Legislative Council

Thursday, 21st November, 1957.

CONTENTS

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

QUESTIONS.

EDUCATION.

(a) New Schools, Additions, Renovations in Country Areas.

Hon. A. R. JONES asked the Chief Secretary:

During which financial year were new schools, additions, or renovations, undertaken at the following State schools:—

Cadoux, Buntine, Wubin, Dalwallinu, Pithara, Ballidu, Wongan Hills, Goomalling, Miling, Bindi-Bindi, Yericoin, Calingiri, Bolgart, Watheroo, Coomberdale, Moora, Dandaragan, Gillingarra?

The CHIEF SECRETARY replied:

Cadoux—1952-53.
Buntine—1952-53.
Wubin—1953-54.
Dalwallinu—1951-52, 1953-54, 1955-56.
Pithara—1950-51, 1955-56.
Ballidu—1948-49, 1950-51, 1955-56.
Wongan—1952-53, 1954-55.
Goomalling—1950-51, 1954-55, 1956-57.
Miling—1951-52, 1952-53, 1954-55.
Bindi Bindi—1954-55.
Yericoin—1949-50, 1954-55, 1955-56.
Calingiri—1954-55.
Bolgart—1951-52.
Watheroo—1952-53, 1955-56.
Coomberdale—1954-55.
Moora—1950-51, 1956-57.
Dandaragan—1951-52, 1953-54.
Gillingarra—1954-55.

(b) Expenditure in Moore Electorate.

Hon. A. R. JONES asked the Chief Secretary:

(1) What amount of money has been authorised and expended by the present Government within the Moore elecetorate during the present Government's term of office for the following purposes:—

(a) Erection of new primary school classrooms;

(b) erection of junior high school, and high school classrooms?

(2) Where were the works carried out, and what amount was spent in each instance?

The CHIEF SECRETARY replied:

(1) (a) £67,000 (approximately).
(b) £17,000 (approximately).

		£
(2)	Watheroo	6,800
	Moora	9,600
	Wubin	4,000
	Buntine	2,400
	Wongan Hills	26,000
	Goomalling	11,400
	Cadoux	2,850
	Miling	4,130
	Bindi Bindi	8,410
	Yericoin	3,000
	Bolgart	6,000

NARROWS BRIDGE.

Dredging and Elimination of Risk.

Hon. A. F. GRIFFITH asked the Chief Secretary:

With respect to the dredging of the river which is taking place in connection with the Narrows bridge construction, will the Government advise—

(1) Where is such dredging taking place?

(2) To what depth is the river being dredged?

(3) How far out from the shore are the newly-dredged channels?

(4) In order to eliminate any risk of children and other people who might swim or go crabbing or prawning in the vicinity of the dredged areas, will the Minister for Works make a Press statement, and at the same time supply the Press with a map showing the areas dredged or intended to be dredged, in order that the public generally might be informed as to the possible danger caused by such dredging?

(5) Will he see that warning signs are placed in appropriate places indicating the dredged areas and danger spots, in a manner similar to the deep water signs that were placed in the river when the present causeway was under construction?

The CHIEF SECRETARY replied:

(1) Between Mill Point and Canning Bridge.

(2) Varies to a possible maximum of 15ft. below low-water mark.

(3) Majority of dredging is at least 400ft. from new foreshore alignment. A small section is 300 to 400ft.

(4) Action suggested is not considered necessary at the present stage as—

(a) Between Scott-st. and Richardson-st.—There is water at least 5ft. deep between reclamation area and dredging operations.

(b) Centre of golf club to South Terrace.—Dredging operations are at least 900ft. from shore.

(c) South Terrace to Greenock-st.—It is anticipated that dredging operations will be at least 400ft. from the shore, and commencing in water at least 5ft. deep.

(5) Answered by No. (4).

DROUGHT ASSISTANCE.

(a) Rail Freight Concessions for Fodder.

Hon. C. H. SIMPSON asked the Minister for Railways:

Will he inform the House in regard to railage concessions on consignments of fodder for starving stock in drought areas—

(a) what is the amount of such concession;

(b) what are the conditions applying thereto, and to whom should applications for such concessions be made?

The MINISTER replied:

(a) The amount of freight concession in cases where applications have been approved is as follows:—

Pastoralists will be required to pay full freight rates for stock railed away from drought areas.

Pastoralists will not be charged rail freight upon return of stock to the drought area provided that such stock was transported from the area by rail.

Rail freights will not be charged on new breeding stock freighted to the station by rail within two years from the time when the station was able to restock.

No freight concession will be authorised in respect of road transport.

Fifty per cent. rebate of rail freight charges in wagon load consignments of approved fodder for pastoral properties within drought-affected areas will be allowed.

The foregoing concessions apply to rail transport of fodder and livestock conveyed over Government lines only.

(b) Freight concessions for pastoralists in drought-affected areas are not approved unless—

(i) the latest balance sheet and profit and loss account for the station in respect of which the application is lodged indicates the granting of such concession would be warranted;

(ii) the station in each case has been severely affected by drought. Applications should be made to the Under Secretary for Lands.

(b) Concessions Regarding Stock.

Hon. C. H. SIMPSON asked the Minister for Railways:

(1) Are railage concessions available in respect of stock railed for agistment, and if so, what is the amount of such concessions, and what conditions apply?

(2) Are railage concessions available where sheep are railed to drought areas to replace losses occasioned by drought?

The MINISTER replied:

(1) No.

(2) Pastoralists will not be charged rail freight upon return of stock to the drought area provided that such stock was transported from the area by rail.

Rail freights will not be charged on new breeding stock freighted to the station by rail within two years from the time when the station was able to restock. Provided—

(a) the latest balance sheet and profit and loss account for the station in respect of which the application is lodged indicates the granting of such concession would be warranted;

(b) the station in each case has been severely affected by drought.

(c) Experiments with Drought-resistant Plants.

Hon. C. H. SIMPSON asked the Chief Secretary:

Will the Government give consideration to the appointment of an agricultural research officer to the district of Yalgoo for the purpose of conducting experiments with drought-resistant fodder plants with the object of increasing production potential in the area, and minimising the incidence of stock losses during drought periods?

The CHIEF SECRETARY replied:

The present limited availability of trained staff prevents any substantial expansion of research and extension centres in agricultural and pastoral areas for the time being, and it is unlikely that it will be possible to locate an officer at Yalgoo in the near future.

KALGOORLIE RAILWAY DEPOT.

Repair Work.

Hon. J. D. TEAHAN asked the Minister for Railways:

In view of his recent statement that a big programme of constructional work of new diesel rail-cars, and passenger-coaches, will be undertaken at Midland Junction Workshops, would he arrange for a greater volume of repair work to be done at rail depots, such as Kalgoorlie?

The MINISTER replied:

Repair work at Kalgoorlie and district depots is limited to running repairs between general overhauls which must be undertaken at Midland Junction Workshops. To increase the scope of depot repair work would involve heavy expenditure on the enlargement of the depot, which would be of temporary value only.

WELSHPOOL-MIDLAND JUNCTION RAILWAY.

Resumptions.

Hon. C. H. SIMPSON asked the Minister for Railways:

Would he inform the House—

(1) The number of properties which would be resumed on the proposed Welshpool-Midland Junction railway?

(2) In what areas would the greatest number of resumptions be located?

(3) How many householders would be disturbed by the proposed resumptions?

The MINISTER replied:

(1) 191.

(2) Properties located as follows:—

Canning Road District	56
Belmont Road District	51
Darling Range Road District	61
Swan Road District	5
Midland Junction Municipality	18

(3) The number of householders whose properties will be directly involved is 89, but of this number only 53 homes will actually be taken.

NATIVES.

Care in Granting Citizenship Rights.

Hon. C. H. SIMPSON asked the Chief Secretary:

In view of the fact that citizenship rights are granted to natives who abuse the privilege by supplying intoxicating liquor to aboriginal natives, will the Government give consideration to need for greater care being exercised where citizenship rights are granted?

The CHIEF SECRETARY replied:

The subject matter of this question is dealt with in legislation at present under consideration in another place. Citizenship rights are granted by boards appointed in various districts, comprising a magistrate and representatives of the local governing body, who give due consideration to all responsibilities when making their decision.

ADDITIONAL SITTING DAY.

On motion by the Chief Secretary resolved:

That for the remainder of the session, the House, unless otherwise ordered, shall meet for the despatch of business on Fridays at 2.15 p.m. in addition to the ordinary sitting days.

STANDING ORDERS SUSPENSION.

Closing Days of Session.

The CHIEF SECRETARY: I move—

That during the remainder of the session so much of the Standing Orders be suspended as is necessary to enable Bills to be passed through all stages in any one sitting, and all messages from the Legislative Assembly to be taken into consideration forthwith.

Hon. Sir CHARLES LATHAM: I sincerely hope that the Minister will give us an opportunity of discussing the legislation, because a terrific lot still has to be introduced into this Chamber. We cannot get good laws if we have to work until all hours of the morning, day after day, particularly when we have a diversity of interests. There is still a long time to go till Christmas, and I think

the Minister, representing the Government, should give us an opportunity of being able to discuss this legislation in a businesslike manner.

Hon. A. F. GRIFFITH: I agree with the sentiments expressed by Sir Charles Latham. I understand that last night notice was given in another place of 18 new Bills. The Government hopes to finish by the end of November; and, including the Friday sittings that will leave us with another five sitting days. I repeat what I said last week—if we are expected to sit here until 2 or 3 o'clock in the morning, to pass legislation through this Chamber in order to get away by the 30th November, it is not a fair thing. In order to give proper consideration to the legislation the Government should be prepared to give consideration to the fact that we sat a month earlier this year; and as we are aiming to finish by the 30th November no harm would be done by coming back for two or three days in the following week. This would enable us to give proper attention to the legislation, and we would not be expected to pass it when we have not been able to look at it. Some of the legislation is very important, and some of it very contentious—

Hon. Sir Charles Latham: And some of it not worth while.

Hon. A. F. GRIFFITH: —and yet we are expected to pass it through all stages at one sitting. I hope that will not be the case.

Hon. H. K WATSON: I agree, to a large extent, with the views just expressed by Sir Charles Latham and Mr. Griffith.

Hon. E. M. Davies: So long as debates are not adjourned for a week.

Hon. H. K. WATSON: Parliament having sat a month earlier, and having more or less determined to finish the session by the end of this month, that should be the target; and if there is still any legislation on the notice paper, and not dealt with by the end of the month, no harm will be done by leaving it until the following session.

Hon. Sir Charles Latham: A lot of good would be done.

Hon. H. K. WATSON: That was the custom for many years. We have all heard of the slaughtered innocents—legislation left on the notice paper at the termination of a session—but in recent years we seem to have developed the bad habit of believing that every blessed thing that comes up, no matter whether it is introduced five minutes before the House adjourns or not, has to be dealt with, and quite often in a slipshod and inefficient manner. I would suggest that the sense of the House ought to be this: That such Bills as are presented to us by the end of the month be dealt with in an orderly manner; and if any legislation comes down at the death-knock it be left on the notice paper till next session.

The CHIEF SECRETARY (in reply): This is either my 30th or my 31st session in this Chamber; and I suggest that members, if they look at their Hansards, will find that the same complaints as have just been made, are made every year.

Hon. G. C. MacKinnon: We expected you to make an improvement.

The CHIEF SECRETARY: Members will also find that in the past I have said the same things as they are now saying. It does not matter what Government is in power, this late session rush occurs; and some members are inclined to blame the Government for it. They will not accept the responsibility for it themselves. But I ask them to examine their own consciences to see whether they have handled legislation expeditiously or in an inefficient manner.

Hon. Sir Charles Latham: What about the 11 Bills introduced last night? We have no say about them.

The CHIEF SECRETARY: I know of some Bills that were introduced yesterday. I know members want time to consider legislation; but surely they do not need a week to consider the type of Bill that was adjourned for that period yesterday!

Hon. A. F. Griffith: Don't forget you had plenty of opportunity to introduce that Bill before this.

The CHIEF SECRETARY: These complaints come up every year. I can genuinely say that since I have been a Minister no opportunity has been denied any member of discussing any measure.

Hon. Sir Charles Latham: Yes.

The CHIEF SECRETARY: I would like the hon. member to point it out to me.

Hon. Sir Charles Latham: I cannot do it now.

The CHIEF SECRETARY: I have always met members, whether they asked for an adjournment for a particular time or an adjournment of the House.

Hon. Sir Charles Lathan: I agree with you there.

The CHIEF SECRETARY: I have never tried to stifle discussion. I ask members to judge the position on what has happened over the last four or five years. If they do that, they will see they have no grounds for complaint. I do not intend to act any differently now than I have done over the last four or five years. I quite agree that if I were sitting opposite I would be making the same complaints. But this late session rush is the same in every Parliament, whether it be the Victorian, South Australian, Commonwealth or our own.

Hon. Sir Charles Latham: It is the civil servants who are to blame for bringing their legislation in at the last minute.

Question put and passed.

SCHOOL BUS CONTRACTS SELECT COMMITTEE.

Extension of Time.

On motion by Hon. J. McI. Thomson, the time for bringing up the report of the select committee was extended to Tuesday, the 26th November.

BILL—BUNBURY HARBOUR BOARD ACT AMENDMENT.

Read a third time and *passed.*

BILL—UNFAIR TRADING AND PROFIT CONTROL ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—ELECTORAL ACT AMENDMENT (No. 2).

Third Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [2.42]: I move—

That the Bill be now read a third time.

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

Ayes	....	....	....	20
Noes	....	....	....	7
Majority for		....	....	13

Ayes.

Hon. G. Bennetts	Hon. G. MacKinnon
Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. E. M. Davies	Hon. J. Murray
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. A. F. Griffith	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. D. Willmott
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. W. R. Hall *(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. L. C. Diver	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. C. H. Simpson
Hon. Sir Chas. Latham	*(Teller.)*

Pair.

Aye.	No.
Hon. E. M. Heenan	Hon. H. L. Roche

Question thus passed.

Bill read a third time and *passed.*

BILL—LOCAL GOVERNMENT.

Assembly's Message.

Message from the Assembly notifying that it had disagreed to the amendments made by the Council now considered:

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

The CHAIRMAN: The Council's message and the reasons for the Assembly's not agreeing to the amendments on which the Council insisted appear in the schedule, a copy of which members have before them.

The CHIEF SECRETARY: I move—

That the amendments be not insisted on.

Hon. R. C. MATTISKE: I hope the Committee will insist on its amendments. This matter has been given thorough consideration, and the Chamber was very definite in its views. I hope it will adhere to those views, and insist on all the amendments appearing on the notice paper.

Hon. Sir CHARLES LATHAM: If it were not for the fact that these amendments affect the country people, I would support the Government on this matter. But I must consider the welfare of the country people and accordingly I support the opposition to the motion moved by the Chief Secretary.

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

Ayes	....	....	....	11
Noes	....	....	....	15
Majority against		....	....	4

Ayes.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. W. F. Willesee
Hon. J. J. Garrigan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. J. D. Teahan
Hon. G. E. Jeffery	*(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. A. F. Griffith
Hon. G. MacKinnon	*(Teller.)*

Pair.

Aye.	No.
Hon. E. M. Heenan	Hon. H. L. Roche

Question thus negatived; the Council's amendments insisted on.

Resolution reported, the report adopted and a message accordingly returned to the Assembly.

BILL—SUPREME COURT ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—NORTHERN DEVELOPMENTS PTY. LIMITED AGREEMENT.

Second Reading.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) [2.53] in moving the second reading said: The object

of this Bill is to ratify an agreement between the State Government and Northern Developments Pty. Ltd., which is shown in complete detail in the First Schedule to the Bill.

A plan of the actual area at Liveringa can be found at page 16 of the Bill. The Second Schedule is the form of a licence that will be issued with respect to the agreement, and the Third Schedule is a plan of the total area of the Fitzroy Basin showing the various points to which the agreement refers.

By arrangement with the Kimberley Pastoral Co., Mr. Kim Durack, who is now manager for Northern Developments Pty. Ltd., has, for a number of years, been conducting experiments in rice growing at Liveringa, which is some 75 miles east of Derby. The company has been in operation for some years and has already expended something like £75,000 on experiments.

It has received the closest co-operation from the Department of Agriculture, which has been responsible for many experiments at its own research station, with some hundreds of varieties of rice, in order to eventually determine the best types to be grown successfully in this part of the north.

The company, as the result of the knowledge which it has gained by experiments, together with the advice it has received over the years from the Department of Agriculture, has been working mainly with what are known as medium and long-grained rice, which were imported from America, and also a short-grained species known as "Kalora."

Members can gain some idea of the outstanding results already achieved in the Liveringa area by being aware that on a 60-acre plot last year the latter variety of rice yielded an average of not less than 2 tons 3 cwt. per acre. That is an astonishing figure; because although Australia is really a new country so far as the rice-growing industry is concerned, this ranks today as the highest yield in any rice-growing country in the world.

Spain and Italy are also in the 2-ton class; and, according to the published figures, America's average is little more than one ton per acre. The yield in Japan and Formosa is similar to that of America; but in other rice-growing countries of the world, the yield is approximately only one-half ton per acre. From the outstanding work done by Mr. Kim Durack and the others concerned, it appears that there is every prospect today of establishing a rich industry in this part of the north.

An important factor favouring the project which is not found in any other part of the Commonwealth, is that it takes far less time for the rice to mature at Liveringa than elsewhere in Australia. In New South Wales about 200 days are required for rice to mature; but at Liveringa it has been found that rice can be successfully grown in between 100 and 130 days. Under moist conditions the young shoots appear above the ground in about seven days.

The fields are then periodically watered by irrigation and drained until the young plants have sufficient strength to stand up to flood conditions, after which the crop is permanently flooded to a depth of from two to eight inches over a period of 90 days. The fields are then drained and the crop allowed to ripen. The production cost—which is an important factor in establishing any new industry—is from £25 to £30 per acre, while the value of the rice produced is £40 per ton. Members will realise that this is an opportunity to establish a prosperous industry which could be the means of attracting additional population to the north.

The crop grown last year serviced the Derby and Broome areas where the crews of fishing fleets based on those ports consumed a considerable proportion of the crop. Future markets for surplus rice are available in Asian countries and possibly in South Africa. When the project is fully developed, after about 20 years, and the whole area is brought under production—or that part of it which can be used in the rotation necessary for rice growing—any surplus will find a ready market in the United Kingdom where today Australian rice is at a premium. That aspect has been fully examined and there is no doubt about the prospect of this undertaking being successful.

The provision of adequate water supplies is essential in rice growing under irrigation; and to enable the company to carry out its experiments, a planned diversion scheme, including excavations and control works, has already been undertaken and provided by the Government at what is known as Snake Creek, where it leaves the Fitzroy River some 30 miles upstream from the dam site. A dam has been constructed across the billabong at the site, doubling its capacity. At certain times this work has caused the water to rise 5 ft., which is satisfactory for irrigation of a greater area than that now under production, although of course insufficient to undertake the watering of the large area envisaged in the agreement.

In the first place, Northern Developments received a great deal of help from the Kimberley Pastoral Co., which had no obligation at all to make any land available for this or any other purpose, particularly the rich land in the Fitzroy Basin. However, it did so; and the company has agreed, under the agreement we are discussing, to surrender 20,000 acres for this purpose. But even before it, or anyone else, knew that there was likely to be an agreement—even in the experimental

stages—the Kimberley Pastoral Co. gladly made available sufficient land for Northern Developments Pty. Ltd. to operate. Although the State Government did not know what would be the ultimate result of the proposition, it has already spent over £54,000 on the provision of suitable water supplies and roads.

The company not only went into the production side, but when it realised the possibilities of this industry, it installed a mill which can handle one ton of rice per hour. The rice that was produced at Liveringa last year was marketed in Derby and Broome.

After years of experiment, the company is completely satisfied that good rice can be produced on a commercial basis on the flooded plains of the Fitzroy River; and it is prepared to spend £100,000 on the installation of pumping equipment, the preparation of earthworks for rice fields and the acquisition of sowing and harvesting equipment, provided Parliament will agree to make sufficient land, roads, water and houses available.

The area which is desired for this project forms part of the Kimberley Pastoral Co.'s lease, and the lessees have agreed to surrender 20,000 acres of their country to enable the State to make land over to Northern Developments Pty. Ltd. for rice growing. It has been agreed between the Kimberley Pastoral Co. and the Northern Developments Pty Ltd. that, although the 20,000 acres is being surrendered immediately, the whole of this land will not be required for some time, probably 20 to 21 years.

There is an arrangement, therefore, in the agreement that the Kimberley Pastoral Co. shall have the use of all that land which has been surrendered by them and which is not immediately required by the company. There is also a provision that if for any reason there is a breakdown in the scheme, the 20,000 acres will revert to the Kimberley Pastoral Co.

The agreement provides that Crown land will be made available to the company in parcels of 5,000 acres each, under licence in the form of the Second Schedule to the agreement. The first parcel is to be made available within 30 days of the date of ratification by Parliament of the agreement. The company is anxious to commence and there should be no delay once Parliament has made its decision.

Rice is a rotational crop and as a matter of fact can be grown only one in four in relation to other crops. Consequently the licences are for a period of five years. It is anticipated that 1,000 acres of rice will be planted each year. The company is now planting rice in April and May and harvesting in July and August. When it comes to consider the planting of an ever-increasing area, as further parcels of land are made available to the company, the arrangement of planting will have to be earlier than March and April and will possibly take place in January and February of each year. In any case, there would only be the one crop per year.

I understand that sorghum will be one of the important rotational crops used. After this has been harvested the residue and stalks and the plants will be returned to the soil with the object of restoring the nitrogen deficiency. The annual planting of 1,000 acres is considered necessary in that isolated area to develop successfully the area for the production of rice.

I have already referred to the fact that the first parcel will be made available within 30 days of the ratification of the agreement. Under the agreement members will see that the company may, within seven years of the date of ratification by Parliament, apply for the second parcel, provided that the whole of the cultivable area of the first parcel has been planted to rice and the Minister is satisfied that rice can be grown successfully and economically.

Five thousand acres will be planted at the rate of 1,000 acres each year; and during the seven-year period the company can apply for the second parcel so that if it had planted at least 4,000 acres during that seven-year period, and done it successfully, the Minister would have no reason for not granting the second parcel.

Similar provisions have been made in respect to the granting of the third parcel after 14 years and the fourth parcel after 21 years. Upon the issue of the licence the company is required forthwith to proceed with progressive and continuous development of rice and other agricultural crops necessitated by rotational cultivation of rice.

Fencing may be carried out progressively from year to year to protect the growing crops; but the fencing of the boundary of each parcel must be completed by the company within five years from the date of issue of the licence. The company is to provide the equipment necessary to use within this land the available water supply, and the land comprised in a parcel shall not be used for any purpose other than the cultivation and processing of rice and other agricultural crops that are found necessary by the rotational system.

The State, for its part, has agreed to provide a townsite on high land in close proximity to the subject land. The State agrees, at its own cost and expense, to construct a weir across the Uralla Creek,

or Snake Creek, as it is best known, at points that members will find marked "D" on the plan, and subject to investigations, tests and surveys by the Director of Works shall in due course, and in a manner to be mutually agreed upon between the parties, construct a suitable barrage in the bed of the Fitzroy River approximately in a position marked "E" on the plan.

Whilst the Government is not committed to the completion of this work by any fixed date, it will definitely use reasonable endeavours to complete the construction by the end of 1960. Two irrigation channels will be constructed by the State; one on either side of Snake Creek, leading to the nearest practicable point on the boundary of the first parcel made available on each side of the creek.

The Commissioner of Main Roads is to maintain in a satisfactory condition a suitable road from Derby to the point marked "X" and to construct roads not exceeding one half mile within the townsite and a road two and a half miles in length from "X" to "P" as shown on the plan. Provision has also been made for the improvement to the approaches to the Snake Creek bridge and to increase the width of that bridge to 12 ft.

The State, through the State Housing Commission, will erect five houses within the townsite for the company's employees. The first two are to be erected before the 30th June, 1958, and the other three as required. The rentals will be calculated in accordance with the formula laid down in the Commonwealth-State Housing Agreement Act, 1945, or subject to any subsidy that may apply in respect of houses north of the 26th parallel of south latitude, to be paid by the company. Tenancy agreements are to be completed.

As the Kimberley Pastoral Co. has assisted in the same way, so the State Government, in order to ensure that there shall be no reason for failure, has agreed to undertake the construction of these houses and other works and also to provide an adequate water supply.

On its part, the company is to construct, maintain and keep in repair all improvements, works and facilities within each parcel; to reticulate water and maintain and keep in repair those portions of the irrigation channels that from time to time become enclosed within the boundaries of the parcel. In order to give effect to this the company agrees, upon completion of the erection of the barrage in the bed of the Fitzroy River, to pay £3,000 per annum, for which not more than 30,000 acre feet of water will be supplied. All water delivered to the company in excess of 30,000 acre feet is to be paid for at the rate of 5s. per acre foot. These rates may be reviewed every 10 years.

Within 30 days of the expiry of a licence —that is, five years after issue—the company may, subject to compliance with the terms and conditions of the agreement, apply for a Crown grant.

The purchase price for the first and second parcels has been fixed at £1 per acre, whilst the price for the third parcel is to be determined by the Minister, but shall not exceed £5 per acre, and the fourth parcel, similarly, shall not exceed £10 per acre.

If at any time there is disagreement between the company and the Minister, on the question of the price of the land, such disagreement will be referred to the appraisers board which is established under the Land Act, or to any other body or groups of persons mutually agreed upon by the parties. Such Crown grants shall be subject to the grantee planting not less than one-fifth of the area with rice each year, subject in turn to the sufficiency of the water supply.

The estimated yield during the first five years, at not less than two tons of paddy rice per annum, from 1,000 acres, is at least 2,000 tons. When the second parcel is taken up the production will be doubled. The objective is 4,000 to 5,000 acres per annum after 20 years. It is considered that the annual production during the first five years will be absorbed by the Western Australian market.

Although the annual production during the first five years will be absorbed by the local market, there will be a ready market in near Asian countries for any surplus production of rice under this agreement. As I said before, South Africa is also a potential market and if sufficient rice is available after the requirements of the markets in near Asian countries have been met, any further surplus can be exported to the United Kingdom, where rice of Australian origin enjoys a premium market.

This company commenced to establish itself at Liveringa in February 1951; and 1952 was the worst drought ever known in the Kimberley area. That set back the company's experiments and it did not get any rice in until 1953, but it has satisfied itself that it can produce rice economically and in quantity and is now prepared to go ahead and to develop larger areas.

Much must be said for this company, which did not ask any Government for assistance in the initial years of its experiments. It must have spent upwards of £50,000 before it made any approach to the Government for assistance and that is unusual, particularly in a remote area such as the Kimberleys.

I repeat that it is unusual for a company to tackle a project, spend huge sums of money over the years and satisfy itself

that its experiments are successful and that the venture can be turned into a commercial proposition, and for it then to be prepared to go ahead and spend some hundreds of thousands of pounds provided, only then, that the State will do something to assist the project.

This company approached the Government and asked, firstly, for a channel to be dug from the Fitzroy River into the Uralla or Snake Creek, which runs out of the Fitzroy when it is in top or even half flood. The small half-rivers that came down during the first couple of years that the company was at Liveringa were such that it asked that a channel be dug, so that when water does flow down the Fitzroy it will enter Uralla Creek much earlier than would be the case in normal circumstances. That, of course, will allow the company to plant earlier because the water will be obtained earlier. This is the first approach made to the Government for assistance, and the Government agreed to spend some money on Uralla Creek, following which I think approximately £20,000 or £30,000 was spent on the channel mentioned to allow the water to run in.

Hon. Sir Charles Latham: Was it necessary to dam the creek?

The MINISTER FOR RAILWAYS: No; the dam is down at Camballa—I think they call it.

Hon. Sir Charles Latham: Is that in the creek?

The MINISTER FOR RAILWAYS: Yes. It is now proposed to put a barrage in this channel so that the water will flow more easily.

Hon. Sir Charles Latham: Is that on the river flat or in the higher country?

The MINISTER FOR RAILWAYS: The hon. member has been to Liveringa; and if he can picture standing at the homestead facing the creek, which is in front, the rice project would be five miles to his left.

Hon. Sir Charles Latham: I have an idea where it is.

The MINISTER FOR RAILWAYS: There is a wonderful piece of country there which grows prolifically natural grasses, such as Mitchell grass and other types of lush feed.

Hon. Sir Charles Latham: Is there any soil deficiency there?

The MINISTER FOR RAILWAYS: Nitrogen is the principal soil deficiency, but the lack of it is overcome with the application of sulphate of ammonia. This company will no doubt set off the type of development which this State requires in the Kimberleys. Its operations must lead to closer settlement and will certainly attract some population to that area. Even if the rice did fail on the market—there is no doubt about its growing successfully—or if it became uneconomical to grow because of the rise and fall of markets, this country could graze a large number of stock on land under irrigation. We know what it is capable of producing during the three or four months of the wet season. Our winter is their dry season. It is amazing what will be done in the future according to the plans for the Fitzroy and Margaret River basins. I move—

That the Bill be now read a second time.

HON. F. J. S. WISE (North) [3.18]: Speaking briefly to the Bill, I think the Government is to be commended for entering into an undertaking to assist private enterprise in an agricultural venture in the North-West of this State. As the Minister has said, private industry has spent a large sum of money; and as agriculture has so far proved to be very hazardous in that part of Australia, not only is this a vital time to come forward with encouragement in the way of Government assistance, but also it is very important at this stage to encourage any industry which has any favourable prospects.

I had the privilege to be the first officer of the Department of Agriculture stationed in that part of the State when the introduction of hundreds of new species of plants from overseas was made to that area. Encouragement was given to the growing of certain crops and plants for pastoral improvement, and attempts were made to grow cotton commercially. I traversed this area in 1928 or 1929 with the then Minister for Lands, who is now Sir Charles Latham.

The area, situated as it is on the main flats of the Fitzroy basin, is cut off to some extent from the areas which suffered considerably from excessive flooding in various years. The assistance the Government proposes to give to this project to keep the water within this area means that the water will be available earlier than usual to fill the billabongs that really form Snake Creek, and yet control these levels when the river is in heavy flood.

It is very fitting that a scion of one of the oldest families in the Kimberleys is one who carried out all the early experiments connected with this project. He is Kim Durack, whose father, in 1884, did that wonderful trek with cattle overland from Queensland. Kim Durack's work has been carried out in this area following his departure from the research station on the Ord River; and in carrying out his own ideas in connection with the work, he is endeavouring to do something of economic importance to that part of the State.

The company has suffered many trials so far, and it must continue to go through many more because natural pests and enemies of the rice crop thrive in the very

heavy growth in that region and are extremely real. I would point out that such difficulties have been experienced not only by this company, but also by those who are in charge of the rice-growing project at Humpty Doo in the Northern Territory.

However, the quality of the product from Liveringa station is undoubted. Oriental people, who are used to the long-grain rice, have expressed themselves as being very satisfied with and favourable towards the type of rice that Liveringa can produce. Although this crop seems to have a limited market on the Continent it still appeals to coloured folk, and appears to have an almost unlimited market in countries overseas, where many millions of people, in spite of growing rice under different conditions from ours, experience shortages year after year.

With the support of the Government, the growing of rice at Liveringa might well be the beginning of a major development on other river systems in the Kimberleys—river systems which convey at least as much water as the Fitzroy, and which spill uncontrolled into King Sound. I refer to such rivers as the Leonard, the possibilities of which I understand will be investigated by these people during the currency of the development of the area which is the subject of this legislation.

It is very interesting and heartening, too, to know that in this relatively small area there is to be a sequence of planting operations. There is to be a rotational crop and preparation for the successive rice crops; and as I understand the position explained to me by Kim Durack, rice will not be grown on the same area successively, but the rotation of cropping of land will enable the company to introduce the best agricultural practices.

It is possible that this project, although relatively small at this stage compared with major agricultural operations in other countries, could bring about such a substantial contribution to production, and such an increase in population, as to be very important even if, in its initial stages, it does not prove to be wholly economic.

The area for prospective agriculture in the vast areas of the North-West is not great because of there being, in such places as Port George, a 60in. rainfall, and because of the short season. Also, the inability to retain water in the rivers, or to hold the rain as it falls, limits very seriously the choice of crops which may be grown as a result of agricultural enterprises.

The Ord River project has shown that we have every prospect of growing sugar of equal acre yields and equal c.c.s. content as that grown on any Queensland areas; but, of course, there are problems associated with Commonwealth legislation as well as other reasons which preclude the development of the sugar-growing industry in that region.

However, in spite of the limitations to agriculture; in spite of the various suitable areas for growing crops being widely scattered, it is very important, I submit, that wherever agriculture can follow pastoral occupation as a sequence of events, every encouragement should be given to bring this about, even though the communities that follow are relatively small.

I hope, therefore, that this venture will prove to be of great importance to the State; and of considerable promise and profit to those who have ventured their capital without any quibble, and to the people of Western Australia in making a contribution through their Government to such an enterprise. I support the Bill.

HON. SIR CHARLES LATHAM (Central) [3.28]: Having some years ago, under the guidance of Mr. Wise, gone through the area in question, I can appreciate what has taken place; and so far as the members of the Country Party in this House are concerned, I want to say that we wish the company every success. It is extremely essential that we should do all we possibly can to populate that part of our State; and there is no doubt that it is not an easy matter. Of course, the operating of large pastoral areas does not populate the country; and without population, we cannot provide for the reasonable defence of the State.

I am very interested in the success of this project because in my younger days on the Murrumbidgee River the first rice crop ever grown there was planted by Messrs. Leighton and Griffiths. In this connection a young lady had made a visit to Singapore; and after seeing how rice was grown there, she returned to the Murrumbidgee area with great ideas of establishing rice-growing on the Murrumbidgee River flats. Some small plantings were made and the transplanting was done by hand. Of course, it was soon discovered that, by using the ordinary agricultural implements used for the growing of most grains, rice could be grown much more profitably.

The company which will undertake the rice-growing project at Liveringa will suffer disappointments, no doubt; but they should not deter the company in its work, because it has been shown that many disappointments have been met with rice-growing in New South Wales. Despite that, it is a flourishing industry at present, and the supplies of rice that were grown were greater than the demand for it.

I can picture the land at Liveringa. I feel sure that any deficiency in the soil in that district would be easily overcome in view of the great knowledge possessed by the agristologists. It is fortunate that the flats in the Liveringa district contain excellent soil to a depth of 40ft. It is similar to the depth of soil around the

Fitzroy River. I can see a great resemblance between the soil in the Kimberleys and the soil in the Liveringa area. I hope that the Government will be able to make a great success of this project.

If it proves to be successful in the growing of rice, it will not be long before the Asian countries which depend so much on rice as a staple food will be able to purchase it much more cheaply from Australia than they can produce it by their obsolete methods. Many years ago an idea was put forward by a Russian to settle Jewish persons in this district. He sought a concession from the Government of the day for that purpose. The problem was to point out the difficulty of keeping the settlers there. The idea was to populate that area with between 10,000 and 12,000 Jewish settlers from the cities of Europe. It was anticipated that that project would experience the same difficulties as were experienced in group settlement in the South-West. That person was eventually dissuaded from proceeding with the proposition. He got very little encouragement from the Commonwealth Government.

It is very interesting to learn that after years of experiments conducted by Mr. Durack, and by his father and uncles, who were pioneers in that district, an effort is to be made to develop that area. It is due to their pioneering efforts that we have been able to reach the present stage of development. I hope that this irrigation project will prove to be a great success, and that the people who are prepared to venture their money and work in it will gain some reward.

On motion by Hon. F. D. Willmott, debate adjourned till a later stage of the sitting.

(Continued on page 3398.)

BILL—EDUCATION ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption of the debate from the previous day.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Section 3 amended:

Hon. J. G. HISLOP: It is very hard to imagine what improvement can be expected by changing the term "compulsory officer" to "welfare officer." Does the department consider that by such a change the child will have a greater sense of appreciation of the work done by that officer? I am interested to receive an explanation from the Minister on this point. Is it contemplated that additional duties are to be delegated to that officer?

The CHIEF SECRETARY: The department considers that it is more appropriate to term that officer a welfare officer in view of the duties he is now performing. In the earlier days his duties were confined to ensuring that children attended school, but nowadays he undertakes duties which come under the heading of welfare. Apart from that, the term "welfare officer" is more acceptable.

Hon. Sir Charles Latham: In addition to ensuring the attendance of children at school, what other duties will he perform?

The CHIEF SECRETARY: There are many ways in which the welfare officer can promote good feelings among the children.

Hon. Sir Charles Latham: Will he be asked to visit the homes of the children and to see that they are reasonably well cared for?

The CHIEF SECRETARY: No. That is a duty of the Child Welfare Department.

Hon. N. E. BAXTER: This clause seeks to empower the Minister to increase the school-leaving age from 14 to 15 years. I trust that in the handling of this matter the present Minister, or any Minister in future, will treat it with care on account of the acute shortage of school accommodation and teachers. In many instances the education given to children at the present time is not up to the standard desired. I urge the Government to exercise great care before increasing the school-leaving age. A chaotic set-up will result if pressure is brought to bear on the Minister by certain groups to increase the school-leaving age before the time is opportune. Everyone admits that today the time is far from ripe to increase the school-leaving age; because not only is there a lack of schools and classrooms, but also of teachers.

Clause put and passed.

Clauses 4 to 9—agreed to.

Clause 10—Section 15 amended:

Hon. F. R. H. LAVERY: I would like some explanation from the Minister in regard to paragraph (f), which seeks to give power to the welfare officer to escort a child home to its parents. If the welfare officer were to question a child in a city store or theatre, and he was suspicious, he could escort the child to its parents. To give him this power would be tantamount to giving him the authority to arrest a child. Whether or not a child is playing

truant, he should not be virtually put under arrest, because that would have a damaging effect on his acceptance of the law.

The CHIEF SECRETARY: What the hon. member has suggested can be done by the welfare officer. Under the existing legislation that officer can only accost a child, and he has power only to ask for the name and address. Whereas previously children gave their correct names and addresses, today there is a tendency for them to give false particulars. Thus the existing provision could be rendered ineffective. This provision will not result in every child seen in a city store or theatre during school hours being escorted back home, because not every child under those circumstances is playing truant. However, the welfare officer cannot be positive that such a child is playing truant, and he should be given the power to accost a child; and if he is dissatisfied with the explanation given, he should be able to escort the child to its parents.

Hon. H. K. Watson: That power is in effect tantamount to taking the child into protective custody.

Hon. G. C. MacKINNON: It is indeed refreshing to realise that some officer in charge of education has been given power to exercise discipline. What the Chief Secretary has stated is perfectly right. Many of these officers have no power; and, indeed, it goes further than that. Many of the teachers have no power to exercise discipline. Mr. Lavery referred to the fact that it was undesirable that any child should be made to feel shame or fear.

I maintain that the main deterrent in regard to any of us is the possibility of shame and the fear of being found out. It does not hurt any youngster to learn it bright and early. Many jobs in the Education Department are frustrating because the men who have to carry out these jobs cannot exercise any discipline. It is a good move to give at least one section of officers the power to carry out their job.

Hon. F. R. H. LAVERY: Both the Chief Secretary and Mr. MacKinnon may be right in their observations in regard to this particular item; but I am not going to say the principle of "spare the cane and ruin the child" is of such consequence as we make it out to be. I presume that most of us in this Committee are parents; and I challenge anybody to say that in his youth he did not do something which would have got him into trouble.

Hon. G. C. MacKinnon: We got the cane; today they get growled at.

Hon. F. R. H. LAVERY: It is all very well to say, as Mr. MacKinnon did, that teachers do not have sufficient disciplinary control, simply because a girl cannot be caned at all by a male, and cannot be caned by a female after reaching the age of 12 years. Is that the only way disciplinary action can be taken by a teacher?

Sitting suspended from 3.48 to 4.6 p.m.

Hon. F. R. H. LAVERY: Before the suspension I was speaking in opposition to paragraph (f). The welfare officer has the right to ask a child his name and address; and I am satisfied about that, but not that a school officer shall virtually take a child into custody to return him to the school or the parents. I would like to move for the deletion of paragraph (f).

The CHAIRMAN: Order! The hon. member may move to delete paragraph (f) is he so desires.

Hon. F. R. H. LAVERY: I move an amendment—

> That paragraph (f), lines 1 to 4, page 5, be struck out.

I am not convinced that this is the best way to handle the situation. Recently in a case before the Children's Court I mentioned the word "delinquent." The magistrate asked me what it meant; and he said that if I could tell him, I would be the only person who could do so.

Hon. A. F. GRIFFITH: Under the Act a truant inspector can take the names and addresses of children who are playing truant. If a child is suspected of playing truant, the inspector approaches him and asks his name and address. How does the inspector go about escorting the child to the parents if the child refuses to go with him? What power has he got under the Act; and how does he enforce it?

The CHIEF SECRETARY: There is no power in the Act or Bill which says how he shall do it. I ask the hon. member how he would do it, because that would possibly be the way the welfare officer would do it.

Hon. A. F. GRIFFITH: I think that is a most unsatisfactory reply. After all, this is a Government Bill. It is obvious the Chief Secretary does not know.

The Chief Secretary: I said I did not.

Hon. A. F. GRIFFITH: Then we should not run the risk of writing into the Act something of this nature. Things are getting to the stage in this country that we will need a permit to go to the toilet.

Hon. G. C. MacKinnon: You have to have one when you are a school child.

Hon. A. F. GRIFFITH: Yes, during school hours. This provision would imply that if the child refused to go with the truant inspector, the inspector could manhandle him in order to take him along. If the child were manhandled, unfortunate complications could result. What is the incidence of truancy in this State? Is it a bad thing in Western Australia? I would not like to think that a child could be

manhandled by a truant inspector. I believe there must be some discipline, and we have it now, because the child can be summoned and taken to the Children's Court if truancy takes place.

Hon. R. F. HUTCHISON: I do not know what the truancy position is in this State, but I think a lot of wild conclusions have been arrived at. Mr. Lavery asked, "What is a delinquent?" He is an offender against conditions and laws; and truancy is one of the first steps to delinquency and the first signs of a delinquent. These truant inspectors are picked people and are generally highly qualified. I had a lot of experience and studied this question in New South Wales when the authorities there first introduced their new regulations. They started cottage homes, and so on, and they had a delinquents' school. They were spending £2 for each—what they called—under-privileged children; and children came within that category if they had been through the court—at that time, we were still spending 7s. per child.

They chose officers who were skilled in that type of work; and I know that the same thing applies in this State. An officer would not manhandle a child, and I am sure a child would go quite willingly with him. If he did not, other methods could be adopted.

Hon. A. F. Griffith: What other methods?

Hon. R. F. HUTCHISON: The inspector could go to the parents, or ultimately to the police. The children who go to the Yasma home in New South Wales are not treated as criminals. They usually go to school next day, and I have seen them taken to a picture show. Each case is dealt with on its merits.

If I thought that these inspectors were not the right people for their jobs, I would be the first one to complain about it. One of my boys played truant, and I was astounded when I was told about it. I think the same would apply to a lot of parents whose children have played truant. But the trouble is that if it is not checked it leads to something worse.

It is silly to talk about a child being manhandled, because these officers would not do it. In New South Wales one of the old Wesley Colleges was taken over as a truancy school, and they have obtained wonderful results from their methods. It is a good thing to check up on the truancy question, because some children have a habit of trying to wag from school. I ask members to be tolerant, and allow this clause to be passed, because these truancy officers are picked men.

The CHIEF SECRETARY: I have often said that members here have to put up an Aunt Sally so that they can knock it over. That is what Mr. Griffith has done in this case. The word used is "escort;" and I defy Mr. Griffith, Mr. Lavery or anyone else to show me anywhere in this Bill, or in the Act, where a right is given to manhandle a child.

Hon. L. A. Logan: How does a policeman escort a person?

The CHIEF SECRETARY: Mr. Griffith can escort his wife to the pictures tonight; but that would not give him the right to manhandle her. An officer would escort a child by the best means possible within the laws of the land. It is ridiculous to talk about manhandling a child when the word is "escort." I hope the Committee will not agree to the amendment.

Hon. G. E. JEFFERY: I support the clause as printed. I have a boy attending high school, and he has been closely watching the activities of another student over the last few months. This boy has been playing truant and has been boasting about it to the rest of the school. He has been able to get hold of the various letters that have been sent home, and has been able to forge replies to the teacher. The tragedy is that the examinations are coming off within the next few weeks, and that boy will have done irreparable harm to his chances in life. One of the problems is that parents these days try to do so much for their children. A truancy inspector would be able to talk to the parents and see what the problems were. These officers from the Education Department are highly qualified, and I think we should approve of this clause.

Hon. J. M. A. CUNNINGHAM: Authority without power to act is foolish, if not stupid; and I am completely in agreement with Mrs. Hutchison on this occasion—truancy is generally the beginning of child delinquency. If a trained officer, or a team of officers, were permitted to talk to the parents and take children to see their parents, and talk to them in front of their parents, it would forestall a good deal of further trouble.

Of course, there are the old-stagers, who would have to be escorted with some firmness; but I venture to suggest that the first offender, probably egged on by an old-stager, would be only too glad to accompany the inspector without any trouble at all. It is about time the Act had such powers as this placed in it; and I am prepared to leave it to the good sense and understanding of the officers concerned.

Hon. J. G. HISLOP: In order to express an opinion on this matter, one must have had a lot of experience of truancy as it applies to the Education Department. I do not think the private schools appoint truant officers, and that suggests there is a closer contact between the teachers and the pupils.

Hon. G. Bennetts: The teachers in the private schools have the right to punish.

Hon. J. G. HISLOP: The power to accost is a difficult provision to make unless the previous steps are methodically carried out between the school teacher and the parent. But when it is known in the school that a boy has been playing truant for many months, as Mr. Jeffery put it, then the case is different.

Hon. G. E. Jeffery: I said over a period of months.

Hon. J. G. HISLOP: But they should know. Have not they an attendance roll?

Hon. G. E. Jeffery: Yes; but the boy takes the note home and writes the answer.

Hon. J. G. HISLOP: Surely it is possible to write a note to the parents.

Hon. G. E. Jeffery: The note has been written and the boy writes the reply.

Hon. J. G. HISLOP: If that is the setup, it bewilders me. This clause leaves it wide open.

Hon. G. C. MacKINNON: We must remember where all the trouble starts; and after hearing Mrs. Hutchison, I am convinced that her role in life is that of a mother. Lack of discipline often stems from the fact that the parent can see no wrong in the child. I know of factual cases where irate parents have complained to the headmaster when an attempt has been made to discipline a particular child. I have heard both the true story and the story conveyed by the child to the parent.

It would not do children any harm to be disciplined as we were disciplined in our time. But teachers cannot exercise any discipline at all; they have no power. It is not possible to keep a child in after school, because he has buses to catch, and so on. This provision would make him a little fearful of authority, and that would do no harm. Are we to say that we must catch a child and put him in a chaff bag? When a child is apprehended, one goes for a policeman.

Hon. Sir Charles Latham: But where is the child when you have got the policeman?

Hon. G. C. MacKINNON: He has gone with the wind, and has to be found again. If the truant officers tried to apprehend the children by force they would not last one minute in their jobs. We should give some power to the officers of the Education Department to help them control these children.

Hon. A. F. GRIFFITH: It was not my intention to cast any aspersion on any officer of the Education Department. All that happened was that after Mr. Lavery had queried a clause in the Government Bill, I presumed to ask the Chief Secretary for an explanation of certain words.

Hon. R. F. Hutchison: It was a silly question.

Hon. A. F. GRIFFITH: The Chief Secretary said he did not know the explanation, but later said I was bringing forth an Aunt Sally. If the truant inspector is doing his duty, he will go to the parent and ask whether the parent is aware that the child has not attended school. He would not be satisfied with writing a letter and sending it by the child.

The Chief Secretary: You are off the track again. Nobody said the truant inspector would write the letter. It is the teacher who would do that.

Hon. A. F. GRIFFITH: I asked for an explanation, and the Chief Secretary said he did not know. That was all there was to it.

Hon. F. R. H. LAVERY: It is possible that, under this provision, if the child showed hostility towards being escorted, he could be manhandled.

The Chief Secretary: Where does it give authority for manhandling?

Hon. F. R. H. LAVERY: Would the Chief Secretary walk off and leave the child?

Hon. W. F. Willesee: What would you do with your own child?

Hon. A. F. Griffith: He would probably get him by the scruff of his neck.

Hon. F. R. H. LAVERY: My objection is to what an officer can do, not to what he may do. Since I have been in Parliament, no member of the Civil Service has heard me criticise him. I have reared two boys, one to the age of 31 and the other 26, and they have never been beaten by me. There is no need to beat children or get them by the scruff of their necks if one uses diplomacy.

Hon. W. F. Willesee: You are a very clever father.

Hon. F. R. H. LAVERY: It is not that. I happen to have a good wife who has led me the right way.

Amendment put and negatived.

Clause put and passed.

Clauses 11 to 15—agreed to.

Clause 16—Section 20 amended:

Hon. J. G. HISLOP: This clause deals with parents of children who are blind, deaf and mute, mentally defective and so on. It is a sad home indeed that has such a child, and it must be a tremendous strain on the mother and other members of the family. We propose to raise the amount that such a parent would pay from 12s. to £2 10s. I think in such cases the community may be regarded as responsible because the parents are not. It is all portion of the genetics that lie behind the race. I would like to hear the Chief Secretary's views on this.

The CHIEF SECRETARY: The idea was to make it the same as the provision in the Child Welfare Act which states an amount of £2 10s. The matter is left to the Minister's discretion. He would take all the aspects into consideration and Dr. Hislop need have no fear that such parents will be placed in financial difficulties.

Hon. R. F. HUTCHISON: Cases such as those referred to can be visited on any parent. We found that so in the home for the mentally incurable children. It is possible for parents to pay 12s. without any great hardship. We have to protect ourselves against people who leave their children at such places because it is cheaper. There is provision that payment shall be made according to circumstances. I take it that what is intended is that people shall pay what they can afford out of the family income. Some folk are in good positions and are quite able to pay. Yet when they know they are expected to pay in accordance with their means, they sometimes take their children away.

Hon. J. G. HISLOP: I am prepared to accept the statement of the Chief Secretary that the provision will be carried out in a humane fashion. But it seems to me that the wording of a paragraph of this sort leaves the matter wide open to question. There is no doubt that Government departments are apt to look at a case from the point of view of cost rather than sympathy.

There is another point that we should look at. The Act provides that if the court orders that a child be sent to an institution the parents shall cause the child to attend the institution on every occasion on which it is open for instruction and in default shall be liable to a penalty not exceeding 5s. for a first offence and for any subsequent offence a penalty not exceeding £2. The Bill proposes to increase those amounts to £1 and £5 respectively.

I think we must realise that these are all difficult cases and that the families themselves have a secretive condition in their make-up in regard to some of these children. To impose a fine of £1 for missing on one occasion taking a child to a school of instruction and £5 for a subsequent offence does not indicate that we appreciate the problem lying behind the mental state of the parents. Conditions could occur that would make it difficult for parents to carry out the provision on every specified occasion. I hope the clause will be handled in a humane and sympathetic fashion.

The CHIEF SECRETARY: I understand that the provision is that the amounts shall not exceed those specified. It is left to the court to say what the fine shall be.

Hon. R. F. HUTCHISON: I am concerned about this matter; because with regard to subnormal children, there are all kinds of reasons that could arise that would militate against observing these conditions. These children should not be placed in the same category as those who are well and strong. They are never two days alike.

Hon. L. C. Diver: These children are not necessarily subnormal.

Hon. R. F. HUTCHISON: Some of them would be handicapped children. I know that some parents are careless, and that should not be encouraged. But we need to be careful not to make penalties harsh.

Hon. J. G. HISLOP: It must be remembered that this applies not only to blind, deaf and mute children, who are easier to handle and can eventually be made to understand that the training is beneficial for them, but also to cerebrally palsied and mentally defective children, who are extremely difficult to handle at times and cause considerable stress to the mother in the family in particular, and in some cases to the remainder of the family. I move an amendment—

> That paragraph (b), lines 30 to 35, page 8, be struck out.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. All that is proposed is to bring the penalties more into line with present-day values.

Hon. J. G. Hislop: I am not worried about the amount but about the principle.

The CHIEF SECRETARY: The principle is no different from what has been in operation.

Hon. J. G. Hislop: I know; I am trying to alter it.

The CHIEF SECRETARY: I am not keen at any time on minimum penalties. That is a matter for the court. However, while I would not raise any serious objection to removing the reference to £1, I would raise serious objection to not increasing the maximum to £5. I do not think the hon. member will assist anyone by leaving the penalty at the lower figure. This provision deals with people who are not looking after children that need education. The penalty will have to be paid only on a court order. It is provided that when an offence is committed a fine shall be imposed that will be in accordance with present-day values. If the amendment succeeds, the minimum will be 5s. and—

Hon. J. G. Hislop: That is what I want.

The CHIEF SECRETARY: The hon. member astounds me when he says that a person who does not obey a court order to do something in the interests of the child should not be subject to a bigger penalty than that.

Hon. J. G. HISLOP: I am firmly of the opinion that the Chief Secretary has not the faintest idea of what can happen in a home where there is a cerebrally palsied or

mentally defective child. I am asking that we do not submit these parents to the rigid rule of a court when they have already to face one of the greatest tragedies that can happen in a home.

Amendment put and negatived.

Hon. J. G. HISLOP: There is another point on which I wish to be clear. It is provided that where a child is committed by the court to an institution, the Minister may, after two months, issue a certificate of conditional release authorising the person in charge of the institution to give custody of the child to the person named in the certificate. What does that mean? Does it mean that a mentally defective child who has been committed to an institution can later be sent to another home? I do not mean an institutional home. Who are the types of persons who will be named in the certificate? Is the difficult child to be taken from its parents, placed in an institution, and later given to someone else?

The CHIEF SECRETARY: I understand that if the parents fail to properly care for and train a handicapped child, or do not send it to an institution when required by the Minister, a court may order it to be sent to an institution. The Bill proposes also that, if the court commits a handicapped child to an institution, the Minister or Director of Education may order a conditional release after the child has been two months in the institution; and the person to whom it is released is responsible for the child regularly attending the institution or school specified in the release certificate. If the conditions of the certificate are not complied with, it can be cancelled and the child returned to the institution. It seems to be something along the lines of an adoption.

Hon. J. G. HISLOP: Neither the Chief Secretary nor I understand fully what the clause does mean, and I think that we should have much more information before the Bill is agreed to. If the child is handed over from the institution to a person named in the certificate, do the parents have to pay the £2 10s. per week to that other person? I would like a lot more information. I would like the Minister to define the term "person" as used in the clause.

The CHIEF SECRETARY: I will endeavour to obtain the information, and for that purpose I am willing to report progress.

Progress reported.

BILL—LONG SERVICE LEAVE.

In Committee.

Hon. W. R. Hall in the Chair; the Minister for Railways in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Interpretations:

Hon. H. K. WATSON: I move an amendment—

> That the interpretation of "award" in lines 31 to 33, page 2, and in lines 1 to 6, page 3, be struck out.

Later in the Bill there is provision that "employee" shall include a taxi driver who hires a taxi from another person, or a truck driver who hires a truck from some other person; and that definition is far too wide. I propose later to move an amendment to delete that provision, and this amendment is incidental to that.

The MINISTER FOR RAILWAYS: It is strange that Mr. Watson's interpretation of this definition is different from that of the Deputy Leader of the Opposition in another place. What this definition has to do with taxi drivers, I do not know. The amendment would take completely out of the Bill all reference to awards, although the Bill seeks to cover both State and Federal awards. There are many awards registered in the court in this State, and under them employees receive long-service leave on the basis of three months or 13 weeks for 10 years. The main objective of this amendment would be to place all employees now under awards on the 20-year basis. I hope members will realise the import of the amendment and oppose it.

Hon. Sir Charles Latham: Aren't many taxi drivers working for other people?

The MINISTER FOR RAILWAYS: I know of no taxi drivers' organisation the members of which are covered by an award. It has a very wide application right through the Bill. To strike out all reference to it will simply mean that all workers who now enjoy three months' long-service leave after ten years' service, will have to serve for 20 years before becoming eligible for such leave. I feel sure that the Committee does not wish to penalise workers and to worsen the conditions which they already enjoy. I hope, therefore, that the amendment will not be agreed to.

Hon. H. K. WATSON: Although this legislation is fairly complicated, it is at least necessary, if we are to deal with it sensibly, for the Minister to be fully seized of the true position. He should be fully acquainted with the contents of the Bill. The amendment I have just moved is confined solely to the case I instanced. The issue as to whether long-service leave is to come out of awards can be fought when my proposed amendment to Clause 6 is debated. The word "award" is referred to in Clause 6, but in that clause an award is also defined.

The amendment I propose to move to Clause 6 is for the deletion of Subclause (2). If this subclause is struck out, the definition of "award" becomes unnecessary. The definition of "award" at the

moment is necessary to define what is meant by an award in this case. All we are discussing at the moment is whether taxi drivers driving hired taxis or truck drivers driving hired trucks shall be deemed to be employees under this legislation and can look to long-service leave from the person who last hired them a vehicle.

The MINISTER FOR RAILWAYS: I cannot accept that as being the only clause that has any application. As I mentioned before, I know of no taxi drivers who are covered by awards.

Hon. H. K. Watson: Well, what does Clause 2 refer to?

The MINISTER FOR RAILWAYS: I would point out that there are between 40,000 and 50,000 workers who are covered by awards in this State. This amendment would mean the end of long-service leave for those workers after a period of 10 years. They would have to wait 20 years for their long-service leave.

Hon. H. K. Watson: That is not so. We will fight that issue on Clause 6.

The MINISTER FOR RAILWAYS: That would be done by the deletion of the definition of "award" before we discuss Clause 6. The whole basis of the proposal is wrapped up in this definition. I interpret the amendment as being the beginning of a movement to take away such a privilege from those who are already granted leave after 10 years' service, and provide that they shall serve 20 years before being granted long service leave. As I said before, I hope the Committee will not agree to worsening the conditions of these workers.

Hon. H. K. WATSON: In view of what the Minister has just said, I am prepared to have this amendment put to the vote on the broader issue. If he is not prepared to debate it on the broader issue, I am quite willing to discuss it on the minor issue. I am prepared to discuss the matter, however, along the lines of the broader issue.

When the Minister says that my amendment will apply to 50,000 persons who are already on the basis that they need serve only 10 years before being granted long-service leave, I assume he is including in that figure every Government employee. If that be so, I refer him to the definition of "employee" set out in subparagraphs (ii) and (iii) of paragraph (c) on pages 4 and 5 of the Bill. By a perusal of those paragraphs, it will be seen that this legislation will not apply to or will not include a person who is already eligible or entitled to long-service leave.

Hon. Sir Charles Latham: It excludes those workers but embraces all others.

Hon. H. K. WATSON: The effect of my proposed amendment to Clause 6 will be that any employee, other than a State employee, who is working under an industrial agreement which contains long-service leave provisions, shall be bound by this legislation. There are probably not more than one or two of those cases in the State. I repeat that the Minister is out of order when he suggests that my amendment will bring under the Act the 50,000 State employees he has mentioned. I have no intention of bringing them under this legislation.

On the point whether long-service leave provisions in private industry shall be granted by the Arbitration Court or by Parliament, I ask the Committee to consider these facts: Long-service leave in private industry must be fixed one way or another. I am quite satisfied to leave the decision on long-service leave with the Arbitration Court. Alternatively, if the Arbitration Court is not to have power to make decisions on the granting of long-service leave, I am prepared to have Parliament make such decisions. Either one of those methods is orderly and just; but we cannot have a shandy gaff method whereby the State Parliament can grant long-service leave to any body of workers and then, on the following day, the Arbitration Court has the power to upset such decision. I appeal to the Committee, therefore, to make itself quite clear on the true implication of my amendment.

Hon. A. F. GRIFFITH: Was not this the very question that was raised by Mr. Lavery the other evening—namely, of Government employees being brought back to that state where they would be forced to serve for 20 years instead of 10 years before being eligible for long-service leave? If it is, the question is already covered under the Bill.

The MINISTER FOR RAILWAYS: Although the hon. member's proposed amendment to Clause 6 begins to exempt some workers, it finally pulls them all in again. There are 19 municipalities in this State which have their workers registered under an agreement which provides for the granting of long-service leave to employees after 10 years' service. Already many employees enjoy long-service leave on a 10-year basis. They are those employed in over 100 local authorities, in the industry at Yampi Sound, in Government service on wages, in the Public Works Department on wages, and in the S.E.C.

Hon. H. K. Watson: They are not employed within the meaning of the definition.

The MINISTER FOR RAILWAYS: I claim that this amendment is a dragnet provision, to bring in those who are enjoying leave on a 10-year basis. If it is claimed that teachers, Police Force members, railway employees, and Public Service employees are exempt, I would point out there are others who are not exempt —namely, those working in the tramways,

in municipalities, and under the A.W.U. Yampi Sound award. If there be 10,000, or even 1,000 employees at present enjoying long-service leave on a 10-year basis —and we must bear in mind that the court has decided on leave after 10 years' service—is Parliament to interfere with the provision granted by the Arbitration Court?

Hon. H. K. Watson: You are doing that in this Bill.

The MINISTER FOR RAILWAYS: Nothing of the kind!

Hon. H. K. Watson: Then why not permit the Arbitration Court to continue to exercise its function?

The MINISTER FOR RAILWAYS: Because the Arbitration Court has not granted an award in this State which would be interfered with by this Bill. Even if only half a dozen employees have been granted long-service leave on a 10-year basis, are we to say to them that that leave will have to be based on 20 years of service? I cannot understand the Employers' Federation pursuing the objective to deprive workers of a condition which they have enjoyed. One can understand its opposition to the granting of new provisions.

Hon. J. M. A. Cunningham: It is a pity that you did not give the employers' representative a chance to discuss this matter.

The MINISTER FOR RAILWAYS: The employers did not look for a chance to discuss the matter, until they lost the case before three tribunals. The only time when the employers were prepared to discuss long-service leave was after they had appealed to three tribunals in the British Commonwealth and lost each time.

Hon. L. A. Logan: That has nothing to do with this Bill.

The MINISTER FOR RAILWAYS: It has plenty to do with it. Since January of last year the Government has announced its policy for the granting of long-service leave in private industry. That was part of its platform during the last elections, and it received a mandate from the people. It is now attempting to implement that policy. From the beginning of last year until the 4th October of this year, no request was submitted by the employers to the Trade Union Council of Perth for a discussion.

For the enlightenment of members, I shall read out what took place. The following is a letter from the Employers' Federation addressed to the Trade Union Council and dated the 4th October, 1957—

> In view of the statement published in this morning's Press, attributed to the Hon. the Premier, to the effect that Cabinet had agreed on the principles of long service leave for private industry and that the legislation would soon be introduced, we consider that it would be in the interests of all concerned that a conference be held between representatives of your Council and this Federation.
>
> We understand from published reports that following conferences held recently between representatives of the Australian Council of Trade Unions and employers' organisations, the A.C.T.U. had agreed in general principle to the prescription of long service leave in Federal Awards and that as soon as finality had been reached, an approach would be made to the State Governments to bring their legislation into line with the agreement between the parties.
>
> The employers' organisations are to meet in Melbourne on Thursday next, the 10th instant, for the purpose of ratifying the terms of the agreement and to consider the proposal that uniformity in State legislation should be supported.
>
> We understand also that the final draft of the actual terms of the tentative agreement has not yet been completed.
>
> It would appear to us, therefore, that the introduction of a Bill into our State Parliament at this stage would be somewhat premature and that the ultimate effect of such action would be merely to delay rather than assist the passage of the measure through Parliament.
>
> We suggest, therefore, that a frank discussion between representatives of our respective bodies without prejudice to either side is desirable and if you are agreeable to this proposal, may we suggest that the conference be held on Wednesday, the 9th instant. An early reply would be appreciated.

The secretary of the A.L.P., Mr. Chamberlain, replied to that letter on the 10th October, 1957, as follows:—

> Dear Mr. Cross,
>
> Your proposal for a conference on the question has been placed before the officers of the Industrial Council who have unanimously decided not to agree to confer with the employers at this stage in view of the pending legislation before Parliament.

Mr. Cross replied to that letter on the 11th October as follows:—

> Dear Mr. Chamberlain,
>
> Long Service Leave:
>
> Your letter of yesterday's date in connection with the above matter is acknowledged.

I am indeed surprised to learn that the officers of your Council have unanimously refused to confer with this Federation on a matter of such major importance.

As your Council is aware, agreement has been reached between our respective national organisations on a uniform code for long-service leave. It seems strange, therefore, that we cannot confer with one another here on a matter of this magnitude when the Australian Council of Trade Unions desires the agreement embodied in legislation in all States.

Your letter states that you do not agree to confer "at this stage." Would you please advise at what stage you may be prepared to confer. It would seem to us that it would be more appropriate to confer prior to the introduction of the legislation, as subsequent discussion and agreement would probably cause delay in the passage of the Bill. It must be borne in mind that the Parliamentary session is approaching its end.

May we suggest that your officers should reconsider their decision.

Yours, faithfully,
F. S. Cross,
Secretary.

There is a reason why the Trade Union Council in this State did not confer with the employers.

Hon. J. M. A. Cunningham: They conferred with the Government, but the Government did not confer with the employers.

The MINISTER FOR RAILWAYS: I did not say that the Government did confer with the employers.

Hon. H. K. Watson: Mr. Pereira, the president of the A.L.P., went to the Eastern States last month.

The MINISTER FOR RAILWAYS: He did not attend a conference on long-service leave. He attended an A.C.T.U. conference, but not one on long-service leave. In the first letter, the Employers' Federation had this to say—

> We understand also that the final draft of the actual terms of the tentative agreement has not yet been completed.

Yet only a week later it said—

> Agreement has been reached between our respective national organisations on a uniform code for long-service leave.

As I said previously, discussions took place and an agreement as a basis for discussion with their principals was reached. No further agreement has been reached. As a matter of fact, on the 4th July last, 20-odd unions, registered under Federal awards, met to discuss the log of claims that had been served on them by the Employers' Federation in respect of long-service leave. They passed this resolution—

> This meeting of unions served with a long-service leave log by the Metal Trades Employers' Association and other organisations of employers condemns the log as a move to try and deprive workers of their long-service leave entitlement secured to them by State legislation.

Last night I read out the log, which has a leave entitlement of eight weeks after 25 years of service. That is the extent of the co-operation from the employers!

Not until Cabinet in this State had decided to implement its election promise of granting long-service leave was an approach made by the Employers' Federation. On the other hand, I shall be quite frank in saying that no approach was made to the Employers' Federation.

Hon. L. C. Diver: This legislation is tantamount to beating the gun.

The MINISTER FOR RAILWAYS: I would not agree. Last night I explained how the proposed code came into being. It was born out of a direction by the Commonwealth Court of Arbitration as a result of a log of claims served on 20 unions, to go into conference in May of this year. The Government of this State is not beating any gun. It has been trying to introduce legislation on this matter both this year and last year. It was not introduced last year because the Government tried to cover everybody, but it was found that that could not be applied economically.

Getting back to the amendment, there is no doubt that this move can eventually take away the benefits already enjoyed by some thousands of workers in this State—that is, long-service leave on a 10-year basis.

Hon. H. K. WATSON: One point that came out of the Minister's 20-minute second reading speech was this: If there are certain organisations, such as the road board employees' union and the Yampi union which are getting long-service leave at the moment on a 10-year basis, I see nothing wrong with allowing every other union to approach the Arbitration Court to obtain long-service leave on whatever basis the court may grant it—whether it be after seven, 10, or 20 years' service. We have to see where we are going. Is long-service leave to be determined by the Arbitration Court or by Parliament? That is the issue we have to decide.

Hon. J. M. A. CUNNINGHAM: After listening to the Minister's speech, I am convinced of two things: The representatives of both sides in the Federal sphere got together and discussed the matter with

the idea of obtaining a reasonable agreement before legislation was proposed; and the employers' representatives in this State showed a complete willingness to do the same thing. I think the suggestion put forward by Mr. Watson is most reasonable, because the union representatives and the employers' representatives would be able to have their respective cases heard by the Arbitration Court. The Minister's own letters indicate that complete liaison existed between the employees' representatives and the Government, but none whatsoever between the employers, despite their expressed willingness to discuss the matter.

The MINISTER FOR RAILWAYS: The Government has a mandate to introduce this legislation. It expressed its intention at the general elections held in 1956 and was returned with an increased majority.

The CHAIRMAN: Order! I think I have allowed this discussion to get more or less away from the amendment. There has been a fair amount of discussion outside the amendment, and I do not want members to make a general practice of indulging in a long debate about something which does not deal with the amendment before the Chair. I think members have had an opportunity of discussing this amendment.

The Minister for Railways: I take it I am not allowed to reply?

The CHAIRMAN: The Minister may reply; but I am saying that I do not want this debate to continue on its present lines. The Committee should deal with the amendment before the Chair. The Minister may proceed.

The MINISTER FOR RAILWAYS: It is necessary for me to deviate in order to reply.

The CHAIRMAN: I was not anticipating what the Minister was going to say.

The MINISTER FOR RAILWAYS: The Government wants this Bill as it is, and those who believe in the principle of long-service leave will support it. They will not be sidetracked away from the 10-year basis. That is what the Government desires, and it is what the Government will stand by—a 10-year long-service leave basis and nothing else.

Hon. Sir CHARLES LATHAM: I would like to know if there is power under the Arbitration Act to give long-service leave to employees. If there is, this matter should go to the Arbitration Court, because Parliament is not qualified to decide.

Hon. L. A. LOGAN: This amendment has been discussed for the last 20 minutes, and I am no clearer now than when the discussion started. I would like to know what the interpretation of an award has to do with a person who is plying for hire.

Hon. H. K. WATSON: As I said before, Subclause (2) refers to a taxi driver or a truck driver and goes on to say—

> where the work in which the person is so engaged is work for which, by an award or industrial agreement a price or rate has been fixed for persons performing such work—

The words "award" or "industrial agreement" are mentioned in this subclause; and because they are mentioned here, they are also defined under the interpretations. Therefore, I ask the Committee to delete Subclause (2); and if it is taken out, the definition of "award" becomes quite unnecessary.

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

Ayes	....	....	....	14
Noes	....	....	....	12
Majority for				2

Ayes.

Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. A. R. Jones
	(Teller.)

Noes.

Hon. N. E. Baxter	Hon. F. R. H. Lavery
Hon. G. Bennetts	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. E. M. Davies
	(Teller.)

Pair.

Aye.	No.
Hon. H. L. Roche	Hon. E. M. Heenan

Amendment thus passed.

Hon. H. K. WATSON: I move an amendment—

> That subparagraph (v), lines 14 to 16, page 4, be struck out.

Since the Committee has agreed to my previous amendment, to be consistent these words should be deleted.

The MINISTER FOR RAILWAYS: The mover is correct this time, as this clause is linked directly with those who ply for hire. The clause is taken from a 1955 New South Wales Act, and it is considered that the relationship between master and servant should be covered. It is only trying to give some employees a coverage which they do not enjoy now. I hope the Committee will not agree to the amendment.

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

Ayes	....	....	....	16
Noes	....	....	....	11
Majority for				5

Ayes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. J. Murray
Hon. A. F. Griffith	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. J. Cunningham (*Teller.*)

Noes.

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. E. M. Davies
Hon. F. R. H. Lavery	(*Teller.*)

Amendment thus passed.

Hon. H. K. WATSON: I move an amendment—

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

This is consequential on the deletions that have taken place.

The MINISTER FOR RAILWAYS: This is much the same thing, but it has nothing much to do with the man who plies for hire. It affects all workers covered by these agreements and has exactly the same effect as the definition of award which has been taken out. The amendment is designed to fit in with the move to take away, ultimately, the 10-year long-service basis to those now enjoying it and place them on a 20-year basis. I hope the amendment will not be agreed to.

Hon. H. K. WATSON: If the Minister repeats for long enough the last statement he made, he will ultimately bring himself to believe it.

The MINISTER FOR RAILWAYS: I do believe it, and make no secret about it. The national code as laid down by the employers is 20 years. They want uniformity throughout Australia—20 years—and to take away what they can from the 10-year period.

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

Ayes	15
Noes	11
Majority for	4

Ayes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. A. F. Griffith
Hon. G. MacKinnon	(*Teller.*)

Noes.

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. G. Fraser	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. J. J. Garrigan
Hon. F. R. H. Lavery	(*Teller.*)

Pair.

Aye.	No.
Hon. H. L. Roche	Hon. E. M. Heenan

Amendment thus passed.

Hon. H. K. WATSON: I move an amendment—

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

This has relation to the definition of "ordinary time." The amendment is purely a drafting one to give effect to the intention of the Bill that a man's ordinary time shall be the time as fixed by the award and shall not include any higher amount that he may be receiving as a result of being on piecework. The intention of the Arbitration Court in regard to annual leave is that the wage the employee draws when on annual leave shall be the ordinary rate fixed by the court, regardless of any extras or allowances for piecework or otherwise.

The MINISTER FOR RAILWAYS: I hope the Committee will not agree to the amendment. The definition is clear. Many different rates of pay apply in a big organisation. There are men to whom the employers pay a little extra beyond the ordinary award rate. When an employee went on long-service leave he would receive his ordinary rate of pay and not the ordinary rate of pay. If an employee receives £1 or even 5s. a week above the ordinary rate the employer considers he is worth it; and surely the employer is not going to penalise that man when he goes on long-service leave.

Hon. F. R. H. LAVERY: I know many bread carters who get from £1 to £2 a week more than the award rate. This proves what the Minister has said.

Hon. H. K. WATSON: This is an important amendment.

The Chief Secretary: There is no doubt about that.

Hon. H. K. WATSON: In order to obviate a grave injustice in the goldmining industry the amendment should be accepted. In the goldmining industry, as in all other industries, no matter what a pieceworker may be earning each week, when he goes on leave he gets the normal award rate. The additional amount he earns while working as a pieceworker is for the extra effort. The Arbitration Court sensibly takes the view that when he is on leave he is not putting in that extra effort and therefore he should get only the ordinary rate of pay.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. H. K. WATSON: This amendment is essential to give a proper effect to the scheme. When the Arbitration Court grants annual leave to a man, it expressly provides, particularly in the case of pieceworkers—and this provision relates to pieceworkers—that regardless of the wage a pieceworker earns as a result of his long hours, his annual leave will be paid at the award rate of pay for the

position which he occupies. If as a pieceworker he is earning £45 to £50 a week, he receives only the award rate of pay for that position when he proceeds on annual leave, because it is considered that he is not working the extra hours required to give him that additional money.

The Minister said that my amendment will deprive some employee who may be receiving £1 or so above the award rate. There is nothing in that argument, because the employer is paying it to him only as an act of grace. Is it not reasonable to assume that when the man goes on annual leave the employer, if he is so minded, will give him that extra money? The same would apply to long-service leave. But it must be left to the discretion of the employer. We should not make it mandatory on the employer to pay any rate above the award rate. I appeal to the Committee to treat this as an important amendment.

The MINISTER FOR RAILWAYS: I think Mr. Watson has put up a good case as to why the Bill should remain as printed. He said it should not be mandatory upon the employer to pay a man what he normally pays him as an ordinary wage. If an employer recognises that one man is worth more than the award rate, and he pays him more, and continues to do so for some years, why should he not pay that rate when the man goes on long-service leave? Under this amendment, if the employer wished to be miserable, he could pay the man at the award rate even though he had been paying him above that for the whole of his qualifying period.

The hon. member mentioned the gold-mining industry. When miners go on their annual leave, they get the basic wage, plus the margin, plus the gold allowance. It does not matter whether they are earning £50 a week on contract work—that is all they get.

Hon. H. K. Watson: But under this Bill they would get more.

The MINISTER FOR RAILWAYS: No. A man would get only his ordinary rate of pay—the pay which he had been receiving, but not his contract rate.

Hon. H. K. Watson: What he had been receiving.

The MINISTER FOR RAILWAYS: His contract rate is over and above his ordinary rate. The hon. member knows that as well as I do. His ordinary rate of pay is clearly defined, and I hope the amendment will not be agreed to.

Hon. L. C. DIVER: I think the Bill, in regard to this point, cuts right across the practice that has existed for many years as regards incentive payments. If an employer has been fair to his employee—one who has given good service—the maximum rate will become the minimum when determining entitlement for long-service leave. The Minister talks about an employer becoming miserable. Why should he become miserable?

The Minister for Railways: I only said that he could.

Hon. L. C. DIVER: He would be the exception; and we are not here to legislate for rare cases. An employee may have given excellent service to an employer over a period of years, and the business might change hands. In the new surroundings that employee might not get as great a remuneration from his new employer as he did from his old one. Under the proposal in the Bill, how would his average rate of pay be worked out? Are we going to average the previous loading with the award rate? All sorts of difficulties would crop up. I think this is a knotty point that should be straightened out so that in the future we will not have all sorts of litigation.

Hon. G. C. MacKINNON: The Minister's submissions make the issue very confusing. He said that a pieceworker would not get a rate based on his earnings; but I would refer him to subclause (3). From that it appears that the earnings would be averaged.

The MINISTER FOR RAILWAYS: Here is another supporter running for refuge. If he studies subclause (3) he will see that it applies only where no ordinary rate is prescribed—where there is no award covering the situation. Mr. Diver is of the opinion that to stop any confusion "the ordinary rate of pay" should be mentioned. That would cause confusion. What is "the ordinary rate of pay?" "His ordinary rate of pay" would be perfectly easy to work out; because if a man's ordinary rate of pay were £15 a week, that is what he would get while on leave. There are many men in industry who are paid above the award rates. Why penalise them when they are on leave?

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

Ayes	15
Noes	11
Majority for	4

Ayes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. H. L. Roche
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. Murray
Hon. G. MacKinnon	*(Teller.*

Noes.

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. G. Fraser	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. J. J. Garrigan
Hon. F. R. H. Lavery	*(Teller.)*

Pair.

Aye.	No.
Hon. J. G. Hislop	Hon. E. M. Heenan

Amendment thus passed.

Hon. H. K. WATSON: I move an amendment—

That the interpretation of "Secretary for Labour" in lines 7 to 10, page 6, be struck out.

This is supplementary to an amendment I will move later which is designed to remove from the Bill the provisions that the Act shall be administered by the Secretary for Labour, with a view to making it clear that the entire Act shall be administered by the Arbitration Court in the usual manner. The Arbitration Court consists not only of the president and two member-representatives but it also consists of the conciliation commissioner, the registrar, the clerks, and so on; and it requires no great intelligence to realise that that is the proper authority to administer long-service leave.

Hon. Sir Charles Latham: It should not be the function of Parliament.

Hon. H. K. WATSON: Much less should it be the function of the Secretary for Labour.

The MINISTER FOR RAILWAYS: The object of the definition is to provide for somebody to administer the Act. We feel the Department of Labour is the best qualified Government department to do so, up to a point. The Secretary for Labour would deal with queries and problems arising from time to time between employers and employees in an effort to bring them together. There is provision for appeal against any decision made by the department to the court. Why should we clutter up the court with problems arising out of long-service leave, etc.? Already there are long delays in the hearing of cases; and if it is to deal also with long-service leave the court's activities will be delayed still further. I hope the Committee will not accept the amendment.

Hon. H. K. WATSON: This will not clutter up the Arbitration Court any more than the thousand-and-one things that arise out of the hundreds of awards with which it deals. That is why its officers are there. If the clause remains, we will find that the Secretary for Labour will build up a huge staff of petty dictators, and a horde of civil servants will be appointed to administer the Act. The proper authority to deal with matters of long-service leave is the Arbitration Court.

The MINISTER FOR RAILWAYS: I cannot agree with the hon. member. He said that the Department of Labour would build up a huge staff; but that would be true also of the Arbitration Court. As I have said, these matters of long-service leave would be dealt with by the Secretary for Labour, and there would be an appeal to the court against his decision. It is a matter of breaking the work down for the Arbitration Court.

Hon. H. K. WATSON: The Minister discusses the matter as though this is going to be dealt with by the president, the employers' representative and the employees' representative. I thought I made it clear that the Arbitration Court also consists of the registrar and the conciliation commissioner, and other officers, and they would be the best authorities to deal with this subject of long-service leave.

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

Ayes	14
Noes	12
Majority for	2

Ayes.

Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. G. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. N. E. Baxter
	(Teller.)

Noes.

Hon. G. Bennetts	Hon. L. A. Logan
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. E. M. Davies
	(Teller.)

Pair.

Aye.	No.
Hon. J. G. Hislop	Hon. E. M. Heenan

Amendment thus passed.

Hon. H. K. WATSON: I move an amendment—

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

This is the subclause which declares that the taxi driver who hires a taxi or the cartage contractor who hires a truck should be deemed to be an employee. This is the class of person around whom revolves the very first division we had in Committee on this Bill.

The MINISTER FOR RAILWAYS: If the hon. member is correct, it means that any taxi driver working for a firm for a period of years and whom we hope to bring under the provisions of the Bill would not be covered. We consider there is a contract between master and servant, and that is all the clause provides for. If we delete this subclause it will mean that taxi drivers who have been driving for a firm or an owner will be taken completely out of the measure. I am given to understand there are professional men in the city who own a number of taxis and employ drivers. Surely if a man has worked for a firm for 10 years—or, as no doubt the Bill will end by providing, for 20 years—he is entitled to long-service leave the same as a person working for the railways or anywhere else. I hope the Committee will not agree to the amendment.

Hon. H. K. WATSON: If a taxi driver is working for a company just the same as another person works for the railways, and

receives from his employer a wage just as the railway worker receives a wage from his employer, he will be covered by the Bill and will not be affected adversely by the deletion of the subclause. The deletion of the provision will make it certain that any person carrying on business on his own account in a vehicle hired from someone else should not be deemed to be an employee within the meaning of the Act and entitled to long-service leave.

The MINISTER FOR RAILWAYS: The reason the Government hopes to bring in taxi drivers is that they are not covered by awards; and unless this measure so provides, they will have no claim for long-service leave.

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

Ayes	15
Noes	11
Majority for	4

Ayes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. J. Cunningham	Hon. H. L. Roche
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. L. A. Logan
Hon. R. C. Mattiske	*(Teller.)*

Noes.

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. G. Fraser	Hon. W. F. Willesee
Hon. J. J. Garrigan	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. R. F. Hutchison
Hon. F. R. H. Lavery	*(Teller.)*

Pair.

Aye.	No.
Hon. J. G. Hislop	Hon. E. M. Heenan

Amendment thus passed.

Hon. H. K. WATSON: I move an amendment—

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

The amendment is designed to ensure that wherever there is an ordinary rate of time for the type of work, whether it is stipulated in the award or the terms of engagement or not, that rate shall apply as the basis for the long-service leave payment. Then if there is any case where it is not stipulated in the award or in any manner, we simply divide the total salary received by the person during the year by 52 weeks. In principle this amendment is designed to achieve the result that Mr. Diver, Mr. MacKinnon and I explained pretty forcefully—and, I hope, lucidly—to the Committee a few moments ago.

Amendment put and passed.

Hon. H. K. WATSON: I move an amendment—

> That the word "his" in line 6, page 8, be struck out and the word "the" inserted in lieu.

This is in line with the amendment to which we have just agreed and with the earlier amendment that was carried.

Amendment put and passed.

On motion by Hon. H. K. Watson, clause further amended by striking out the word "his" in line 8, page 8, and inserting the word "the" in lieu.

Hon. H. K. WATSON: I move an amendment—

> That the word "allowances" be inserted after the word "bonuses" in line 15, page 8.

This is a similar amendment to the one just carried.

Hon. W. F. WILLESEE: I would like to be advised by the hon. member the difference between the words. To me a bonus is a gratuity of some sort granted by an employer, and an allowance would be something similar.

Hon. H. K. WATSON: There is a difference. A bonus is recognised as something given at the end of the year—or even during the year—for some special reason; but the other word applies to such factors as district accommodation, entertainment, travelling and disability allowances, and so on. I suggest it would be inappropriate to include such things as that in long-service leave.

Hon. L. C. DIVER: Things that could be treated as allowances would be material things other than money, such as rent-free houses. Foodstuffs supplied to a married employee would be an allowance, and not a bonus.

Hon. H. K. Watson: An English lawyer would describe that as a perquisite.

Hon. J. M. A. CUNNINGHAM: The Oxford dictionary gives the meaning of "Allowance" as "permission; tolerance (of); limited portion, especially yearly income; deduction, or discount;" and "Bonus" as "something to the good, into the bargain; especially extra dividend to shareholders of company, distribution of profits to insurance policy holders, gratuity to workmen beyond their wages."

Hon. G. C. MacKINNON: In my last job I received a salary, bonus and allowance. The bonus was a commission based on the work done and the allowance was to cover out-of-pocket or other particular expenses. Most salesmen and travellers receive allowances to cover petrol, oil, accommodation, and so on. The allowance should not be included in the pay for the purpose of long-service leave.

The MINISTER FOR RAILWAYS: The type of allowance mentioned would not come under the heading of ordinary pay. I am referring to the allowance in the goldmining industry, where every employee receives the basic wage, plus a margin, plus the gold allowance; and to take that allowance away would be to take away part of the ordinary pay. I oppose the amendment.

The CHIEF SECRETARY: Apparently some members would strip an employee of everything before he went on long-service leave. Are these amendments being put forward on behalf of the movers, or on behalf of the Employers' Federation?

The CHAIRMAN: Order! The Chief Secretary must keep to the matter before the Chair.

The CHIEF SECRETARY: I would hate to believe the employers in this State were skinflints who would want to strip the employee of everything before he took his leave. I wonder whether the Employers' Federation has been consulted—

Hon. L. C. Diver: Was this Bill brought forward after consultation with someone in Beaufort-st.?

The CHIEF SECRETARY: We always consult the Trades Hall and the workers on this type of legislation.

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

Ayes	14
Noes	12
Majority for	2

Ayes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. G. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. J. Cunningham

(Teller.)

Noes.

Hon. G. Bennetts	Hon. L. A. Logan
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. J. J. Garrigan

(Teller.)

Pair.

Aye.	No.
Hon. J. G. Hislop	Hon. E. M. Heenan

Amendment thus passed; the clause, as amended, agreed to.

Clause 5—Exemptions:

Hon. H. K. WATSON: I move an amendment—

> That the words "Secretary for Labour" in line 21, page 8, be struck out and the words "Court of Arbitration" inserted in lieu.

This amendment is consequential.

Amendment put and passed.

Hon. H. K. WATSON: I move an amendment—

> That the word "he" in line 22, page 8, be struck out and the word "it" inserted in lieu.

Amendment put and passed.

Hon. H. K. WATSON: I move an amendment—

> That the words "Secretary for Labour" in line 26, page 8, be struck out, and the word "Court" inserted in lieu.

Amendment put and passed

Hon. H. K. WATSON: I move an amendment—

> That the words "not exceeding five years" in line 3, page 9, be struck out.

Where an employer has a scheme as good as or better than is provided by this measure, the exemption granted by the court should not be limited to five years, but should be granted until the court might otherwise determine. If that were not so, the employer could not plan for the future; and in the interests of all concerned, he should be able to plan ahead considerably more than five years. The term of the exemption by the court should be entirely at the discretion of the court.

The MINISTER FOR RAILWAYS: I hope the amendment will not be agreed to. It is not unreasonable to expect those who are exempt to be reviewed at the end of five years. Most Arbitration Court awards run for three years. During the debates on this Bill we had evidence given to us, by more than one opposed to the legislation now, that they favour a scheme which progressively reduces the period to be served for entitlement to long-service leave; that is, from 20 years down to 15, and even down to 10. I would point out that the provision in the Bill has been taken from the Tasmanian Act. In my opinion it is more important than ever that the five-year period should remain.

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

Ayes	12
Noes	14
Majority against	2

Ayes.

Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. G. C. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. C. H. Simpson

(Teller.)

Noes.

Hon. N. E. Baxter	Hon. F. R. H. Lavery
Hon. G. Bennetts	Hon. L. A. Logan
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. A. R. Jones	Hon. J. J. Garrigan

(Teller.)

Pair.

Aye.	No.
Hon. J. G. Hislop	Hon. E. M. Heenan

Amendment thus negatived.

On motion by Hon. H. K. Watson, clause further amended by—

striking out the words "Secretary for Labour" in lines 3 and 4, page 9, and inserting the word "Court" in lieu;

striking out the words "Secretary for Labour" in line 5, page 9, and inserting the word "Court" in lieu;

striking out the words "Secretary for Labour" in line 7, page 9, and inserting the word "Court" in lieu;

striking out the words "Secretary for Labour" in line 8, page 9, and inserting the word "Court" in lieu.

striking out the word "he" in line 8, page 9, and inserting the word "it" in lieu.

Clause, as amended, agreed to.

Clause 6—Contracting out prohibited:

Hon. H. K. WATSON: I move an amendment—

That after the word "Act" in line 26, page 9, the following new subclause be added:—

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

I want to make it quite clear that I am not seeking to have struck out of the Bill any reference to a government or road board employee. The whole scheme of long-service leave should be in accordance with the national code; and inasmuch as Parliament has decided what the term of long-service leave will be, it should be for Parliament and not for the Arbitration Court to fix the terms and conditions of long-service leave.

The question arises as to what employee, if any, would be prejudicially affected. My advice is that none of the 50,000 Government employees mentioned by the Minister would be affected. Nor would any road board employees be affected, because they are declared not to be employees by the definition clause. An employee is defined as a person who is not employed by the Crown. I understand that all employees working for local governing bodies are granted long-service leave by by-law and not under Arbitration Court awards.

It will be noted that my amendment refers only to long-service leave, or any industrial award or agreement made under the Industrial Arbitration Act of 1912. My understanding of the position is that there is one award and one only which might be prejudicially affected as a result of the passing of this legislation. That is the award relating to the iron ore industry at Yampi Sound. I understand that is the only one in this State which would be affected.

Hon. L. A. Logan: Who awarded them that long-service leave provision?

Hon. H. K. WATSON: The Arbitration Court.

Hon. L. A. Logan: Is it legal?

Hon. H. K. WATSON: Not being a lawyer, I cannot reply to that question; but as one who has studied the law closely in regard to these matters, I have a grave doubt of the court having the power to grant that provision. In regard to that award, one might well adapt the words of Goethe: "What I cannot praise, I speak not of."

The MINISTER FOR RAILWAYS: Accepting the contention that only one industrial award will be affected, surely the hon. member is acting contrary to his expressed view that the Arbitration Court should be free to make decisions, and that Parliament should not interfere. Right now he is moving an amendment which will have the effect of enabling the Employers' Federation on behalf of the iron ore employers to say to the Arbitration Court, "You must cancel the long-service leave provisions of the award"; because any interested person, according to this amendment, can make application to the court and the court shall cancel the award. I only wish to refer to the Yampi Sound award in which the Arbitration Court granted long-service leave after 10 years of service. The hon. member, on behalf of the Employers' Federation I would say—

Hon. H. K. WATSON: On a point of order, I would ask the Minister to withdraw that statement. Whatever amendments I move here I do not move on behalf of anybody else. I move them because I believe they are calculated to improve the measure under discussion.

The CHAIRMAN: The hon. member has asked the Minister to withdraw that statement.

The Minister for Railways: Which part of it?

Hon. H. K. WATSON: That I was moving on behalf of the Employers' Federation, or words to that effect.

The MINISTER FOR RAILWAYS: I withdraw that statement; but it does not prove anything. Each and every one of these amendments, except one relating to

the change of the term "worker" to "employee," has been submitted to the Government in another place and rejected. They were submitted by the Deputy Leader of the Opposition on behalf of the Liberal Party. I therefore contend that the position would be the same in this Chamber.

To get back to the amendment, the Arbitration Court made a decision in favour of the workers at Yampi Sound. Now Parliament is being asked to make it possible for that award to be set aside. Surely this Chamber will not agree to a proposition of that kind. We are being asked to challenge the decision of that court.

Last night I explained the history of the long-service leave claim and the part played by the Employers' Federation. The claim was contested before the High Court and the Privy Council, and on each occasion the employers lost the case. Members will have to consider this point very seriously indeed: The employees at Yampi Sound work under extremely arduous conditions, in a tropical climate, and on an isolated island. Because a competent court of jurisdiction has seen fit to award three months' leave at the end of 10 years' continuous service, Parliament is asked to make it possible for that provision to be set aside. That is a step in the extreme to penalise the workers of the State. I sincerely hope that this amendment will be rejected.

The proposition is too ridiculous. It has been moved by one who has espoused the code of the Employers' Federation by contending that that award of the Arbitration Court is contrary to that of the code. In the proposition submitted to the A.C.T.U., this appears in the final paragraph—

> Exemptions. It is agreed in principle that provision is to be made in the code to enable an exemption to be granted to an employer in respect of any existing or prospective long-service leave scheme, which viewed as a whole is regarded as being more favourable than this code for the whole of the employees.

Nothing could be plainer than that. It might be the answer to the question asked by the Chief Secretary as to who is submitting this amendment—the employers or the Liberal Party. The Chief Secretary did not receive a reply. Because I have been asked to withdraw the statement that the amendments were put forward on behalf of the Employers' Federation, there is not the slightest doubt that they have been put forward by the Liberal Party. The Employers' Federation now seems to be going beyond the code which it espoused by saying, "We are going to take away from the workers some long-service leave provisions which the Arbitration Court has granted to them. They must take what we give them—that is, 13 weeks' leave after 20 years of service." I would be amazed if this Chamber agreed to that sort of proposition.

Hon. H. K. WATSON: The Minister has been completely confused. He has just read out a clause relating to exemptions, but I would remind him that that matter was covered by Clause 5 of the Bill. That clause has been retained in the Bill without amendment. The exemption is that application can be made to the court which can grant an exemption if the scheme put forward is better than the provisions in the Act. The Minister does not appear to know what he is talking about when he raises opposition to this amendment.

Unless there is a provision in the Bill such as is in the amendment, there will be nothing to prevent the Arbitration Court in future from granting long-service leave in any industrial award. That would bring about a chaotic state. Here is an Act which purports to cover long-service leave, yet the Arbitration Court is to be permitted to retain the power to grant long-service leave provisions according to its own ideas.

In regard to the conditions under which the workers at Yampi Sound are employed, if the Minister were to go into this question more thoroughly he would find that those workers might well be better off under this amendment than under the long-service provision of their award.

Hon. R. F. Hutchison: How would they?

Hon. H. K. WATSON: In this manner: The award which was granted last November provides that 10 years from last November the employees will be entitled to long-service leave. They are not entitled to long-service until 10 years from last November; nor are they entitled to pro rata long-service leave until another five years. On the other hand, under my amendment, the employees who have been working for 10 years already will be entitled to pro rata leave. I suggest to the Minister that he check with his advisers before saying that this amendment will deprive those workers of a provision in the award.

The MINISTER FOR RAILWAYS: The hon. member has made out a good case. He says that those workers would be better off, but he did not point out that his amendment will replace the existing basis of 10 years' service with a basis of 20 years. The hon. member will agree with that.

Hon. H. K. Watson: Yes.

The MINISTER FOR RAILWAYS: The hon. member agrees with what I have said. If he does, then he should read the amendment which says, "This Act shall apply in respect of any worker." If it does not, then application can be made to the court, and the court shall see that the worker complies with the 20-year service as a basis. I repeat that 10 years' service is our basis.

The hon. member intends, by this amendment, to tell the Arbitration Court what to do. It says, the court "shall". I can remember legislation brought here in regard to the quarterly basic wage adjustments; and there were strong arguments that the matter must be left to the discretion of the Arbitration Court, and that the Government must use the word "may" not the word "shall." The latter, of course, would have benefited the workers. Here, where it will penalise the workers, we are being asked to insert the word "shall". I do not think this Committee should agree to that.

Hon. H. K. WATSON: The remarks I made a few moments ago were on the basis of this Bill providing for a 20-year term. Those workers who have already served 10 years on the basis of my proposal would commence their long-service leave from the time this measure is passed, as it provides for retrospectivity. The men at Yampi who have served 10 years would, under my proposal, on a 20-year basis be entitled to pro rata leave immediately the measure became law. In the award under which they are now working, the very earliest they will be entitled to pro rata leave will be in another four years.

The MINISTER FOR RAILWAYS: The position would be the same except for the pro rata provision. A worker will need to be at Yampi for another 10 years to obtain long-service leave if this amendment is agreed to, although it is a fact that pro rata can be claimed in certain instances after 10 years' service; and some other benefits after 15 years. However, there are qualifications, strings and tags to the pro rata leave, and under this amendment we are getting away from the principle of Parliament upsetting an Arbitration Court award.

Hon. H. K. WATSON: The only principle involved in the clause is this: Is Parliament going to be the authority to determine what the long-service leave provision shall be; or is it to be the Arbitration Court? By bringing down this measure the Government has stated that Parliament is to be the authority, and that it shall not be the Arbitration Court.

The Chief Secretary: We have consistently taken that attitude, but you people jump from one side to the other .

The MINISTER FOR RAILWAYS: We do not want Parliament to say to the Arbitration Court that it must penalise some people for whom the court has already made an award which provides for long-service leave.

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

Ayes	14
Noes	10
Majority for	4

Ayes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. J. Cunningham	Hon. H. L. Roche
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. G. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. J. G. Hislop
	(Teller.)

Noes.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. R. F. Hutchison
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. L. A. Logan	Hon. E. M. Heenan
Hon. W. F. Willesee	Hon. A. R. Jones

Amendment thus passed.

Clause, as amended, agreed to.

Clause 7—agreed to.

Clause 8—Employment before commencement of this Act.

Hon. H. K. WATSON: I move an amendment—

> That paragraph (a), lines 23 to 25, page 12, be struck out and the following inserted in lieu:—
>
> (a) continuous employment to the extent to which it is in excess of twenty years shall be disregarded;

This amendment brings the provisions of the Bill into line with the national code on the basis of 13 weeks' long-service leave after 20 years' service. The adoption of this provision, with later amendments declaring the entitlement to be 13 weeks' leave after 20 years' service, will mean that any person who has served 20 years in his employment will immediately after the passing of this Bill be entitled to a maximum of three months' long-service leave.

I would point out that in that respect the proposals contained in my amendment are a material improvement on the proposals contained in the Bill. Under the proposals in the Bill, a person is not entitled to long-service leave until 1961. Under my proposal, if he has served a qualifying period of 20 years, he will be entitled to three months' leave on the day this Bill receives assent. He will receive his leave for Christmas—it will be a 1957 Christmas Box—and he will not have to wait another four years for it.

The MINISTER FOR RAILWAYS: This is one of the vital paragraphs in the Bill. The amendment seeks to change the basis from a 10-year qualifying period to a 20-year period. As the hon. member explained, his amendment certainly would make some people eligible as soon as the Act was proclaimed. However, they have lost all their allowances and emoluments to which they would be entitled. In the goldmining industry men would start leave without allowances because the Bill now lays down that they cannot be paid.

The hon. member declares that his scheme is on a better basis than the one proposed by the Government. However, the Government does not agree. The Government says there should be three months' leave after a 10-year period. That is the basis for Western Australia, because at least one-third of the work force employed in Western Australia at the present time enjoys long-service leave on a 10-year basis. The Government certainly does not propose that leave should begin from the date of proclamation of the Act, because it has a sense of responsibility to industry.

We say that a fair and reasonable scheme is one with seven years' retrospectivity and a three-year maturation period to enable industry to organise to make leave possible for those employees who become eligible for it in 1961. That is the basis established throughout the teaching profession, local authorities, the Public Service, the railways, the tramways, the State Electricity Commission and the Public Works Department.

Hon. J. Murray: All losing concerns.

The MINISTER FOR RAILWAYS: And also the workers at Yampi Sound, who live and work in discomfort. We as a Government intend to retain that basis for long-service leave in this State. I am hoping against hope that the Committee will reject the amendment.

Hon. R. F. HUTCHISON: I protest against the amendment. The hon. member's moving amendment after amendment to destroy something which represents an attempt to bring us into line with the trend in the rest of he world, is a negation of democracy. Mr. Watson never shines better than when he is destroying something or beating down the worker. My first experience of this was on the rents and tenancies legislation.

The CHAIRMAN: Order! I ask the hon. member to keep to the amendment before the Chair.

Hon. R. F. HUTCHISON: I say that 10 years is a fair and just period. It is time we came into line with other countries and the other States of Australia. I have not been here long enough to take it on the chin when I see legislation like this being thrown out. We will not have to see this done for many more years. If this does not wake up the workers of the State, nothing will! A man who works on a precision machine does not make his own pace but works according to the machine. At Yampi Sound where there are no amenities—

Hon. N. E. Baxter: Have you been there?

Hon. R. F. HUTCHISON: Yes.

Hon. N. E. Baxter: Don't talk about there being no amenities there because there are plenty at Yampi Sound!

Hon. R. F. HUTCHISON: Men are pouring concrete when it is 110 degrees in the shade. I wish I could transport some members there.

The CHAIRMAN: Order!

Hon. R. F. HUTCHISON: The Bill is well constructed but it is being slowly whittled down. It is an insult to this Chamber, where members are elected by one-third of those—

The CHAIRMAN: Order! The hon. member must keep to the question before the Chair.

Hon. R. F. HUTCHISON: I am trying to do that; but there is no justice here. The Minister has given a good exposition of logical reasoning, and he does not want me to follow up on the same points.

Hon. Sir Charles Latham: Sit down then.

Hon. R. F. HUTCHISON: I am expressing what will be the view of the rank and file. I support the clause as it stands.

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

Ayes	14
Noes	10
Majority for	4

Ayes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. G. MacKinnon	Hon. F D. Willmott *(Teller.)*

Noes.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. J. J. Garrigan *(Teller.)*

Pairs.

Ayes.	Noes.
Hon. L. A. Logan	Hon. E. M. Heenan
Hon. W. F. Willesee	Hon. A. R. Jones

Amendment thus passed.

Hon. H. K. WATSON: I move an amendment—

That paragraph (b) in lines 27 to 36, page 12, be struck out and the following inserted in lieu:—

(b) any leave in the nature of long-service leave or payment (whether by lump sum or by annual bonus) in lieu thereof granted whether before or after the commencement of this Act to an employee by his employer in respect of any period of employment with the employer shall be taken into account and shall in the case of leave with pay to the extent of the period of such

leave, and in the case of payment in lieu thereof to the extent of a period of leave, with pay equivalent to the amount of the payment be deemed to have been leave taken and granted under the provisions of this Act and to be satisfaction to the extent thereof of the entitlement of the employee under this Act.

The amendment is in line with paragraph (b) of Subclause (1), but the drafting brings this into complete line with the national agreement. It means that if an employer has an established long-service leave or superannuation fund scheme he shall be entitled to offset the benefits which have accrued under such scheme against the benefits which he must pay under this one. This principle is virtually in the Bill at the moment, and it is in the national code. It is necessary to protect the employer who is unable to give both benefits.

Doubtless there will be many cases where the employer will not exercise the right; but I should imagine there will be some cases where, from sheer necessity, the employer will find himself unable in the future to carry on both schemes. It is for that reason that this amendment is necessary.

The MINISTER FOR RAILWAYS: I hope this amendment will not be agreed to. It is in line with the consistent and persistent attitude of members opposite of filching a little bit away here and there from the true and trusted service—one who has proved himself over a period of 20 years. I can remember, in my early days of employment in the North-West, sitting down and talking to a pastoralist. His young family were around him and somebody mentioned the word, "Jackaroo". His little girl said, "Dad, do Jackaroos eat grass?" And he said, "No; but by God it is good enough for them!"

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

Ayes	14
Noes	10
Majority for	4

Ayes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. J. Cunningham	Hon. H. L. Roche
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. G. C. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. A. F. Griffith

(Teller.)

Noes.

Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. G. Bennetts

(Teller.)

Pairs.

Ayes.	Noes.
Hon. L. A. Logan	Hon. E. M. Heenan
Hon. A. R. Jones	Hon. W. F. Willesee

Amendment thus passed.

Hon. H. K. WATSON: I move an amendment—

That after the word "Act" in line 36, page 12, the following new paragraphs be added:—

(c) an employer shall be entitled to offset against any payment by him into any long-service leave scheme, superannuation scheme, pension scheme, retiring allowance scheme, provident fund or the like, or under any combination thereof operative at the coming into operation of this Act, any liability for payment in respect of leave under this Act; and the conditions of any such scheme or fund are hereby varied and modified accordingly.

(d) the entitlement to long-service leave hereunder shall be in substitution and satisfaction of any long-service leave to which the employee may be entitled in respect of the employment of the employee by the employer.

These paragraphs are virtually the same as the one which has just been inserted, and which relates to past payments. They relate to accumulations with respect to future obligations. Apart from that, they are the same in substance.

The MINISTER FOR RAILWAYS: This is an all-embracing amendment, which whittles away a good deal more; and it is not even in the code. The code is used only when it suits, despite the assertions and claims that the code is the ideal proposition. This, like the previous amendment, goes beyond it and gives power to do away with any existing benefits the workers have. There is no point in hoping any more that members will see the light and do the right thing, or what I think is the right thing. I shall simply vote against the amendment.

Hon. H. K. WATSON: I merely rise to say that this is in the code; and it is desirable that the Western Australian legislation should be in keeping with the Australian legislation.

The Minister for Railways: Which part of the code? I dispute the hon. member's statement that it is in the code.

Amendment put and passed.

Hon. H. K. WATSON: I move an amendment—

That Subclause (2), pages 12 and 13, be struck out.

This provision does not appear in the national code, and I submit there is no good reason why it should appear in this legislation. It virtually imposes a retrospective penalty on any employer whose employee has ceased employment during

the six months prior to the coming into operation of this legislation. It imposes a penalty, and then provides that if any employer feels aggrieved he can go to the court; and he must prove to the satisfaction of the court the reasons for which the man was dismissed.

The MINISTER FOR RAILWAYS: I am amazed at the hon. member's contention that because this clause is not in the national code it should not remain in the Bill. He did not think that way when he inserted several new clauses which were not in the Liberals' code.

Hon. G. E. Jeffery: The morse code.

The MINISTER FOR RAILWAYS: Talking of retrospectivity, the hon. member forgets that he inserted an amendment which defies the Arbitration Court to function correctly. This clause is to prevent the wholesale dismissal of workers, and to protect them from unscrupulous employers of which we all know there are a few.

Hon. Sir Charles Latham: A very small percentage.

The MINISTER FOR RAILWAYS: That is all the more reason why we should retain this provision. I have it on good authority that some employers have already put off numbers of their employees anticipating that this Bill will be passed. It is merely a saving clause.

Hon. H. K. WATSON: Ex post facto legislation is not a recognised form of legislation by any British Parliament or Government.

The MINISTER FOR RAILWAYS: That is not correct. We often pass Bills which provide for retrospectivity. The hon. member did not follow his principle through. He deleted any reference to the Secretary for Labour in a previous clause, but is not prepared to insert reference to the Arbitration Court in this clause as he did then. Once again we find that the court is not to be trusted.

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

Ayes	14
Noes	10
Majority for	4

Ayes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. H. K. Watson

(Teller.)

Noes.

Hon. G. Bennetts	Hon. G. E. Jeffery
Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. J. D. Teahan

(Teller.)

Pairs.

Ayes.	Noes.
Hon. L. A. Logan	Hon. E. M. Heenan
Hon. A. R. Jones	Hon. W. F. Willesee

Amendment thus passed; the clause, as amended, agreed to.

Clause 9—Entitlement to long-service leave benefits:

Hon. H. K. WATSON: I move an amendment—

> That paragraph (a), lines 29 to 31, page 13, be struck out and the following inserted in lieu:—
>
> (a) on the completion by an employee of at least twenty years' continuous employment with his employer, thirteen (13) weeks' long-service leave in respect of the first twenty years' employment, and thereafter an additional six and one-half weeks' long-service leave on the completion of each additional ten (10) years of continuous employment with that employer.

This is a critical clause. My amendment provides for 13 weeks' long-service leave after 20 years' service. The principle has already been voted on in a division, and I will not say any more except that this provision of 13 weeks after 20 years is in the national code; in the Queensland Act; in the New South Wales Act; in the Victorian Act; and in a scheme brought down by Mr. Cain, to which the Minister referred last night. We would be foolish to adopt any other scheme.

The MINISTER FOR RAILWAYS: They are all critical clauses; but the vital ones have been taken out. This will complete the operation. It is the Government's policy to give three months' leave after 10 years' service on the basis of leave enjoyed by a great number of workers. We prefer to have uniformity on the 10-year basis rather than on the Liberal Party code of 20 years.

Hon. J. M. A. Cunningham: The A.C.T.U. code.

The MINISTER FOR RAILWAYS: There has been a denial that the Employers' Federation had anything to do with it, and I deny that the A.C.T.U. is responsible. As a matter of fact, I have here a circular letter from the secretary of the A.C.T.U. dated the 6th November, which reads as follows:—

> Copies of the Long Service Leave Code which have been forwarded to affiliated unions, contain the conditions negotiated as a result of the conferences between officers of the A.C.T.U., Metal Unions, and the Employer Associations. These conferences, as reported to Congress, arose out of Logs of

Claims served by the Employer Associations on unions in the metal and other industries, seeking an Award on a Federal basis to prescribe Long Service Leave for employees working under Federal Awards.

Some organisations have queried the phraseology of the Code, as implying that an Award on these terms has been agreed upon by the A.C.T.U. In order to clarify these doubts and avoid premature public statements which may tend to suggest rejection by any union, the Congress decision is again set out:—

> Congress having received the report on the Long Service Leave Claims, approve of the Executive, in conjunction with the unions concerned, finalising a Long Service Leave Code and method for implementation.

It will be noted, that the question of finalising this Code, and the method of its implementation, has yet to be determined by the Executive, in conjunction with the union or unions concerned, and the conditions of the Code negotiated to date were the basis of an Agreement between the parties. Any reference in the draft provision to the word "Award" is not to be implied that the Executive has determined this aspect. The unions and the employers put that question aside for further consideration.

The officers of the A.C.T.U. would, therefore, appreciate inquiries from organisations if there is any doubt on these matters, rather than the making of statements or decisions which may unwittingly depart from the intention of the Trade Union policy.

Sitting suspended from 10 to 10.20 p.m.

The MINISTER FOR RAILWAYS: Before the suspension I had read out a letter from the General Secretary of the A.C.T.U., in order to prove to Mr. Cunningham that that body had not agreed to this code which the Liberal Party sponsors. The amendment, as Mr. Watson said, would change the policy of the Government to that of the Liberal Party—long-service leave on a 20-year basis instead of a 10-year basis. Amendments previously carried have some effect on this, but I ask the Committee to reject the amendment.

Hon. H. K. WATSON: The letter from the A.C.T.U. which the Minister read admitted that the code had been negotiated. It is true that the letter mentioned that the code was not yet in the awards, but my understanding is that when members of the A.C.T.U. heard there was a possibility of the code merely going into the awards they said, "Hold everything for the time being. We want this in Acts of Parliament and not in awards," which is precisely in accordance with the views I am expressing. That is why awards were mentioned and not in relation to any future agreement on the code, but merely the manner in which the code was to be implemented. The A.C.T.U. says, "We will think about this, as to whether we will put it in awards," because many of their members have expressed the view that it should be embodied in Acts of Parliament.

The position in South Australia is relevant, because the Parliament there brought down a long-service leave Bill, one of the conditions of which, unlike ours, was that its provisions would not apply where the employer and employees reached agreement on different terms. The A.C.T.U. secretary, Mr. Soutar, and the vice-president, Mr. Evans, went to Adelaide and reached agreement with the employers there to adopt this code which we are writing into the Bill tonight. They finalised agreements and produced awards adopting the code.

The Minister for Railways: When?

Hon. H. K. WATSON: Within very recent times.

The MINISTER FOR RAILWAYS: I do not want to enter into any argument about the code, which has been brought in for a purpose. The fact is that the A.C.T.U. has agreed to no code, but to the principles as laid down. The parties reached agreement as a basis for discussion with their own members—the Federation with its employers and the A.C.T.U. with its unions—and they agreed on the exemptions that I read out, and which the hon. member smothered up with the exemptions mentioned in the Bill. They agreed that, provided any agreement or award was better than the three months and 20 years basis in the code, it would remain undisturbed, and that is more than Mr. Watson was prepared to do.

Hon. H. K. Watson: Clause 5 does precisely that.

The MINISTER FOR RAILWAYS: It does nothing of the sort! Bill Smith who owns a pie-shop and has an employee goes to the court; it must grant his application. The amendment would take away the benefits that the Government proposed for workers in private industry and would impose on them the conditions sought by Mr. Watson. Even the goldmining allowance would be taken from workers in that industry; and they would be subject to 20 years' service before qualifying for long-service leave, which means that very few would ever have opportunity of taking it—

Hon. H. K. Watson: That is nonsense.

The MINISTER FOR RAILWAYS: The hon. member knows it will halve the number. As I said last night, less than 30

per cent. of Government employees have qualified under the 10 years; so members can imagine that the percentage would be far lower in private industry, where the turnover is so much greater. The turnover of workers in private industry is greater than among those employed by the Government.

Hon. H. K. Watson: The turnover in the railways is heavy.

The MINISTER FOR RAILWAYS: Yes, I agree, especially with fettling gangs. Let us say, then, that private industry and the Government balance out so far as turnover of workers is concerned. What percentage of workers is going to enjoy long-service leave at the end of 20 years? Very few, I am afraid. So while members may profess to believe that long-service leave is good for a man, a worker would have to be very fit indeed to reach the age when he would be able to enjoy his long-service leave. I oppose the amendment.

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

Ayes	14
Noes	10
Majority for	4

Ayes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. G. C. MacKinnon	Hon. F. D. Willmott
	(Teller.)

Noes.

Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. G. Bennetts
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. L. A. Logan	Hon. E. M. Heenan
Hon. A. R. Jones	Hon. W. F. Willesee

Amendment thus passed.

Hon. H. K. WATSON: I move an amendment—

That paragraph (b) of Subclause (2), pages 13 and 14, be struck out and the following inserted in lieu:—

(b) (i) where an employee has completed at least ten years but less than fifteen years of continuous employment with one and the same employer and his employment is terminated by the employer for any cause other than serious misconduct, or by death during his employment, or by the employee on account of personal sickness or injury or domestic or any other pressing necessity where such personal sickness, injury or necessity is of such nature as to justify such termination, the employee shall be entitled (or in the case of death, his personal representative shall be entitled) to such payment as equals a proportionate amount of leave in respect of the period of completed years of such employment on the basis of thirteen weeks for twenty years' employment.

(ii) where an employee has completed at least fifteen years' continuous employment with one and the same employer and his employment is terminated for any reason other than by the employer for serious misconduct he shall be entitled (or in the case of death, his personal representative shall be entitled) to such payment as equals a proportionate amount of leave in respect of the period of completed years of such employment since the commencement of his continuous employment, or since the last accrual of entitlement to leave on the basis of thirteen weeks for twenty years' employment.

If members will read the paragraph which I have suggested should be inserted instead of the paragraph appearing in the Bill, they will see that it offers a complete answer to the statement made by the Minister that an employee will have to wait 20 years before being granted long-service leave. That is not so under the code.

Amendment put and passed.

Hon. H. K. WATSON: I move an amendment—

That Subclauses (3) and (4), pages 14 and 15, be struck out.

This amendment is consequential on the previous one.

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

Clause 10—Payment in lieu of long-service leave on death of employee:

Hon. H. K. WATSON: I move an amendment—

That all words after the word "employee" in line 20, page 15, be struck out and the following inserted in lieu:—

dies during his employment and any long-service leave to which he is entitled under this Act has not been taken or received in full by the employee the employer shall upon request by the personal representative of the employee pay to that representative the amount due in respect of such leave. The

obligation of the employer to such employee in respect of long-service leave shall be and shall be deemed to have been satisfied by such payment.

There is no difference, in principle, between the wording of the amendment and the wording in the clause; but there is a difference in drafting, my drafting having been taken from the national code.

The MINISTER FOR RAILWAYS: As the hon. member has said, the principle in the amendment and in the clause is the same. The only achievement he will gain by the amendment is that he will be able to say to those who have sponsored these amendments, "This amendment is that which is in the code, and therefore I was able to get a bit of the code in, anyway." In my opinion, therefore, the amendment is only a waste of time.

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

Clause 11—Commencement of long service leave:

Hon. H. K. WATSON: I move an amendment—

That Subclauses (1), (2) and (3), page 16, be struck out and the following inserted in lieu:—

(1) Long-service leave shall be granted and taken as soon as reasonably practicable after the right thereto accrues due or at such time or times as may be agreed between the employer and employee.

(2) Except where the time for taking leave is agreed to the employer shall give to an employee at least one month's notice of the date from which his leave is to be taken.

At the moment the Bill provides that long-service leave shall be taken as soon as practicable, and that the commencement of the leave may be postponed, in any case, for a period not exceeding one year or for such greater period as is certified in writing by the Secretary for Labour. The amendment, which follows along the lines of the national code, is very necessary, particularly in the initial stages of the scheme, because many employees will be entitled to long-service leave forthwith on the passing of this legislation. It should be left to the employer and the employee to work out how and when long-service leave should be taken. An employee may well desire to postpone his leave until his retirement because the date of his retirement may be only two years later. There might be others who are two years off retirement.

Furthermore the exigencies of the business must be taken into consideration. There might be a large number of employees to whom long-service leave was due; but in nine cases out of 10, they would be key personnel who could not be spared at the time. If this scheme is to function efficiently, there should not be any stipulated period within which the employee should take the leave.

The MINISTER FOR RAILWAYS: The provision in the Bill goes further than was explained by Mr. Watson. He said that long-service leave could be postponed for one year by mutual arrangement, but under the Bill it could be postponed for any period approved of by the Secretary for Labour. The difference between the amendment and the clause is that any arrangement for deferment of leave will be left to the employer and employee to decide.

Hon. H. K. Watson: As it should be.

The MINISTER FOR RAILWAYS: Surely the hon. member will agree to some protection for the employee. The vital difference is that whereas the clause does provide protection to the employee if leave is deferred for over 12 months, the amendment completely removes the Secretary for Labour from the determination of the leave. The hon. member contends that should be the case, but I do not agree.

Hon. H. K. WATSON: The rights of the employee to long-service leave are not taken away. The leave entitlement is intact and inviolate under the Act. If there is any doubt about the employee being deprived of the leave, he can have the matter determined by the court. I suppose that in 99 cases out of 100 the employer and employee will arrive at a time suitable to both parties for the taking of that leave.

The MINISTER FOR RAILWAYS: There is no question of the employee being deprived of leave. My objection to the amendment is that the employee will have to take the leave at a time decided upon by the employer. That leave entitlement might be deferred for two or three years by the employer, and the employee would not have the opportunity of taking it for a considerable time after it was due. I agree that on most occasions the leave would be taken at a time agreed upon mutually; but sometimes an employee might be refused permission to take that leave, and he could be kept waiting for an indefinite period.

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

Ayes	13
Noes	9
Majority for	4

Ayes.

Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. N. E. Baxter
Hon. R. C. Mattiske	*(Teller.)*

Noes.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. H. C. Strickland
Hon. G. E. Jeffery	*(Teller.)*

Pairs.

Ayes.	Noes.
Hon. L. A. Logan	Hon. E. M. Heenan
Hon. A. R. Jones	Hon. W. F. Willesee

Amendment thus passed; the clause, as amended, agreed to.

Clause 12—Functions of the Secretary for Labour:

Hon. H. K. WATSON: I ask the Committee to vote against this clause because it has been decided that the Arbitration Court, and not the Secretary for Labour, shall administer this legislation. I shall move other amendments which will make the position very clear. As this clause and the subsequent ones down to Clause 21 relate to the functions of the Secretary for Labour it will be necessary to vote against them.

Clause put and negatived.

Clauses 13 to 21—negatived.

Part VI. Heading to Part VI:

Hon. H. K. WATSON: I move an amendment—

That the heading in lines 32 to 34, page 22, be struck out and the following inserted in lieu:—

PROVISIONS FOR ENFORCEMENT OF THE PROVISIONS OF THIS ACT AND OF DETERMINATION OF MATTERS ARISING THEREUNDER.

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

Clause 22—Provisions for enforcement:

Hon H. K. WATSON: I move an amendment—

That the clause, on pages 22 and 23, be struck out and the following inserted in lieu:—

(1) Any person claiming to be entitled to a benefit under this Act or any person against whom such a claim is made may in addition to any other right or remedy he may have apply to the Court of Arbitration for determination of his rights and liabilities under ths Act and the Court may make such declarations and orders as it thinks fit in respect to those rights and liabilities and for the purposes of this section jurisdiction is hereby conferred on the Court to determine all questions and disputes from time to time arising for determination concerning or in relation to rights and liabilities under this Act.

(2) On the hearing of the application the Court of Arbitration may, by order, dismiss the application, or order that the person liable as employer shall pay to any person who is or was his employee, or who is the personal representative of his deceased employee any amount that should have been paid under this Act; and the amount may be recovered accordingly, and for the purpose of section twenty-six of this Act shall be deemed to be a penalty.

This, and the next clause, provide the whole of the machinery for all matters arising under the Act to be administered by and determined in the Arbitration Court.

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

Clauses 23 to 25—agreed to.

Clause 26—Appeals from decision of Industrial Magistrate:

Hon. H. K. WATSON: I move an amendment—

That after the figures "1912" in line 22, page 24, all the words in the clause be struck out and the following inserted in lieu:—

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 Concillation Commission, shall apply as if repeated mutatis mutandis in this section to decisions, determinations and proceedings under this Act.

This amendment is of precisely the same nature as the one just dealt with.

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

Clause 27—agreed to.

Clause 28—Exclusive jurisdiction:

Hon. H. K. WATSON: I ask the Committee to vote against the clause for the reasons that it has voted for the amendments I have just moved.

Clause put and negatived.

Clause 29—agreed to.

Clause 30—Prohibition of employment during long-service leave:

Hon. J. G. HISLOP: I cannot see that this is even just. Surely the leave is the employee's to do with as he will. If he feels he can do something to benefit himself and his family, why should we deprive

him of doing so. Under this provision, if I were eligible for long-service leave I would not be able to take a position as a ship's surgeon. Many individuals will find it difficult to fill in the whole three months. I shall vote against the clause.

Hon. R. C. MATTISKE: I do not subscribe to the view expressed by Dr. Hislop because the granting of long-service leave is to fit the employee for a further period of service. Also if a person enjoying long-service leave takes other employment, he does so to the detriment of some other individual. In effect he would have two jobs at the one time whereas someone else might not have one. I hope the Committee will agree to the clause as printed.

The MINISTER FOR RAILWAYS: The sentiments just expressed by Mr. Mattiske are labour policy.

Hon. G. C. MacKINNON: This is a direct request of the A.C.T.U. and to be consistent in following out its wishes we hope that the Committee will support the clause. Dr. Hislop, to be logical, should have asked earlier that a man could accept pay in lieu.

Hon. G. BENNETTS: Long-service leave was given in the first place in order that a man might recuperate after a certain period of work. He would then be able to return to his employer and give as good service as he did before.

Hon. J. G. HISLOP: I have recollections that in the early stages, long-service leave was given as a reward for faithful service. But now when we get to the reward stage we find it is to enable the individual to recuperate for further effort.

Clause put and passed.

Clauses 31 to 38—agreed to.

Clause 39—Proceedings to be heard by an industrial magistrate:

Hon. H. K. WATSON: I move an amendment—

> That after the words "industrial magistrate" in line 17, page 29, the words "the Conciliation Commissioner or the Court of Arbitration" be added.

This is consequential.

The MINISTER FOR RAILWAYS: This will thrust more work on the conciliation commissioner and the Arbitration Court. It is thought that the industrial magistrate is well fitted and well equipped to hear these cases. He deals with offences against the Act, whereas the Arbitration Court makes decisions in relation to industrial terms and conditions.

Hon. H. K. WATSON: What the Minister has said is true, and I am inclined to feel that, subject to further inquiry, there is a lot of merit in what he has said. I shall not press the amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 40 to 42, Title—agreed to.

Bill reported with amendments.

BILLS (3)—FIRST READING.

1, Swan River Conservation.

2, Matrimonial Causes and Personal Status Code Amendment.

3, State Government Insurance Office Act Amendment.

Received from the Assembly.

BILL—LOCAL GOVERNMENT.

Assembly's Request for Conference.

Message from the Assembly received and read requesting a conference on the amendments insisted on by the Council, and notifying that at such conference the Assembly would be represented by three managers.

The CHIEF SECRETARY: I move—

> That the Assembly's request for a conference be agreed to, that the managers for the Council be Hon. L. C. Diver, Hon. R. C. Mattiske and the mover, and that the conference be held in the Chief Secretary's room at 10.30 a.m. on Friday, the 22nd November.

Question put and passed, and a message accordingly returned to the Assembly.

BILL—LAND TAX ASSESSMENT ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. SIR CHARLES LATHAM (Central) [11.25]: The only objection I have to the Bill is in regard to Clause 5, paragraph (b). I propose to support the second reading and deal with that aspect in Committee.

On motion by Hon. H. K. Watson, debate adjourned.

BILL—CONSTITUTION ACTS AMENDMENT (No. 1).

Second Reading—Defeated.

Debate resumed from the previous day.

HON. G. E. JEFFERY (Suburban—in reply) [11.28]: I do not intend to take up much time in replying to the debate because the only speaker who really dealt with the measure was Mr. Simpson. The other speakers who were opposed to it dealt with a couple of other measures concerning amendments to the Electoral Act. The proposition to widen the franchise after five years' residence in any one area, is a good one. In my opinion, it is a reasonable proposition; and if a person has resided in a district for a period of

five years, and is on the Legislative Assembly roll for that district, he is in a position to judge and vote in regard to the affairs of his district.

The question of giving a vote to returned soldiers—although it has been the subject of various congresses, and recommendations have been made that the franchise should be widened—did not affect my argument. I think this Parliament should make a gesture to those men who have made such a contribution to this country. To put it frankly, if it were not for their efforts, the system of life that we know would not exist today. This is a gesture that we could make, and one which I am sure they would appreciate.

Mr. Simpson also said that when he returned from the war he could not have cared less. He did not say so in so many words, but that was what he implied. I agree that perhaps there would be a number of returned servicemen who, on their return from service, would be of the same opinion. Frankly, I must admit that I was of that opinion myself. But the last Great War has been finished now for some 12 years; and at the stage when they returned some of those men were young. But now they are a lot older and more mature. The matter is left in their hands; it is on a voluntary basis. They can enrol if they wish; and the figures, I am sure, would probably be very small.

But I think it is far more just, and in keeping with our democratic way of life for this privilege to be granted them. It is very similar to the matter of justice. It is not only important that justice be done but that it should also appear to be done. If a man of 21 years wishes to nominate, he should be permitted to do so, even if it is to become a member of the Legislative Council. After all is said and done, it is only necessary for a man to be 21 years of age before he can be elected to the Federal Senate; and if one keeps things in their proper perspective, I am sure it will be agreed that the decisions made on a national basis have a more far-reaching effect than those that might be made in the State Parliament.

It is entirely a matter of opinion as to the age at which a man matures. We find that some men are more mature at 25 years of age than are others who may be 45 years of age. In some cases the former are far more learned and more capable of taking part in the Government of their country. We have had a great deal of lip service in reference to "this age of youth", and so on from members of the Opposition; and it is rather strange, therefore, to find that they oppose this provision.

I agree that there has been no great dissatisfaction in the past; but I think Mr. Heenan was close to the mark when he said that changing times demanded changes in our way of life. I suppose that 50 per cent. of our legislation, at least, that is brought down from time to time is introduced because of changing conditions, and to meet a changed way of life from that which prevailed at the time when the original measures were introduced. With those few remarks I thank members for their contributions and trust they will support the second reading of the Bill.

The PRESIDENT: In accordance with Section 73 of the Constitution Act, the concurrence of an absolute majority of the whole number of members of the Council is necessary to enable this Bill to pass the second reading. I shall divide the House.

Division taken with the following result:—

Ayes	11
Noes	12
Majority against	1

Ayes.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. E. M. Davies
Hon. G. E. Jeffery	*(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. H. K. Watson
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. E. M. Heenan	Hon. L. A. Logan
Hon. W. F. Willesee	Hon. A. R. Jones

Question thus negatived.

Bill defeated.

BILL—NORTHERN DEVELOPMENTS PTY. LIMITED AGREEMENT.

Second Reading.

Debate resumed from an earlier stage of the sitting.

HON. F. D. WILLMOTT (South-West) [11.37]: I do not wish to delay the House on this measure. When the Minister for Railways introduced the Bill he gave a full explanation, and he was followed in turn by Mr. Wise. But because of something the Minister for Railways said during his introductory speech I feel it would be as well to get an assurance from him that what he said was in error. I would like to draw the attention of members to the statement made by the Minister that in the event of the market price for rice falling sharply there would still be room for Northern Developments Pty. Limited to make some profit from the running of stock on that area.

I think it is agreed between Northern Developments Pty. Limited, the Government and the Kimberley Pastoral Co. that no livestock will be run on this

land, on which it is proposed to grow rice. That, I think, is an agreement within itself. On reading the section of the agreement dealing with the issue of a Crown grant after the expiry date of the licence I am not quite sure that the position is covered, but I realise, of course, that this agreement has already been signed, and we therefore cannot amend it. It is a matter of either accepting it or rejecting it.

I understand the Minister for Agriculture has given an assurance that it is clearly understood that livestock would not be run on that country. The Kimberley Pastoral Co. is most insistent that that point should be clearly understood, for the very simple and good reason that the country where it is proposed to grow this rice cannot be used for the carrying of stock through the wet; so that if stock were put on, the Kimberley Pastoral Co. naturally fears that sooner or later it would be faced with a demand for other land. If the land is to be used for carrying stock, then it should be used by the Kimberley Pastoral Co., but for other stock it would like other land used. That is its main reason for being so insistent on this matter. I would like an assurance from the Minister for Railways, when replying to this debate, that stock will not be run on this area. There were one or two other points I wished to raise but I will content myself by asking the Minister for that assurance.

HON. N. E. BAXTER (Central) [11.42]: I would like to say a few words on this Bill. Firstly, I wish to compliment the Government for the arrangement it has with the company and the effort it is making to increase primary production in this State. There were one or two remarks made by the Minister for Railways on which I would like to touch. He referred to the setback that the company received, in 1952 I think it was, owing to a drought. I was wondering what sort of a setback the company would have if a similar or longer drought appeared in that area to affect the available water supplies. I do not profess to know anything about the area in question; but the Minister for the North-West should be well informed, and perhaps he could reassure the House in this respect.

At the time it was mentioned I asked the Minister for Railways, by way of interjection, what would be the cost of building the dam across Uralla Creek which I understand will be 130ft. high. That is no small size, and I understand the State has spent about £100,000 on roads in the vicinity. This will not be a cheap proposition for the Government, even though I compliment it on its efforts in this direction.

I would like also to pay a tribute to the company for what it has done in the past. If the Government feels it is doing the right thing, and I think we all believe it is, then it should look further afield with a view to promoting primary industry in other areas of the State. There are many other areas which would be as good, if not better, paying propositions for the State; and which, in the long run, would provide far more employment for larger numbers of people than would the Liveringa rice project. I would like to get some idea from the Minister as to costs and the matter regarding a drought, if a drought did occur in that area, and its effect on water supplies. With those remarks I support the Bill.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North—in reply) [11.45]: In dealing with Mr. Willmott's request, I am sorry if I conveyed an impression that Northern Developments Pty. Ltd. would run cattle. I do not think I actually said it would run stock. I meant to convey that, should the rice crop prove a failure, the expenditure on improvements for water supply would enable that country to be irrigated and stock could be run.

Hon. F. D. Willmott: In the event of failure, it reverts?

The MINISTER FOR RAILWAYS: Yes; there is no intention on the part of Northern Developments Pty. Ltd. to run stock there. If the rice fails before it takes out a Crown grant and the company does go phut—I can assure members it will not—the land will revert to the Liveringa people, the Kimberley Pastoral Co., and it will become part and parcel of the Liveringa station, as it is now. The company has no ideas in regard to carrying stock; and both the Minister for Lands and I can reassure the hon. member on that point.

Hon. J. M. A. Cunningham: Have there been any experiments in jute growing?

The MINISTER FOR RAILWAYS: Not to my knowledge; but I think it has been tried on the Ord River at the Government research station. Dealing with Mr. Baxter's question as to the cost of a dam, I would advise him that I endeavoured to obtain the costs of dams and various works. However, as they have not yet been actually planned—there is general agreement that they will be provided—the cost of the individual work to be undertaken by the Public Works for the construction of the barrage, dams and so on, has never been calculated. However, the overall cost is estimated to be no more than £100,000.

Main road funds will be expended there, and there will be two or three houses constructed under the State Housing Act. This proposed townsite will progress very slowly indeed. It will probably not look like a townsite until another 21

years. Therefore, expenditure in that direction will be slow; but I cannot say what it would amount to.

It is a fact that somewhere between £75,000 and £100,000 has been expended by the Government since 1954 in connection with the project on roads, surveys and levels; and a contour has been taken of the whole of the plain. In addition, a channel has been put in from the Fitzroy River to Uralla, or Snake Creek as it is better known. Overall, I suppose the project will run into something like £200,000, but it is very cheap expenditure when we take into consideration the costs in many other directions with regard to projects.

In relation to water supplies in drought areas, I would point out that since the West Kimberleys have been settled, they have never experienced the drought years of 1952 according to the records of the district. They experience lean years, but not generally throughout the district. Some stations have a low rainfall while others have above average. However, generally speaking, the rainfall is assured; and according to records, it should not be anticipated that drought conditions would be so severe that sufficient water would not be obtainable after these works have been established.

I referred to a series of dams. Actually they are very small creeks which are being dammed, and the job is not expensive. The creeks are narrow and shallow. However, where it is intended to construct the barrage on the Fitzroy River, the water is deep. Probably the barrage will be constructed of some material which is easy to obtain, such as logs, mud and so on. It would be impossible to dam the river, as too much water flows down. When gauged at Fitzroy crossing, I think the quantity of water recorded when the Margaret and Fitzroy Rivers are in flood would fill the Canning Dam every 20 minutes. Our engineers know of no similar flows which have been successfully harnessed in that type of country.

The provision of this barrage and the lowering and cutting of a canal to link the Fitzroy River with Snake Creek is designed to provide water in the plantation area when the river runs only a quarter or half full. I do not think there are any fears in that direction. The Government will, at all times, be sympathetic and as helpful as practicable. No matter where land settlement schemes may be in the State, provided they are practical, the Government will give all the help possible, because we must foster land settlement; and those concerned with this particular project, as I have already pointed out, did not come to the Government cap in hand; they proved their own theory and said that they were satisfied they could grow rice. All they want is assistance to get water.

The Government made a check and found that the company's experiments had been successful and did what any other Government should do—decided to help it to the greatest possible extent.

There is an interesting feature in regard to the map at the back of this Bill. Members will notice a spot marked Mt. Wynne. That is where Freeney first commenced to look for oil in this State. I believe Freeney was on a portion of Liveringa on an out-camp of the Kimberley Pastoral Co. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Minister for Railways in charge of the Bill.

Clauses 1 and 2—agreed to.

Schedule:

The MINISTER FOR RAILWAYS: I move an amendment—

> That after the words "dated the" in line 20, page 14, the word "twelfth" be inserted.

This amendment was to have been inserted by the Minister for Lands in another place; but as it would have necessitated a reprint of the Bill, it was decided to move the amendment in this Chamber. It represents the date of the signing of the agreement, and the word "twelfth" will be followed by the word "November."

Amendment put and passed.

The MINISTER FOR RAILWAYS: I move an amendment—

> That after the word "of" in line 21, page 14, the word "November" be inserted.

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

Title—agreed to.

Bill reported with amendments and the reported adopted.

Third Reading.

Bill read a third time and returned to the Assembly with amendments.

BILL—HOUSING LOAN GUARANTEE.

Second Reading.

Debate resumed from the 12th November.

HON. N. E. BAXTER (Central) [12.0]: I do not think this Bill has a great deal of substance; and, although somewhat similar schemes may be in operation in other States, all this measure does is to

set up a guarantee by the Government to institutions or others prepared to advance housing loans, at the nominal interest rate of approximately 6 per cent., but to a figure that would be more than is normally considered a good risk. It is proposed that on a £3,000 house up to 95 per cent. would be lent. Although that might appear all right to a person with only £150 or so, it would involve an interest payment of approximately £3 8s. per week, which I do not think is a good proposition.

The only redeeming feature of the Bill is the provision regarding guarantees on second mortgages, which states that the interest on the second mortgage shall not be higher than on the first mortgage. From the Government's point of view the Bill is a good financial proposition because, for giving the guarantee and taking a very small risk, there is a return of one quarter per cent. I think any firm or syndicate could sit back and make a very nice thing out of such a proposition.

Hon. H. K. Watson: There is no risk on a 66⅔ per cent. mortgage.

Hon. N. E. BAXTER: No, and only a slight risk on a mortgage of up to 95 per cent. I think this Bill is more a money making stunt than anything else and that those taking advantage of its provisions will find the interest payments a heavy burden. It is a proposition approaching that of hire purchase; and although the interest rate would not be high, the total interest burden would be considerable. I would like to issue a warning, to those thinking of borrowing money under this measure, not to load themselves down with a heavy interest burden for the rest of their lives. I believe many people would be far better off paying rent than paying the interest involved under this scheme.

HON. G. C. MacKINNON (South-West) [12.7 a.m.]: It has been said that schemes similar to that envisaged here are in operation in other States and in other countries; but, as far as I can ascertain, in the other States of Australia there is no charge for the underwriting of the risk, as it is taken for granted that it is the Government's job to give the guarantee. In practice the risk has been found to be very small. I think anyone interested in home-ownership realises that there are very few defalcations in such transactions. It is interesting to note what has been said regarding the scheme in America, which recently received publicity and to hear some of the rather twisted ideas circulating in regard to that scheme.

Under the American scheme there are several factors that do not apply here. To begin with, privately owned housing is not as common in America as in Australia and the costs there are out of all proportion to those applying here. Quite an ordinary dwelling there costs 20,000 dollars, which is about £8,900 Australian. The reason for that is that, despite improved methods of construction, what is known as feather-bedding by the unions takes place; and as often as building methods are improved, the unions demand that more men shall be employed on the job.

The result of this feather-bedding is that it is not uncommon to find one man sitting down on a roof which is under construction, because it only takes four men to put the roof on, yet the union demands that five men be employed. Be that as it may, home purchase there is covered by what is known as the packet mortgage. I might point out that in America an ordinary home would contain two bathrooms and would be fitted with a washing machine, a refrigerator, a hot water system, and tiled floors if specified, together with an air conditioning plant if the circumstances warranted it, and all that would be covered by the mortgage as those things are considered to be part and parcel of a home.

As members know, when we speak of a dwelling here we envisage just the bare shell of the house and even a hot water system is regarded as an extra. For this packet mortgage scheme they charge an extra ½ per cent., but that covers a far greater risk than exists here. In New South Wales there is no charge at all for the guarantee. The amendments on the notice paper deal with the extra percentage to cover the guarantee on the money borrowed. There is no risk at all in regard to some of the money borrowed, because no one could imagine a fall in values such that it would involve a complete loss. There must be a figure below which there is no risk whatever, and the amendment standing in my name would place that figure at £750. That is probably too low, but there may be small single unit homes that would have to be allowed for. The money actually risked is only that above £750 and the extra charge should be made only on what could be considered money actually risked.

Hon. R. F. Hutchison: Do you mean to limit the loan to £750?

Hon. G. C. MacKINNON: No. The £750 represents the figure up to which there would be no charge made by the guarantor. If one borrows money to build a house, once it is built it must represent some value. In normal circumstances it is regarded that 66⅔ or 75 per cent. of the total value is a fair assessment of the assured value of the house. For example, £3,000 could be borrowed on a house valued at £4,000. That is a reasonable risk because even if values tended to drop it would be very unlikely that such a house would not be readily saleable at £3,000. Therefore, I have set a figure below which no special interest rate will be demanded.

My amendment envisages that the Government is taking no risk in guaranteeing £750 of the total value. That, of course, is ridiculously low because the average value of a house today would be £3,000. Therefore, it would be more realistic if we said there was no risk up to £2,000 and the extra interest rate should be charged only on the remaining £1,000. I have no intention, therefore, of limiting the loan to only £750 because that would be absurd. I did want to mention some of the differences because the American scheme has been referred to. I think there is a great deal of merit in that scheme, but only if it were used as a basis for a nation-wide house building plan.

In short, and in other words, we would have to wipe out all our State housing projects and start from scratch to adopt the American house building scheme, which is backed by private finance and private builders, and we could even adopt the policy of the house being a building unit with the basic machinery already installed as in accordance with the American scheme. There is no doubt that that scheme has quite a lot to recommend it, but to load it on top of our present housing scheme would be more or less unworkable.

I have every intention, therefore, of supporting the second reading of this measure, with a view to moving in Committee the amendments listed on the notice paper.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [12.18 a.m.]: I have here some notes in reply to the comments on the Bill made by Mr. Watson, but I regret that I cannot say the same in regard to the remarks made by Mr. Baxter and Mr. MacKinnon. I would point out to Mr. Watson that the loan which building societies make in accordance with the Commonwealth-State Housing Agreement Act, 1956, could be guaranteed only to the maximum of £2,750. Under the agreement the societies are precluded from amalgamating any advances made in addition to that covered by the Act. The Government guarantee is to the society which will be required to exercise its usual checks to ensure that each applicant for a loan is a reasonable risk.

On the sale of a guaranteed property, the guarantee would lapse and no further contributions at the rate of ¼ per cent. would have to be made to the guarantee fund as the property would not be a new one as required by the Bill. If a loan of £3,000 were repaid over the full period of 40 years, the cost of the guarantee to the applicant would be approximately £280, the difference between the interest rate of 5 per cent. and 5¼ per cent. over the 45 years.

Hon. H. K. Watson: £280?

The CHIEF SECRETARY: Yes, approximately. The question of stamp duty does not enter into the transaction because the Treasurer is the guarantor.

Hon. H. K. Watson: I thought that was the position.

The CHIEF SECRETARY: No loans to any institution will be made under the provisions of the Bill. The intention of the measure is that private funds will be used and the Government will guarantee the institution against losses. Only those advances made by the approved institutions and upon which the ¼ per cent. interest is paid into the guarantee fund at the Treasury, will be guaranteed. As stated earlier, it is expected that each institution will deal with each loan on its merits.

There will be no objection to a review clause in the institution's mortgage. As the guarantee obviates any greater risk to the second mortgage it is considered that the institution would not be justified in charging a higher rate of interest than that charged on first mortgages. However, the amendment proposes to give the Minister for Housing power to examine any special claim made for a higher rate and approve of same if it is deemed equitable. For a home costing £5,500, the minimum deposit would be £1,100, or 20 per cent. of the value.

It is the desire of the Government to interfere as little as possible in the lending policies of the private institutions. If a loan is approved by an approved lending institution and a guarantee is sought, it will be granted. Although it is expected that over a period of 45 years a guarantee rate of ¼ per cent. on £1,000,000 of guaranteed investment would mean a substantial accumulation in a fund, it is thought that borrowers, upon being certain that they could obtain unguaranteed loans at a lower rate, would do so and withdraw from the scheme.

However, the Government is agreeable to the guarantee applying to the amount nominated by the private institution, provided that the contribution rate to the fund remains at ¼ per cent. per annum. This would mean that the institution will nominate whether the whole or part of any loan is to be the subject of the guarantee arrangement. To achieve this end, it is proposed to move a series of amendments in Committee to ensure that the guarantee applies to the whole or part of the loan.

Question put and passed.

Bill read a second time.

House adjourned at 12.25 a.m. (Friday).