is to give all workers sick leave entitlement, other than to those already covered, such as Government departmental employees, civil servants, and others who have been granted entitlement by agreement or negotiation. If an employer enters into an agreement with a union or a group of employees, and the agreement is stamped, it becomes a legal document.

The purpose of the Bill is to regularise sick leave, and ensure that sick leave entitlements may be accumulated by all workers in Western Australia. There should be no argument about that. I have made reference to the position in Queensland, Victoria, and New South Wales. In these States vast improvements in respect of sick leave entitlements were made during the past year.

The Hon. G. C. MacKinnon: All through the action of the Industrial Commission.

The Hon. R. THOMPSON: Yes, except in the State of South Australia.

The Hon. G. C. MacKinnon: You did not mention South Australia.

The Hon. R. THOMPSON: The standards which the Bill proposes are the same. I mentioned this aspect in my second reading speech, but evidently Mr. MacKinnon did not pick that up.

The Hon. G. C. MacKinnon: I just about know that speech by heart. I picked it up all right.

The Hon. R. THOMPSON: In my second reading speech I said—

The first point to be understood in this respect is that the power of the Western Australian Industrial Commission to deal with matters relating to the sick leave entitlements of workers shall not be affected by anything in this Bill except to the extent of clause 5 which provides—

That to the extent of any inconsistency between a provision of this Act and a provision that, apart from this Act, applies to or in relation to the employment of a worker, the provision which is more favourable to the worker prevails.

That means if an agreement is reached and approved by the Industrial Commission then the provision which is the more favourable to the worker prevails.

Mr. Dans and Miss Elliott raised very valid points in their contributions. This Parliament legislates in respect of many matters. However, Western Australia is the only State which does not have sick leave legislation, and that is an important point to be taken into consideration. We have legislation covering long service leave, annual holidays and the like, and we have given the Industrial Commission the power to confer various benefits.

The Bill before us has been presented in its right perspective. If passed the legislation will relieve the Industrial Commission of a lot of work; that is, if what Mr. MacKinnon has put forward can be accepted. Every union will have to make application to the Industrial Commission and demonstrate that its workers are entitled to what it is claiming for them. By passing the Bill we will put everything

completely in order. It will be a reflection on this House if the Bill is not passed, because the Bill contains the fundamentals of democracy and the principle that all in shall be equal. Through administrative action the Government employees have been conferred this benefit in their awards. The State civil servants enjoy better provisions.

The Hon. G. C. MacKinnon: Therefore the Bill does not make everyone equal.

The Hon. R. THOMPSON: That was because the provisions were arrived at by agreement. If a private employer desires to give his employees 12 days a year in sick leave there is nothing to prevent him from going before the Industrial Commission and having the agreement registered. As a matter of fact the waterside workers and the seamen enjoy better provisions in this respect than the provisions contained in the Bill before us; and the benefits which they enjoy were granted as a result of agreement, and approved of by the Industrial Commission.

It would be a cardinal omission if the Bill were not passed; it would, deprive the workers of Western Australia of equal opportunity, equal coverage, and equal guarantees that in times of sickness they will have an assured income. At present in many instances the workers have not an assured income at such times.

The point was raised quite rightly by Mr. MacKinnon when he mentioned gall bladders and hernias. In certain circumstances where the injury or accident occurs on the job it is very difficult to get a doctor to issue a certificate to the effect that the worker is suffering from a hernia resulting from his employment.

The Hon. G. C. MacKinnon: Are you not now dealing with workers' compensation?

The Hon. R. THOMPSON: I am dealing with the point raised by the honourable member. It is very difficult to have hernia accepted under workers' compensation.

The Hon. G. C. MacKinnon: I was talking about sick leave.

The Hon. R. THOMPSON: It is very difficult to have hernia recognised under workers' compensation.

The Hon. G. C. MacKinnon: I agree with you.

The Hon. R. THOMPSON: If a hernia develops a fortnight after an injury or an accident—admittedly a determination is made at the discretion of the Workers' Compensation Board—the matter has to go before the board which decides whether or not the worker is entitled to compensation. The Bill before us will be the means of eliminating much of the red tape in respect of the right to accumulate sick leave. We are all aware that some hernias are more acute than others, and sometimes it

takes up to three months before a worker suffering from hernia is able to return to his duties; particularly heavy duties. If a worker is employed on office work or light duties he might be able to return to work within a shorter period. However, the Bill releases the vacuum which exists at the present time. If a worker sustains a hernia which is not compensable, and he is off work for three months, then he should be entitled to protection. I will not go along with the claim that people are malingerers. Perhaps half of one per cent. of the community may try to malingering.

The Hon. G. C. MacKinnon: Is the Minister suggesting that someone said people were malingerers?

The Hon. R. THOMPSON: No, I did not say that.

The Hon. A. F. Griffith: You said you would not go along with the statement that people are malingerers.

The Hon. G. C. MacKinnon: The statement was not made here.

The Hon. R. THOMPSON: I am not referring to what people have actually said during this debate.

The Hon. G. C. MacKinnon: I did not imply that people were malingerers.

The Hon. R. THOMPSON: The honourable member said that people who were not genuine were malingering. I do not go along with that claim, either in relation to compensation or in relation to this Bill. A member of the medical profession will be able to say whether or not a person is malingering, and will tell a worker when he is fit enough to go back to work. It has often been found that workers have been sent back to work long before they were ready to work with resultant breakdowns requiring further treatment by doctors and specialists.

It is useless saying that the Bill should not be passed and, as Mr. MacKinnon has claimed, that sick leave should not be a matter for political determination. I think it should be a matter for political determination.

The Hon. G. C. MacKinnon: That is where we differ.

The Hon. R. THOMPSON: This measure will provide uniformity.

The Hon. G. C. MacKinnon: It will not provide any uniformity.

The Hon. R. THOMPSON: It will give uniformity to those who are covered by awards and also to those who are not covered by awards.

The Hon. G. C. MacKinnon: It will do no such thing.

The Hon. R. THOMPSON: The definition of a worker, under the provisions of this Bill, is exactly the same as that contained in the industrial arbitration legis-

lation. Every person, other than those under agreements or special awards, will automatically be covered.

The Hon. G. C. MacKinnon: The Bill will set a minimum; it will not make for uniformity.

The Hon. R. THOMPSON: Although Mr. MacKinnon has said he hopes he has created enough support in his opposition to the Bill, I think members should go into the depth of the true meaning of the Bill before they vote. If conditions are left as they are at the present time many people will be left out in the cold.

It is no good saying we should hand this matter down to the Industrial Commission; we set the norm. We set the norm on which the Industrial Commission can make its determinations. The passing of this Bill will obviate hundreds of applications to the Western Australian Industrial Commission. It will protect those who are not covered by union awards at the present time.

I could possibly speak for another three hours on the provisions of this Bill and why it should be passed.

The Hon. G. C. MacKinnon: I hope that if the Minister intends to go on he will speak more factually.

The Hon. R. THOMPSON: Would the honourable member tell me one thing I have said which is not factual?

The Hon. G. C. MacKinnon: The statement that the passing of the Bill will reduce the work of the commission, because this measure will only set a minimum and the workers could ask for better.

The Hon. R. THOMPSON: The workers could ask for better, but the passing of the measure will obviate many applications. The honourable member opposite should know what is involved in making an application against an employer, or a group of employers, and the paper work and costs involved in making an application to the Industrial Commission. We have debated that many times.

The Hon. G. C. MacKinnon: The Minister should read his own Bill some time.

The Hon. R. THOMPSON: As I have already said, the passing of this Bill will create uniformity for workers irrespective of whether or not they are under awards. No employer begrudges an honest worker his dues. Many people start work at 14 years of age and stay with the same firm until they retire at 65 or 70 years of age. Such persons must be honest and trustworthy.

The Hon. G. C. MacKinnon: Of course they would be.

The Hon. R. THOMPSON: I, personally, never had a day's sick leave in my working life, while I was working in industry, unless I was genuinely sick. I have always had to produce a doctor's certificate.

The Hon. A. F. Griffith: And that goes for the majority of workers.

The Hon. R. THOMPSON: And that is why conditions should be uniform, and why the majority of workers should have the protection of the provisions contained in this Bill. I commend the second reading.

Question put and a division taken with the following result—

Ayes—12

Hon. R. F. Cloughton	Hon. T. O. Perry
Hon. S. J. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. L. D. Elliott	Hon. S. T. J. Thompson
Hon. J. L. Hunt	Hon. W. F. Willesee
Hon. R. T. Leeson	Hon. D. K. Dans

(Teller)

Noes—14

Hon. G. W. Berry	Hon. N. McNeill
Hon. V. J. Ferry	Hon. I. G. Medcalf
Hon. A. F. Griffith	Hon. F. R. White
Hon. Clive Griffiths	Hon. F. D. Willmott
Hon. J. Heltman	Hon. W. R. Withers
Hon. L. A. Logan	Hon. D. J. Wordsworth
Hon. G. C. MacKinnon	Hon. R. J. L. Williams

(Teller)

Question thus negatived.

Bill defeated.

QUESTION WITHOUT NOTICE

ROAD MAINTENANCE TAX

Abolition: Proclamation of Legislation

The Hon. J. DOLAN (Leader of the House): I am now in a position to answer a question asked without notice by Mr. Heitman earlier this afternoon.

I wish to repeat the substance of the question to make sure there is no misunderstanding. I did not receive a copy of the question but my notes indicate that it was as follows—

Did the Premier give an undertaking to a delegation from the Lakes district today that if the Traffic Act Amendment Bill (No. 2) is not agreed to in the Legislative Council he would still repeal the road maintenance tax legislation?

The Hon. A. F. Griffith: That was not really the question. The question was that if the Road Maintenance (Contribution) Act Repeal Bill was passed, would he proclaim it.

The Hon. J. DOLAN: That is right. The Premier has supplied the following answer—

No. I said that if the Legislative Council passed the Bill to repeal the road maintenance tax I would have it proclaimed.

The Hon. A. F. Griffith: Father Christmas!

The Hon. J. DOLAN: You have the answer.

House adjourned at 6.11 p.m.

Legislative Assembly

Wednesday, the 8th August, 1973

The SPEAKER (Mr. Norton) took the Chair at 2.15 p.m., and read prayers.

SITTINGS OF THE HOUSE

Days and Hours

MR. J. T. TONKIN (Melville—Premier) [2.19 p.m.]: I move—

That the previous Order of the House "Sitting Days and Hours" agreed to on Tuesday, 20th March, 1973 be amended by deleting the words "and Wednesdays at 4.30 p.m.," and inserting in lieu "at 4.30 p.m., on Wednesdays at 2.15 p.m.,".

SIR CHARLES COURT (Nedlands—Leader of the Opposition) [2.20 p.m.]: I just want to say very briefly that we appreciate the fact the Premier has met our request to change the commencement time from the original suggestion of 11.00 a.m. to 2.15 p.m. on Wednesdays. We realise that when the session gets closer to its end the normal procedure will prevail by arrangement between the Government and the Opposition; there has to be some flexibility. However, at this stage of the session it is felt that the commencing time of 2.15 p.m. on Wednesdays will be more suitable to country members who have to come to Perth and need to follow up electoral matters. I thank the Premier for his consideration of our request.

Question put and passed.

GOVERNMENT BUSINESS

Precedence

MR. J. T. TONKIN (Melville—Premier) [2.21 p.m.]: I move—

That the previous Order of the House "Government Business—Precedence of," agreed to on Tuesday, 20th March, 1973 be amended by adding after the word "Day" in the last line the words "and on Wednesdays, unless otherwise ordered, from 7.30 p.m."

SIR CHARLES COURT (Nedlands—Leader of the Opposition) [2.21 p.m.]: I want clarification on the motion. Does it mean that from 2.15 p.m. until 6.15 p.m. on Wednesdays when the House suspends for tea private members' business will be dealt with?

Mr. J. T. Tonkin: Yes.

Question put and passed.