Mr. TAYLOR: The member for Floreat referred to this matter in his second reading speech. I think the amendment is an unwarranted reflection on the workers concerned. However, I am prepared to agree to it.

Amendment put and passed.

Mr. MENSAROS: I move an amendment—

Page 6—Insert after paragraph (a) the following paragraph to stand as paragraph (b)—

(b) a period of one working day where that day immediately precedes or immediately succeeds a day on which the worker is not required to work; .

Mr. TAYLOR: The comment I made in respect of the previous amendment still applies. However, I am prepared to accept it.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 15 to 39 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

House adjourned at 6.15 p.m.

Legislative Council

Tuesday, the 22nd May, 1973

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

BILLS (5): ASSENT

Message from the Governor received and read notifying assent to the following Bills—

1. Taxi-cars (Co-ordination and Control) Act Amendment Bill.
2. Government Employees' Housing Act Amendment Bill.
3. Traffic Act Amendment Bill.
4. Distressed Persons Relief Trust Bill.
5. Resumption Variation (Boulder-Kambalda Road) Bill.

QUESTIONS (19): ON NOTICE

1. TRANSPORT

Salvado

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

Will the Minister advise of plans for the proposed transport to radiate from the proposed city of Salvado?

The Hon. J. DOLAN replied:

In reply to questions 1, 3 6, 7, 8 and 9—

The many questions submitted on detailed aspects on the planning and implementation of Salvado, indicate that the proposal has been misunderstood. The questions appear to envisage an immediate start to the development of the area. This is not however contemplated, and the planning being undertaken at this time is essentially long range and strategic in character.

The immediate requirement is an overall planning framework to ensure that co-ordinated development can take place when demand is created by industry, or when additional urban living areas are required within the Metropolitan Region.

For these reasons it is not possible or feasible to provide the range of detailed information asked for on these questions.

It is expected however when current negotiations between the Commonwealth and State on the development of the area have been completed that further information will be available.

I would further add in explanation in respect of questions 1 to 11 that a number of the questions which will be dealt with today appeared on the notice paper on Wednesday, the 16th May. When answers were sought from the relevant department, a check was made with the Crown Law Department which advised that it was not usual to give detailed information in regard to matters which would be involved in pending legislation.

The Hon. A. F. Griffith: We can read it in the Press.

The Hon. J. DOLAN: To continue my answer: This has been the practice over the years—indeed as far back as the 11th November, 1959, when The Hon. L. A. Logan, on behalf of The Hon. A. F. Griffith, said, in reply to a question—

It is not usual to disclose details of legislation before its introduction into Parliament.

The Hon. L. A. Logan: Was not information concerning the contents of the Bill published in the Press before the question was asked?

The Hon. J. DOLAN: I could not say.

The Hon. A. F. Griffith: Mr. Logan is referring to the Salvado Bill, I think.

The Hon. J. DOLAN: To continue: The Minister who was absent in Canberra was informed of the advice received and agreed that answers should be postponed. It was anticipated the legislation would have been brought before Parliament on Thursday last. Any inconvenience is regretted.

2. TOWN PLANNING

Salvado: Population

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

(1) Did the Government plan for the industrial content and maximum population of the proposed city of Salvado before giving that city a name?

(2) If the answer is "No" when will the Government release the details of proposed industries and total planned population?

(3) If the answer is "Yes"—

(a) what will be the estimated population for each of the first ten years after the initial establishment of the proposed city?

(b) what is the planned maximum population of the proposed city?

(c) in what years is the proposed city expected to reach the maximum planned population?

(d) what authority will be responsible for—

(i) electricity;

(ii) sewerage;

(iii) water supplies; and

(iv) roads and footpaths?

(e) will sporting ovals, parks and public open space be provided?

(f) from what source will fresh water be drawn for the establishment of the sporting ovals, parks and public open space?

The Hon. J. DOLAN replied:

(1) Yes.

(2) Answered by (1).

(3) (a) The estimated population growth is as follows:

1980—16,000
1990—154,000
2000—320,000

(b) 320,000

(c) 2000.

(d) It is envisaged that there will be no departure from existing metropolitan policies on the servicing of urban development.

(e) Yes.

(f) Local underground resources will be used rather than water drawn from the aquifer to the east, or potential hills catchment areas.

3. HOUSING

Salvado

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

(1) (a) How many Government employee homes will be required in the first year and successive nine years to meet the needs of Government planning for the proposed city of Salvado?

(b) What will be the capital cost of these homes?

(2) (a) How many State Housing homes will be built in the first year, and succeeding nine years in the proposed city of Salvado?

(b) What will be the capital cost of these homes?

(3) (a) Has the Federal Government given a firm undertaking to finance any of the housing plan required for this project;

(b) If so, what is the Federal Government's commitment to this project?

The Hon. J. DOLAN replied:

(1) to (3) (See reply to question 1.)

4. EDUCATION

Salvado: School Planning

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

Will primary and secondary schools be erected as part of the infra-structure of the proposed city of Salvado?

The Hon. J. DOLAN replied:

Yes.

5. TOWN PLANNING

Salvado: Premier's Statement

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

In view of the recent reports of a planned new city to be named Salvado, and the Premier's statement in *The Sunday Times* dated 13th May, in which he is reported as saying "The proposal was such that any politician would be hard-put to justify any opposition to it", would the Minister table all the details of the proposal?

The Hon. J. DOLAN replied:

The Premier has not made any statement in relation to a new "city". He has however referred to

a new area to be named Salvado, details of which will be made available when the current Commonwealth-State negotiations on the development of the area have been concluded.

6. TOWN PLANNING

Salvado: Work Force and Industries

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

(1) What are the major industries to be established in the proposed city of Salvado?

(2) What are the expected numbers of people to be employed in the industrial work force during each year for the first ten years of the city's existence?

(3) What State Government departments will be established in the proposed city?

(4) What will be the expected Government work force in each year of the first ten years of the city's existence?

(5) What were the major factors which influenced the Government to site the proposed city of Salvado so near to Perth?

The Hon. J. DOLAN replied:

(1) to (5) (See reply to question 1.)

7. WATER SUPPLIES

Salvado

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

(1) Did this Government plan the usage of water resources for the proposed city of Salvado before giving that city a name?

(2) If the answer is "No" when will the Government determine the availability of fresh water for the city's needs?

(3) If the answer is "Yes"—

(a) what dams will provide surface water for the city of Salvado;

(b) where will the city's major reservoirs be sited;

(c) what will be the maximum daily supply rate from the reservoirs;

(d) what is the planned capacity of the reservoirs;

(e) what are the estimated annual drawing rates of fresh water for the first ten years of the planned city's existence;

(f) what will be the maximum allowable drawing rate on ground fresh water supplies expressed as a daily figure within the first ten years of the city's life;

(g) what will be the annual fresh water usage when the proposed city reaches its maximum planned development;

(h) will the salinity of the ground water increase when supplies are drawn at the maximum rate as expressed in answer to (3) (f);

(i) what is the estimated capital cost of reservoirs, dams, bores and reticulation systems in the proposed city of Salvado?

The Hon. J. DOLAN replied:

(1) to (3) (See reply to question 1.)

8. LAND ACQUISITION

Salvado: Cost

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

(1) Have costs been determined for the Government's plan to acquire the 80,000 acres of land required for the development plan for the proposed city of Salvado?

(2) If the answer to (1) is "No" when will the costing be completed?

(3) If the answer to (1) is "Yes" what will be the capital cost of acquiring land for—

(a) housing;

(b) commercial purposes;

(c) industrial purposes?

(4) How will such land be distributed to new settlers?

(5) Will the new settlers be able to use the land as equity for borrowing?

The Hon. J. DOLAN replied:

(1) to (5) (See reply to question 1.)

9. STATE FINANCE

Salvado: Development

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

(1) What is the planned treasury commitment for the first year of development in the proposed city of Salvado?

(2) What financial commitments have been made by the Federal Government to the State Government to assist in the development of the proposed city of Salvado?

The Hon. J. DOLAN replied:

(1) and (2) (See reply to question 1.)

10. LOCAL GOVERNMENT

Salvado: Civic Administration

The Hon. W. R. WITHERS, to the Minister for Local Government:

(1) Will the proposed city of Salvado operate under a commissioner or a city council?

(2) What is the plan for local government over the first ten years of the proposed city's life?

The Hon. R. H. C. STUBBS replied:

(1) and (2) These matters are the subject of legislation to be introduced, and are answered by the contents of the relevant Bills.

11. LOCAL GOVERNMENT

Salvado: Qualification for City

The Hon. W. R. WITHERS, to the Minister for Local Government:

(1) In view of the Government's plan to establish a new city named Salvado will the Minister advise if the city is to be declared a city by—

(a) the establishment of a Cathedral;

(b) by Charter?

(2) In what year is it expected to be declared a city?

The Hon. R. H. C. STUBBS replied:

(1) and (2) The Government has no plan to establish a new city. If and when the criteria necessary under the Local Government Act are fulfilled, no doubt the responsible authority will make application for the declaration of a City.

12. QUESTIONS

Deferment of Answers

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

(1) In view of the Minister's reason for deferment of my questions on the Notice Paper of Wednesday, 16th May, 1973, and the comments of the Premier in the Government Political Party Notes on page 41 of *The West Australian* dated 17th May, 1973, would the Minister advise if it is his Government's policy to defer answers to questions by members of this House whilst the Premier makes comment and Press statements on the issue in question?

(2) If it is not the policy of this Government, why has this situation been allowed to continue in view of the unanswered question 14 on the Notice Paper of Wednesday, 15th May, 1973?

(3) Is the Premier inferring that the Legislative Council would quash the proposed Salvado City legislation if it had real virtue when he says "It is the echo of Sir Charles Court's confidence that whatever the real virtues of any Labor legislation he can have it quashed by the Liberal/Country Party majority in the Legislative Council"?

(4) If not, why did he say it?

The Hon. J. DOLAN replied:

(1) It is the Government's policy in Parliament to adhere to the procedures of Parliament.

(2) This question is not understood. (No. 14 of 15th May was answered in the Assembly. On 15th May there were only five questions in the Council.)

(3) This question seeks an expression of my opinion which Parliamentary procedure does not permit.

(4) Answered by (3).

13. CORAL BAY HOLIDAY RESORT

Disposal

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

Has the Government any plans to dispose of its interest in the Coral Bay resort?

The Hon. J. DOLAN replied:

The Government does not have any financial interest in the Coral Bay resort, except through the Rural & Industries Bank, which is a secured creditor.

14. WAR SERVICE LAND SETTLEMENT

Narrikup District

The Hon. D. J. WORDSWORTH, to the Leader of the House.

(1) What is the average size of the soldier settlement farms allocated in the Narrikup district?

(2) Were these farms envisaged as dairying units when allocated?

(3) (a) Has experience shown that the district is more suitable for farming pursuits other than dairying;

(b) if so, are the settlement farms considered by the Rural Reconstruction Board and other lending organisations to be too small and non-viable for the type of agriculture practised in the district?

(4) Would the Minister for Lands, Agriculture, and Forests investigate the land still held by the Crown in the district with the view

of making allocations to nearby farmers so that these original soldier settlement blocks can be made more viable and economic?

The Hon. J. DOLAN replied:

(1) The average size of these eight farms is 564 acres.

(2) Dairying units capable of being developed to beef production.

(3) (a) and (b) Provided farmers practise some dairying the present holdings are considered viable units. Two farmers applied for loans (not extra land) under the Reconstruction Scheme, which were granted.

(4) The nearest vacant Crown Land is south of Redmond Siding. Its release is under consideration.

15. CITY OF PERTH ENDOWMENT LANDS BILL

Tabling of Papers

The Hon. A. F. GRIFFITH, to the Minister for Local Government:

Will the Minister lay upon the Table of the House all files, papers and documents relating to negotiations between the Government and the Perth City Council in connection with the City of Perth Endowment Lands Bill?

The Hon. R. H. C. STUBBS replied:

Yes, for one week.

The documents were tabled (see Paper No. 157).

16. TOWN PLANNING

Yanchep-Two Rocks: Development

The Hon. L. A. LOGAN, to the Leader of the House:

As the answer to my question 4 on Wednesday, 16th May, 1973 indicated that no formal agreement has been signed between the Government and Yanchep Estate Pty. Ltd. and Bond Corporation Pty. Ltd.—

(1) Why has development work been allowed to continue since November, 1972?

(2) Since no formal agreement has been signed, what protection or means of redress is available to the Government if the development is detrimental to the area?

(3) What protection or means of redress have the licensed fishermen who have been using the Two Rocks area for anchorage for their fishing vessels if it is found that siltation affects their moorings to the extent of interfering with their livelihood?

The Hon. J. DOLAN replied:

(1) A formal exchange of letters embodying the "Heads of Agreement" established the obligations of the parties and permitted the development to proceed.

(2) The Government's position is protected by the action of (1) above.

(3) The company is obligated to ensure that there are safe anchorages available for the fishermen.

17. GOVERNMENT INFORMATION

Policy on Release

The Hon. W. R. WITHERS, to the Minister for Local Government:

(1) In view of the report entitled "Shire Fears Exclusion" on page 20 of *The West Australian*, dated 17th May, 1973, which tells of a meeting between the Premier and a deputation from the Wanneroo Shire Council, will the Minister advise if any subject was discussed which pertained to any question numbered 10 to 18 inclusive, and 20 to 21 inclusive on the Legislative Council Notice Paper dated 16th May, 1973?

(2) If so, is it the Government's policy to allow Government Ministers to discuss information for publication with delegates, whilst denying the same information to Members in this House?

The Hon. R. H. C. STUBBS replied:

(1) The matters discussed were in general, rather than specific, terms with emphasis on the desire of the Shire to give effect to the proposed planned development itself, rather than that the area involved be excised, and development entrusted to a body other than the Shire.

(2) The Government acceded to an urgent request from the Shire for an opportunity to discuss the proposed development. It is the Government's policy to be courteous and fair in its dealings with Members of Parliament and all other sections of the community.

18. HARBOUR FACILITIES

Two Rocks

The Hon. L. A. LOGAN, to the Leader of the House:

(1) What person, persons, or firm carried out the investigations into the environment, engineering, architectural, town planning and

land tenure aspects of the yacht harbour at Two Rocks, for Yanchep Estate Pty. Ltd. and Bond Corporation Pty. Ltd.?

(2) What were their qualifications?

(3) Was a model made and subjected to simulated conditions in an endeavour to find out effects such as a yacht harbour would have on the adjacent and surrounding areas?

The Hon. J. DOLAN replied:

(1) and (2) Environmental Resources of Australia Pty. Ltd. (Consultants on the Environment).

Halpern Glick and Lewis Pty. Ltd. (Consulting Chartered Engineers).

Forbes and Fitzhardinge (Consulting Architects).

Urban Systems Corporation Pty. Ltd. (Town Planners).

(3) No. Extensive on-site testing was carried out.

19. LOCAL GOVERNMENT

Sun City: Terminology

The Hon. L. A. LOGAN, to the Leader of the House:

As the requirement for a city is laid down in subsection (2) of section 12 of the Local Government Act, and the residential development of Yanchep Estates Pty. Ltd. and Bond Corporation Pty. Ltd. in the Yanchep Two Rocks area is only portion of an already existing Local Authority, and under no circumstances can it conform with the requirements of the Act—

(1) Why is the development allowed to be called Yanchep Sun City?

(2) Will the Government ensure that to avoid any confusion the name will be altered so that the word city is deleted?

The Hon. J. DOLAN replied:

(1) The words "Sun City" as applied to the development at Yanchep and Two Rocks are purely descriptive and not part of the name nor do they purport to be part of the name.

(2) Action has already been taken with the Local Authority, the Bond Corporation Pty. Ltd. and their agents to ensure the use of the word "City" is in no way indicative of the status of the area *vis-a-vis* Section 12 of the Local Government Act.

ABORIGINAL WELFARE NEEDS

Royal Commission: Ministerial Statement

THE HON. R. THOMPSON (South Metropolitan—Minister for Community Welfare) [4.55 p.m.]: Mr. President, I seek leave of the House to make a statement.

The PRESIDENT: The Minister seeks leave of the House to make a statement. If there is a dissentient voice, leave will not be granted. As there is no dissentient voice, leave is granted.

The Hon. R. THOMPSON: Members will recall that last year Mr. Willesee gave an undertaking that a Royal Commissioner would be appointed to inquire into and report upon all matters affecting the well-being of persons of Aboriginal descent in Western Australia. The inquiry will also touch on other matters.

Since last October we have canvassed the Commonwealth sphere and all the States of Australia to recruit a suitable judge to be the Royal Commissioner. I have pleasure in advising the House that we have today been advised that Judge L. C. Furnell, Q.C., B.A., B.Ec., who has recently retired from the District Court of New South Wales, has accepted the appointment.

It is expected that Judge Furnell will make an early visit to Western Australia—probably in early June. He will start his tour of the State and, in all probability, begin taking evidence early in August.

I hope this information will satisfy one honourable member, in particular, who has asked several questions on this matter.

EDUCATION ACT AMENDMENT BILL

In Committee

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

Postponed clause 3: Section 9B amended—

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

Page 2, line 4—Delete paragraph (a) and substitute the following paragraph—

(a) as to subsection (1)—

(i) by substituting for the word "The" in line one, the words "Subject to subsection (2a) of this section the";

(ii) by substituting for the passage "subsection (2) of this section", in line seven, the words "regulations made by him under this Act".

The Hon. R. J. L. WILLIAMS: I seek leave of the Committee to withdraw the amendment before the Chair and a consequential amendment, which appears on the notice paper, in view of the amendment under the name of the Leader of the House which appears on page 5 of the notice paper.

Amendment, by leave, withdrawn.

The Hon. J. DOLAN: I move an amendment—

> Page 2, after line 15—Add a paragraph as follows—
>
> (c) by inserting after subsection (2) a new subsection as follows—
>
> (2a) For the year commencing the first day of January, 1973, and for each of the next succeeding four years the amount specified under subsection (1) of this section shall not be less than, in the case of a scholar who is in any year of a course of primary education, thirty dollars per annum; and in the case of a scholar who is in any year of a course of secondary education, forty dollars per annum.

Amendment put and passed.

Postponed clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Third Reading

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

PRE-SCHOOL EDUCATION BILL

Recommittal

Bill recommitted, on motion by The Hon. J. Dolan (Leader of the House), for the further consideration of clauses 7 and 9.

In Committee

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

Clause 7: Membership of the Board—

The Hon. J. DOLAN: I move an amendment—

> Page 6, line 23—Delete all words inserted at a previous Committee after the word "Association" and substitute the passage "and who is elected by and from amongst the persons who are pre-school teacher graduates of the institution or institutions of that kind recognised by the Minister for the purposes of this Act, according to the preferential system of voting and in the prescribed manner".

I would like to give members a brief explanation of the further amendment. The Parliamentary Counsel was asked to look at the amendment made by the Committee and the amendment now before us is merely to tidy it up. I believe this will be satisfactory to everyone.

Amendment put and passed.

Clause, as further amended, put and passed.

Clause 9: Tenure of office and casual vacancies—

The Hon. J. DOLAN: It has been found necessary to move two consequential amendments in view of the amendments previously made by the Committee. I move an amendment—

> Page 8, line 11—Delete the word "two" and substitute the word "three".

Amendment put and passed.

The Hon. J. DOLAN: I move an amendment—

> Page 8, line 15—Delete the word "three" and substitute the word "four".

Amendment put and passed.

Clause, as further amended, put and passed.

Further Report

Bill again reported, with further amendments, and the report adopted.

Third Reading

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

RAILWAY (COOGEE-KWINANA RAILWAY) DISCONTINUANCE BILL

Second Reading

Debate resumed from the 17th May.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [5.10 p.m.]: Last Sunday in the course of my ministerial duties I attended a church service associated with a musical seminar at St. Mary's Cathedral. I was very interested in the sermon delivered by His Grace, the Archbishop. He took as his text Ecclesiasticus, Chapter XXXII, Verse 8, and I believe we could heed his words. He said—

> Let thy speech be short, comprehending much in few words; be as one that knoweth and yet holdeth his tongue.

These words are particularly applicable to the debate on the legislation before us. I will comment on some of the points raised.

The establishment of a works on a temporary basis to build one or more semi-submergible oil drilling rigs was referred

to the Director of the Department of Environmental Protection on the 14th September, 1972. The department advised that subject to the normal controls applicable to dredging requirements and conditions, the proposal should go ahead, particularly as the tenure of land use was limited and will be determined by agreement between the company and the Government.

The Town Planning Department and the Cockburn Town Council have been advised of this development on several occasions. In particular, the Premier and the Deputy Premier assured the town council that the development was for a limited term and the proposal was endorsed by them on the 5th October, 1972. The other items raised, such as statements on the timing of the Bill, the source of funds, the zoning of land, and the ultimate land use, appear to have no relevance to the legislation.

I went out to the area again on Sunday and looked at the development which was taking place. There was no interference to the route situation. I spoke to the Mayor of Cockburn, Mr. Thomas, and also to the town clerk, Mr. Amarigo, and both these gentlemen assured me that this was something they had had in mind for many years. The former Premier (Sir David Brand) raised the matter with the Commonwealth on a number of occasions. He asked whether some of the land could be made available to the town council for recreational purposes.

We hope that when the first submergible rig is completed, orders may be obtained for another two or three. This is a $20,000,000 project, and further orders will ensure that approximately 600 men remain in employment for a longer period. Nearly all the materials used to build the rigs are obtained locally and this will be another advantage to manufacturers in Western Australia.

When the work is completed, and this is presently anticipated to be in about 1976, it is confidently expected the land held on lease by the Commonwealth and now subleased to Transfield (W.A.) Pty. Ltd. will be made available to the Government for development for recreational purposes. Representations have been made to this end, and the town council has had the idea for many years, particularly since negotiations were commenced with this company.

We hope this will come to pass, and the town council is able to develop a beautiful reserve which will correspond with the present reserve on the Fremantle side of the magazine and quarantine areas. The region will be vastly improved, because this development will be in addition to the proposed marina.

The proposal is a very simple one, namely to remove part of the railway which at present runs through the centre of the work that is to be done, thus forming an impediment. There is a railway line that does not impinge on the land which links up with the big wool store that has been erected by Western Livestock and which has been in operation for many years.

Nobody will be inconvenienced at all. All the necessary requirements have been complied with, and the work in question will be of infinite benefit to the State and, of course, to the people employed there. It is as simple as that.

I do not want to labour the point and I commend the Bill most sincerely.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [5.17 p.m.]: I move—

> That the Bill be now read a third time.

THE HON. V. J. FERRY (South-West) [5.18 p.m.]: I would like to thank the Minister for his explanation in regard to the area involved in the removal of the Coogee-Kwinana railway.

I am particularly pleased to hear that the area in question is to be the subject of a very close study for the purpose of providing future recreational facilities which, I am sure, will prove to be an increasing problem as they concern the people of Western Australia; because they will certainly require such facilities within easy reach of their normal residences.

As we know, the area in question is as ideally placed to assist people for purposes of recreation as it is for the establishment of industry; which this Bill seeks to provide. We recognise the necessity for such industry to be established and we appreciate that it will provide jobs and the wherewithal for people to enjoy their leisure hours; but I would like to emphasise and point out that the utmost consideration should be given to providing the maximum facilities for our people in this area, bearing in mind, as we must in our society today, that in our industrial and commercial activities people are working shorter and shorter hours and the necessity for recreational facilities will, accordingly, become more apparent.

I hope when the future of this area is being considered, Parliament will be given an opportunity to make some close study of its ultimate use for the people of the Perth region and also for those who come from other parts of the State to visit the coastal resorts from time to time. I look

forward to the area to which I have referred being thoroughly developed not only with a view to the establishment of industrial facilities but also for recreational purposes.

Question put and passed.

Bill read a third time and passed.

BILLS (2): RECEIPT AND FIRST READING

1. Murdoch University Bill.

   Bill received from the Assembly; and, on motion by The Hon. J. Dolan (Leader of the House), read a first time.

2. Sick Leave Bill.

   Bill received from the Assembly; and, on motion by The Hon. R. Thompson (Minister for Community Welfare), read a first time.

LONG SERVICE LEAVE ACT AMENDMENT BILL

In Committee

Resumed from the 17th May. The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. R. Thompson (Minister for Community Welfare) in charge of the Bill.

Clause 4: Section 4 amended—

The CHAIRMAN: Progress was reported on clause 4 to which The Hon. I. G. Medcalf had moved the following amendment—

Page 2—Delete paragraph (b).

The Hon. I. G. MEDCALF: My amendment merely seeks to correct a grammatical error and it has been moved in order to enable me to discuss paragraph (c); which introduces a new concept into long service leave to the effect that a contractor who has a contract for service is henceforth to be deemed to be an employee within the meaning of the Long Service Leave Act.

I take it clause 4 (c) must be discussed further to make 4 (b) more comprehensible. It covers a person who is working for another person for the purpose of the other person's business under contract for service, as distinct from contract of service for remuneration; the contract being in substance for manual labour and reward based on work done.

This includes any contract of any person engaged in any business in respect of that business for the purpose of manual labour—it includes the building trade or any other commercial business, including farming, transport, or a professional business.

For example, it would include a person who engages to perform contractual services for a farmer, or somebody with a cleaning contract in a city building. As I have said, it includes any person who works for another for the purpose of that other's business in the performance of manual labour and who makes a contract which in substance amounts to a reward based on the work done.

Any contract, of course, amounts to that, because if a person is engaged in some form of manual labour he will make sure he will receive sufficient by way of payment; to which he would be entitled if he were working for wages plus his profit—although profit does not make any difference to this argument.

I pointed out that this contractor—who has been variously described as a subcontractor, but who is in effect a contractor—is an employee under the Long Service Leave Act; and, indeed, as the Minister mentioned, under the Workers' Compensation Act. He is still an employee even though he employs other people and even though he is not a single contractor—he may be a member of a partnership of three or four in a cleaning business or some other business. Such people are treated as employees and are all covered for long service leave even though they have to pay out long service leave for their employees. So the whole thing is very mixed up.

I would like to mention the reason for taking a different view for the inclusion of this type of person—this contractor as an employee—for long service leave, particularly when we compare the provisions of the Workers' Compensation Act.

Under the Workers' Compensation Act this contractor is regarded as an employee. Basically the reason for this is that workers' compensation which covers workers injured through accidents in the course of their employment, or while travelling to and from work, should be extended to those whose contracts sometimes are not covered by insurance. It has been decided quite voluntarily by those connected with workers' compensation, by this Parliament, and as the Minister reminded us by a previous Parliament, that it is fair and equitable for people not covered by workers' compensation to be given the benefits of insurance if they are injured. That is the reason the provision has been included in the Workers' Compensation Act, and not in the Long Service Leave Act. I say this is a different concept altogether.

The clause under discussion governs leave, including long service leave, and other aspects which have nothing to do with insurance or injury at work. For those reasons paragraph (b) should be deleted.

The Hon. R. THOMPSON: Mr. Medcalf has cleared up the misconceptions to which Mr. Clive Griffiths made reference the other night. Mr. Medcalf spoke along the same lines as I did when I gave an explanation as to what a subcontractor was. I was

perfectly correct in what I said. At the time Mr. MacKinnon asked me to discuss it with Mr. Dans.

The Hon. G. C. MacKinnon: My advice to you was that you should discuss the matter with Mr. Dans.

The Hon. R. THOMPSON: It appears that the honourable member and Mr. Dans were in conflict. The points which I put forward are valid. After an examination of the position we find there are cases of persons who have been engaged permanently by the one employer for long periods of time under contracts of service and who, for all practical purposes, are workers.

The case of truck owner-drivers, building trades workers, motor mechanics, and others has been cited. The Bill is intended to include persons who are workers in the ordinary sense of the term but who, because of the legal distinction arising from their contractual arrangements, are precluded from obtaining long service leave entitlements. It is not intended that certain subcontractors who receive contracts and are subcontracting work to others should be covered. Proposed clause 4 (c) (v) makes this clear in that it specifies that the remuneration of the person so working is in substance a return for manual labour bestowed by him upon the work in which he is engaged.

Under this Bill, as in the Act, a worker becomes entitled to long service leave in respect of his continuous employment with an employer, and this includes the transmission of the business. We have debated this aspect on a previous occasion. For that reason the question of a subcontract roof fixer, who moves from one employer to another in short periods of time, does not arise. In other words, he is not covered, and he would not be entitled to long service leave.

A question was raised concerning the entitlement of a subcontract worker who might be contracting with two employers. If he completed qualifying periods under the two employers it was asked whether he would have a claim for long service leave payment from both. The answer is "Yes". Why should he not be entitled to such payment?

A worker ordinarily employed under one award during the day may take a second job under a different award at night. In these circumstances, subject to qualifying periods, his entitlement under both awards is beyond question if he held the two jobs for a period of time. Why should a subcontract worker be differently treated when he works in two jobs? Some people take on two jobs, although I do not agree with that.

The definition in the Workers' Compensation Act is still important because we are not interested in the technicalities raised by Mr. Clive Griffiths. The essential point is the recognised underlying principle which is the status of the worker, determined by reference to his socio-economic position rather than the fine points of law. On this principle it would seem more appropriate to search for a new definition rather than reject the whole measure.

The point was made that workers' compensation is a different matter, because under the Act a worker cannot claim if he takes employment with another employer. How that interferes with the underlying principle just mentioned is not clear. However, the issue may be considered from another angle.

If the subcontractor is killed on the job why should the widow, entitled to claim compensation, be unable to claim any long service leave owing? Probably that is a question which Mr. Medcalf has not taken into consideration.

The labour-only subcontract system was introduced in order to overcome a serious shortage in housing, and not to allow some employers to evade industrial conditions. Unions should have opposed the issue, but did not in the public interest. The system has its advantages for all concerned, but should not be perpetuated at the expense of minimum standards.

In this respect Mr. Clive Griffiths' challenge to Mr. Dans to give the names of three bricklayers working on wages should not go unanswered, for there are 36 such bricklayers currently employed in the Public Works Department.

The Hon. Clive Griffiths: I did not ask him that.

The Hon. R. THOMPSON: These bricklayers prefer the stability of regular employment. Furthermore a large number of bricklayers in private industry are working on the wages plus bonus system.

The Hon. Clive Griffiths: I did not mention bricklayers at all.

The Hon. R. THOMPSON: I might have got the names mixed up. If I have I apologise. One interjection in the debate was to this effect: "Give me the names of three bricklayers employed on wages."

I have tried to present the matter clearly, and I find the definition of "worker" has been confirmed after we had a thorough look at the situation. As a result this advice has been tendered to me. For the reasons I have given I oppose the deletion of paragraph (b), because we are seeking to embody a principle.

In the Committee stage of the Bill on Thursday last Mr. Clive Griffiths made some reference to having worked in a goldmine. The discussion centred on how subcontractors, who moved from job to

job, would be paid. I then made reference to the provision in proposed new section 8 (4) (c), which is as follows—

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

From that we can see the confusion was in the minds of members who opposed the Bill.

The Hon. Clive Griffiths: There was no confusion in our minds.

The Hon. R. THOMPSON: Let me draw attention to the remark which was made by a former Minister for Labour in the previous Government. In handling the amending Bill in another place he said—

> The uncertainty can only be removed by legislating that such workers either are or are not, within the Act. In view of the fact that, as I mentioned almost all such men are really workers anyway . . .

For that reason the Liberal-Country Party Government brought these people within the scope of workers' compensation. Under those circumstances is it not wrong to exclude them from long service leave entitlement? If they are entitled to workers' compensation when they are injured, should they not be entitled to long service leave if they have been doing the same work continuously for one employer over a long period of years?

The Hon. I. G. MEDCALF: The Minister has done a creditable job in chasing a few rabbits into their holes. In his second reading speech last week the Minister made reference to truck drivers employed by the Main Roads Department in the north-west. I do not know whether the Minister has succeeded in chasing that particular rabbit; if he has he will appreciate that owner-drivers employed by the Main Roads Department have always been deemed by that department to be workers. This is covered by clause 37 of the Main Roads Construction and Maintenance Workers' Award, No. 28 of 1955.

The Hon. R. Thompson: Is the reference to owner-drivers?

The Hon. I. G. MEDCALF: The reference is as follows—

> Persons driving vehicles owned by them and hired to the employer shall be deemed "workers" so far as wages and any conditions which are reasonably applicable to them are concerned. The matter of the hiring of the vehicles is to be left entirely between the owner and the employer. Should any owner-driver be dissatisfied with the rate fixed by the local engineer or officer in charge for the hire of his vehicle, such person shall have an appeal to the Board of Reference appointed under this Award.
>
> This would explain how such a person was paid long service leave.

The Hon. A. F. Griffith: That explains how the friend of the Minister got long service leave.

The Hon. I. G. MEDCALF: That award covers owner-drivers employed by the Main Roads Department.

The Hon. R. Thompson: It does not explain the months and months of negotiation involved to get the long service leave.

The Hon. I. G. MEDCALF: Perhaps Mr. Ron Thompson should have had a copy of the award.

The Hon. R. Thompson: I did have a copy of the award.

The Hon. I. G. MEDCALF: Having chased that rabbit back into its hole I have just about covered the position. I would like to refer briefly to the Minister's quote concerning Mr. Bovell and workers' compensation. It is quite true that the previous Government did amend the Workers' Compensation Act and Mr. Bovell undoubtedly said what was claimed by the Minister.

However, it should be made quite clear that there is a world of difference between providing for the dependants of a person not covered by insurance, and the granting of long service leave. In the normal course of events a contractor is no different from an employer. The definition of a contractor could include a partnership of people who, themselves, employ other people.

The Hon. R. Thompson: The honourable member is chasing rabbits down holes now.

The Hon. I. G. MEDCALF: This one came out of the burrow through another exit. Contractors, in the normal sense, are not properly considered to be employees, but they have to be considered as workers or employees because many of them do not insure for workers' compensation. When hardship is caused through an injury, or through death, it is only proper that there should be some insurance provision. That is why the provision was put into the Workers' Compensation Act—to cover dependants. However, there is a world of difference between that provision and the granting of long service leave to a hotchpotch of people who are not employees, but who are contractors. That is the reason I ask the Committee to agree to the deletion of this paragraph.

Amendment put and a division taken with the following result—

Ayes—17

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

Noes—9

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. S. J. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. L. D. Elliott	Hon. D. K. Dans
Hon. J. L. Hunt	*(Teller)*

Pair

Aye	No
Hon. N. McNeill	Hon. W. F. Willesee

Amendment thus passed.

The Hon. I. G. MEDCALF: My next amendment concerns exactly the same subject we have been talking about, and we have, in fact, discussed this question. I move an amendment—

Page 2—Delete paragraph (c).

Amendment put and passed.

The Hon. I. G. MEDCALF: Paragraph (d) proposes to delete the reference to exceptions under the interpretation "employee". The term "employee" is defined in the Long Service Leave Act and it includes a number of types of people, and there are exceptions. The term "employee" at the present time does not include a person who is employed under the provisions of an award or an industrial agreement. The Bill now before us proposes to delete this exception so that a person covered by an award or an industrial agreement, under the Industrial Arbitration Act, will be classed as an employee.

If paragraph (d) is allowed to remain in the Bill long service leave will be prescribed and the matter will be taken out of the hands of the Industrial Commission. I have already indicated I do not believe it is in the best interests of employees that paragraph (d) should remain in the Bill. Therefore, I move an amendment—

Page 3—Delete paragraph (d).

The Hon. R. THOMPSON: It seems quite obvious to me that irrespective of what argument is put forward, whether it is right or wrong, no consideration is to be given to it. There appears to be total opposition to the Bill and, therefore, I cannot see any purpose in debating foregone conclusions. The deletions will render this Bill virtually useless.

It is shameful to think that our Act will not be brought into line with the South Australian Act and grant to workers long service leave after 10 years' continuous service. This applies notwithstanding the fact that the Premier—and I repeat the statement—had a mandate to introduce legislation of this type. I will test the Committee on several clauses but I feel it is useless to continually divide. I oppose the deletion of the paragraph.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5: Section 5 repealed and re-enacted—

The Hon. F. R. WHITE: I draw the attention of the Committee to the word "insure" in line 23. I ask the Minister whether the word should be "ensure" and, if so, would he make the appropriate amendment?

The Hon. A. F. Griffith: The word is obviously meant to be "ensure".

The Hon. R. THOMPSON: I think this matter can be examined by the Clerk. It does appear that the word should be "ensure" but I do not want to be proved wrong.

The Hon. A. F. Griffith: I think it is only a typographical error.

The Hon. R. THOMPSON: If the Committee accepts the further amendments proposed by Mr. Medcalf, it will be necessary to recommit clause 5, because subclause (1) of that clause will be left in a sorry state of disrepair and would not fall in line with the amendments he is proposing.

The CHAIRMAN: I suggest it would be better to amend this clause now instead of coming back to it.

The Hon. R. THOMPSON: If I did that I would be admitting defeat before there has been a division.

The Hon. F. R. White: In just altering "insure" to "ensure"?

The Hon. R. THOMPSON: No. I said I would have that checked, but in the meantime there are further amendments to the clause and it will be necessary to recommit it. Mr. Medcalf might have now picked up what I mean.

The CHAIRMAN: Mr. Minister, do you request the Committee to amend this word or do you want to leave it?

The Hon. R. THOMPSON: I will check on it. This clause will have to be recommitted.

The Hon. A. F. GRIFFITH: Surely the simplest way for the Minister to overcome the obvious spelling error is to ask the clerks to correct the word if it is found to be wrong.

The Hon. R. Thompson: I did say that initially.

The Hon. A. F. GRIFFITH: The Minister did not get the message through to the Chairman.

The Hon. R. THOMPSON: I said I would ask the clerks to have this word checked.

The Hon. I. G. MEDCALF: I have some amendments on the notice paper. The Minister said it may be necessary to recommit this Bill because some words in clause 5 might, in the light of my amendments, be out of context with the other amendments. Perhaps that is correct. This is a very complicated Bill and it has involved a great deal of careful comparison with the 1958 and 1964 Bills.

The proposed new clause 5 varies the original Act in certain respects and is framed in a slightly different way. No doubt the Minister has had advice from his department about the matter which needs correction.

The Hon. R. Thompson: No. I picked it up myself.

The Hon. I. G. MEDCALF: Perhaps I should further examine this matter in detail. I think the words to which the Minister is referring are those in the fourth and fifth lines on page 4—"award, industrial agreement, or"—which are different from the words in the original Act. I suggest we should take time to look at that before proceeding with the further amendments. It might be an idea for someone to suggest we adjourn before we reach the position of having to recommit the Bill.

Sitting suspended from 6.05 to 7.30 p.m.

The Hon. I. G. MEDCALF: Before the tea suspension the Minister drew attention to the fact that if a minor grammatical amendment were not made prior to my proposed amendment, it would be necessary to recommit the Bill if my proposed amendment is passed. I think his comments were meaningful. While this would not affect the actual purport of the Bill, I think it is desirable that before moving my proposed amendment I delete the words "award, industrial agreement, or". Therefore, I move an amendment—

> Page 3, lines 16 and 17—Delete the passage "award, industrial agreement, or".

As I indicated during the second reading debate the principle upon which my amendments are based is that the Act shall continue to apply to employees who are not covered by awards and industrial agreements.

The Hon. L. A. Logan: What about the word "scheme"?

The Hon. I. G. MEDCALF: That word must remain because we are talking about a long service leave scheme, and it appears in the principal Act.

The Hon. R. THOMPSON: I am in a rather invidious position because I tried to help the honourable member in this respect, knowing full well that if his next amendment is carried the proposed new subsection would be left in a silly state because no mention of this is made in the Act. Therefore it would be necessary to recommit the Bill. I oppose the amendment. However, it will have to be made if we want the legislation to be in a correct form when it leaves this Chamber.

Amendment put and passed.

The Hon. I. G. MEDCALF: With regard to my next amendment, I would like to explain that proposed new section 5 provides that the board of reference may exempt an employer from the operation of the Act if it is satisfied that there is an existing scheme conferring long service leave benefits not less favourable than those conferred by the Act. The board may grant exemptions subject to conditions, and from time to time it may add to, vary, or revoke any conditions. The application for exemption may be made by an employer, any party to an award, or an industrial union.

At present the Act contains no provision stating who may apply for exemption. Obviously an employer must be permitted to, as he is the one who is affected. However, there is no justification for application to be made by a party to an award or a union, since the object of the Bill is to place awards and agreements outside the scope of the Act. Therefore, paragraphs (b) and (c) of proposed new section 5 (3) are unnecessary. I move an amendment—

> Page 4, lines 4 to 10—Delete paragraphs (b) and (c).

The Hon. R. THOMPSON: Clause 5 proposes that section 5 of the Act be repealed and re-enacted in order to maintain the powers of the board and to specify existing or proposed awards or proposed agreements as instruments which may confer benefits not less favourable than provided for in the Act, and to specify by whom application for exemption may be made. It is true that at present the Act contains no provision for exemption. However, the deletion of the proposed paragraphs will lessen the powers of the board of reference. If the amendment is passed the board will have no power to grant an application made by a party to any award, industrial agreement, or scheme relating to long service leave; nor will it have the power to grant an exemption applied for by an industrial union. I oppose the amendment, but I think the result is a foregone conclusion.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 6: Section 6 amended—

The Hon. I. G. MEDCALF: I draw the attention of the Committee to the amendments standing in my name on the notice paper. The first two amendments are of a grammatical nature and are necessary in order to allow the third amendment to be moved. Section 6 of the Act defines what

constitutes continuous employment. Employment is deemed to include absence on annual or long service leave under subsection 1 (a); and absence caused by sickness or injury not exceeding 15 working days in any year under paragraph (b).

The Bill seeks to re-enact paragraph (a) so that it also includes public holidays and bank holidays. We have no objection to that. However, in addition the Bill seeks to add a provision to include any period, not exceeding six months or such longer time as the board of reference may determine in a particular case, for which the employee is entitled to receive weekly payments for total incapacity under the Workers' Compensation Act.

As I indicated earlier, workers' compensation is a separate code and has always been regarded as having its own separate provisions for compensating workers who suffer injury or accident arising out of the course of their employment. This is covered by workers' compensation insurance schemes which provide comprehensive benefits under the Workers' Compensation Act.

If an employee is absent for six months or more, then the employer must replace him and must make provision for benefits payable to his replacement, including long service leave. However, if the original employee remains covered for long service leave then the employer must provide long service leave benefits for two employees in respect of the same job. Surely it is reasonable that the injured worker should look to the Workers' Compensation Act for compensation. It may be desirable to amend that Act. For those reasons, I intend to move to delete proposed new subparagraph (iv). However, firstly I must make the necessary grammatical corrections. I move an amendment—

> Page 4, line 12—Delete the passage "paragraphs (a) and (b)" and substitute the passage "paragraph (a)".

The Hon. R. THOMPSON: In order to discuss this amendment one must refer to proposed new subparagraph (iv). Unfortunately, this clause makes reference to the Sick Leave Bill which probably will be introduced here shortly. It is no fault of mine that the Bills were presented in this manner. If we look at the real reason for the proposed amendments to section 6 of the Act in respect of service deemed to be continuous, we find that the proposal follows closely the continuous service provisions put forward in the Sick Leave Bill and provides in subparagraph (iv) that any period, not exceeding six months or such longer time as the board of reference may determine in a particular case, for which the employee is entitled to receive weekly payments for total incapacity under the Workers' Compensation Act, shall count as service. The Government has received a submission from the Law Society of Western Australia in this regard. I am sure Mr. Medcalf will be pleased to hear that.

The Law Society argues that a person injured in the course of his employment should not suffer loss of entitlement up to 12 months or be forced to make up time before qualifying for entitlement. The Government agrees with this submission. A further proposal in clause 6 provides that the terms "calendar year", "sick leave", and "sick pay" have the same meaning as they have in the Sick Leave Bill. This arises from a desire to achieve uniformity in the various pieces of industrial legislation.

I take it that in view of the length of time the Sick Leave Bill has been before another place Mr. Medcalf may have had an opportunity to study its provisions. I therefore think he should give consideration to leaving subparagraph (iv) in this clause.

The Hon. I. G. MEDCALF: I appreciate this is a complicated and difficult piece of legislation. The Minister has referred to those terms which also appear in the Sick Leave Bill. They actually come within the second part of my amendment which I have not yet explained. However, I think I should do so now in view of the fact that the Minister has made reference to it. I was dealing only with paragraph (a) which deals with workers' compensation. As far as sick leave is concerned, the provision in this clause is to delete the existing provision of 15 days in one calendar year which does not interrupt continuous employment.

In actual fact, the clause seeks to delete the existing provision of 15 days and to provide instead sick leave for which the employee is entitled to receive sick pay, and sick leave without pay approved by the employer not exceeding six weeks in any calendar year and to give the same meaning to "calendar year", "sick leave", and "sick pay", as these terms have in the Sick Leave Bill. There is nothing particularly objectionable about these definitions except that this Bill is not yet an Act and has only just been introduced to this Chamber.

The real difficulty about the provision is that it seeks to amend the awards and industrial agreements which contain similar provisions on sick leave to those in the Act; that is, 15 days. Hence it is, in effect, a variation of the awards and consent agreements made by and through the Industrial Arbitration Act and is against the principle we have enunciated—that employees governed by the Industrial Arbitration Act should continue to be governed by that Act and the commission should not have Parliament make its judgments for it. It is for that reason that I am moving these amendments.

Amendment put and a division taken with the following result—

Ayes—17

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

Noes—9

Hon. D. K. Dans	Hon. R. T. Leeson
Hon. S. J. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. L. D. Elliott	Hon. R. F. Claughton
Hon. J. L. Hunt	*(Teller)*

Pair

Aye	No
Hon. N. McNeill	Hon. W. F. Willesee

Amendment thus passed.

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

Page 4, line 14—Delete the word "paragraphs" and substitute the word "paragraph".

Amendment put and passed.

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

Page 4, line 23—Delete subparagraph (iv).

Amendment put and a division taken with the following result—

Ayes—17

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

Noes—9

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. D. K. Dans	Hon. R. H. C. Stubbs
Hon. S. J. Dellar	Hon. R. Thompson
Hon. J. Dolan	Hon. L. D. Elliott
Hon. J. L. Hunt	*(Teller)*

Pair

Aye	No
Hon. N. McNeill	Hon. W. F. Willesee

Amendment thus passed.

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

Page 4, line 32—Delete paragraph (b).

The Hon. R. THOMPSON: It would be futile for me to take up the time of the Committee to argue this amendment because this was the clause that was deemed to put forward the duties for new categories of employees. These provisions are most necessary for the proposed extension of this legislation to all employees. Further, in view of the fact that clause 4 has been wiped out it would be ridiculous for me to divide the Committee on this amendment.

The further I proceed with this Bill the more I find how regimented the Opposition is in opposing any improvements in the working conditions of workers, and when we reach clause 8 I will tell the Committee a little more about that.

The Hon. A. F. Griffith: When the Minister introduces a Bill it is quite all right, and when we oppose it he considers that we are regimented against it. However, there is no party better regimented than the Minister's.

Amendment put and passed.

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

Page 5, line 5—Delete subclause (b).

Amendment put and passed.

Clause, as amended, put and passed.

Clause 7: Section 7 amended—

The Hon. I. G. MEDCALF: Section 7 refers to the date of commencement for the purpose of long service leave. Employment commences on the day the employee was first employed.

The amendment proposes to add new subsections (1a) and (1b) to cater for those additional groups added by the Bill; namely, contractors and subcontractors and persons already covered by awards and industrial agreements. This is a transitional provision which has no meaning if the additional groups are not to be added, and therefore it should be deleted.

Likewise paragraph (b) simply refers to persons covered by awards or industrial agreements, and the same reasoning applies. Hence I ask the Committee to vote against the clause.

Clause put and negatived.

Clause 8: Section 8 repealed and reenacted—

The Hon. I. G. MEDCALF: Section 8, inserted by the 1964 amendment, provides for entitlement of employees to long service leave benefits. An employee is entitled to long service leave on ordinary pay in respect of continuous employment with one and the same employer or transmittee. The present law provides for 13 weeks' long service leave after 15 years' continuous service and eight and two-thirds weeks for each additional 10 years, and it provides various transitional provisions in relation to employment which commenced before the 1st October, 1964; that is, the existing provision.

The amendment in the Bill creates an entitlement to the aggregate amount of long service leave credited to an employee not previously entitled after he has completed seven years' continuous employment in certain circumstances; for example, death or termination of employment. An employee previously entitled may have long service leave credited to him when

the aggregate amount reaches nine weeks. Then in the clause follow various transitional provisions for three periods, the first one being up to the 1st October, 1964, when the period was 20 years; the second being for the period from the 1st October, 1964 to the 1st October, 1972, when the period was 15 years; and the third being after the 1st October, 1972 for which the Bill proposes that the period should be 10 years and provisions governing award personnel and provisions to prevent doubling up of long service leave.

Those are the provisions and all of them are irrelevant if we accept the argument that circumstances do not warrant Parliament giving the judgment of or directions to the Industrial Commission. Hence I ask members to vote against the clause.

The Hon. R. THOMPSON: I think all the second reading speeches hinged on the provisions of this clause because, as rightly pointed out by Mr. Medcalf, this is the governing clause of the Bill. The honourable member said that neither he nor his party was opposed to the principle of extending long service leave providing it was done by the Industrial Commission. I do not accept that argument because precedent exists in Australia for this type of legislation. It has been enacted in South Australia with 16 Opposition members and four Government members. However, even the Opposition in that State realised the benefits which would accrue to all workers. Although it was said by the employers that at the following elections the Government would be defeated, it was returned with the largest majority a Labor Government has ever had in South Australia.

In all probability the Opposition has had discussions with the Employers Federation and I would be telling a lie, which I am not in the habit of doing, if I said I had not had discussions with representatives of the Trades and Labor Council.

The Hon. G. C. MacKinnon: We had discussions with the Employers Federation and with the T.L.C.

The Hon. R. THOMPSON: The Opposition did not have discussions with the T.L.C. The Opposition listened to the T.L.C. and then wiped it off.

The Hon. A. F. Griffith: Were you there?

The Hon. R. THOMPSON: No I was not.

The Hon. A. F. Griffith: Then how do you know what happened?

The Hon. R. THOMPSON: Only by what I was told.

The Hon. G. C. MacKinnon: Would you believe what I said?

The Hon. R. THOMPSON: Yes.

The Hon. G. C. MacKinnon: We had discussions with the T.L.C. We listened patiently and we did not wipe them off.

The Hon. R. THOMPSON: Mr. MacKinnon says Opposition members did not wipe off the T.L.C., but they voted against every clause.

The Hon. G. C. MacKinnon: They failed to convince us, the same as the Employers Federation did not convince you.

The Hon. R. THOMPSON: The T.L.C. did not fail to convince the Opposition. The Employers Federation convinced it.

The Hon. A. F. Griffith: No.

The Hon. G. C. MacKinnon: The point is that we did have discussions with both sides.

The Hon. R. THOMPSON: Members of the Opposition may have listened to the T.L.C., but they did not take any notice and were not prepared to consider the propositions put to them.

The Hon. G. C. MacKinnon: You were not there.

The Hon. R. THOMPSON: If consideration had been given to the propositions of the T.L.C., this Bill would have been treated justly instead of all its provisions being wiped out with only its framework being left.

Referring back now to Mr. Medcalf's speech which I described as glossy when I replied to the debate, can members of the Liberal Party really give us an assurance, in conjunction with the Employers Federation from whom they have taken their instructions this time—

The Hon. A. F. Griffith: There were no instructions.

The Hon. J. Heitman: Did you talk to the Employers Federation?

Withdrawal of Remark

The Hon. A. F. GRIFFITH: I do not think that remark should be allowed to be left on the record. Members of the Liberal Party have taken no instructions from anyone and I ask the Minister to withdraw his remark.

The CHAIRMAN: Will the Minister withdraw the remark?

The Hon. R. THOMPSON: Yes, I will withdraw it.

Committee Resumed

The Hon. R. THOMPSON: However, lo and behold if I hear a reference from the other side of the Chamber in future—

The Hon. A. F. Griffith: "Lo and behold". Are you threatening or what?

The Hon. R. THOMPSON: I will get on my high horse then, and particularly with the Leader of the Opposition.

The Hon. A. F. Griffith: You are just longing for a fight, aren't you?

The Hon. R. THOMPSON: Any time the Leader of the Opposition wants to provoke me.

The CHAIRMAN: Order!

The Hon. A. F. Griffith: You do not need any provocation.

The CHAIRMAN: Order! Will the Minister please adhere to the subject before the Chair.

The Hon. R. THOMPSON: I would like an assurance now that if an application is made to the Industrial Commission for the benefits contained in the Bill, such application will not be opposed.

The Hon. A. F. Griffith: Opposed by whom?

The Hon. G. C. MacKinnon: Certainly not by the Liberal Party.

The Hon. R. THOMPSON: By the employers.

The Hon. G. C. MacKinnon: We cannot speak for the employers.

The Hon. R. THOMPSON: The Opposition has been speaking for them—

The Hon. G. C. MacKinnon: For the Liberal Party.

The Hon. R. THOMPSON: The Opposition has been speaking for the employers. Had it not been doing so it would have seen the justice in the Bill and particularly in this clause which alters the whole composition—

The Hon. G. C. MacKinnon: If I remember all the speeches correctly, the substance of clause 8 was not discussed, but only the principle of taking jurisdiction away from the commission. As a matter of fact, as I recall it, Mr. Medcalf did not say he was for or against it.

The Hon. R. THOMPSON: I take it that members of the Opposition would not be prepared to give an assurance that if an application were made to the court for the benefits contained in clause 8, the employers would not oppose it.

The Hon. G. C. MacKinnon: Of course we cannot speak for them.

The Hon. R. THOMPSON: We have heard it said that the right way to go about the matter is to allow the Industrial Commission to deal with it.

The Hon. G. C. MacKinnon: You know that if the commission brings down a decision, that is the law, and that's it.

The Hon. R. THOMPSON: The Employers Federation would be the first to oppose such an application.

The Hon. G. C. MacKinnon: That may well be. The members of that federation would discuss it for themselves.

The Hon. R. THOMPSON: That is the reason for the opposition to the Bill.

The Hon. G. C. MacKinnon: The opposition was clearly stated by Mr. Medcalf.

The Hon. R. Thompson: How was it clearly stated?

The CHAIRMAN: Order! Mr. Dans.

The Hon. D. K. DANS: I want to use the Committee stage to make some comment on the emasculation of a Bill which was promised by the Premier in his policy speech to give a certain benefit to a wide range of the people of Western Australia. The Bill has been pulled to pieces and is no longer of any value. What the Opposition has left of the Bill is nothing more than a smoke screen.

The Hon. R. Thompson: Absolutely.

The Hon. D. K. DANS: In reference to another Bill in another place, a member of the Liberal Party said that virtually the only thing left of that Bill was the full stop. The same applies to the Bill before us.

I do not want to canvass the position of who is and who is not regimented, but I would be remiss if I did not reach the conclusion that if members of the Opposition parties are not regimented then certainly, on this Bill, they are acting like a troop of well-trained performing seals.

The CHAIRMAN: Order! The honourable member will confine his remarks to the clause under discussion; that is, clause 8.

The Hon. D. K. DANS: I am confining my remarks to clause 8 because, in my opinion, it is the key clause of the whole Bill.

The Hon. R. Thompson: It is the Bill.

The Hon. D. K. DANS: Yes, it is the Bill—nothing more and nothing less. A great deal has been said by members on both sides of the Committee about applications to the commission. We have been trying to solicit what the commission would do with clause 8.

Let me say here and now there will be no applications to the commission because there cannot be. Before the commission rules on clause 8, or any other clause in the measure, there must be consent; it is as simple as that.

I have high regard for Mr. Medcalf's legal knowledge and I am sure he knows the mammoth task with which the commission would be entrusted—as well as that with which the Trades and Labor Council or unions acting on their own motion would be confronted—in trying at least to adjudicate and bring down a decision on long service leave. In the first place, the commission would be creating industrial history as well as legal history. Whether clause 8, or any other clause in the measure is under discussion, it is an undeniable fact that long service leave is a Statute law. It

emanated by Statute and has remained a Statute up to the present time in South Australia.

Let us consider only clause 8. Suppose an application were taken to the commission, what action would the unions follow? An extremely eminent judge once said that we will only receive from arbitration courts or industrial commissions those conditions for which we fight outside of the court or commission. That is a truth.

What are we doing? We are sending up smoke screens. Perhaps with the best intentions in the world, we are confusing the issue. If we cannot legislate on a matter such as this—and I refer particularly to clause 8—we should not be able to legislate on any other matter which comes into this Chamber.

The Hon. R. Thompson: That is absolutely right.

The Hon. D. K. DANS: This leads me to ask the question: Are members of the Opposition afraid to legislate on social reform? Would it be correct to say that members of the Opposition have received some assurance from the Employers Federation that that body will initiate discussion, on its own motion, so that this matter may be consented to at an early stage? If this is so, perhaps the commission, having once had the proposition in its hands, could make the necessary amendments and changes to give effect to it.

Whether the Committee deletes clause 8 or leaves it in, the facts are, as I said in my second reading speech, that long service leave will not flow to the people in the not too distant future. I would bet any member of this Chamber that we will not have in Western Australia within the next two or three years long service leave of a type that applies to the people generally in South Australia.

The Hon. G. C. MacKinnon: You are almost implying that no-one in the State receives long service leave of this type now, but you know they do.

The Hon. D. K. DANS: I can tell the honourable member that there are wage employees in this State who had long service leave granted to them by Statute—after seven years service—years ago by this Parliament.

The Hon. G. C. MacKinnon: You are changing the subject.

The Hon. D. K. DANS: I am not. I suggest the honourable member should listen to his own remarks because he is a person who falls into the trap of believing his own propaganda. That is a very dangerous situation to be in.

The Hon. R. Thompson: How did the public servants receive long service leave?

The Hon. D. K. DANS: I have been accused of interjecting on other members while they are speaking. Members may interject on me as much as they wish. However, I notice a member could not hear another member speaking the other day because of my incessant interjections.

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

The Hon. D. K. DANS: What is left of the measure is not worth the paper it is printed on. I hope that the organised trade union movement of this State will use its strength and resources to let the people whom the legislation would affect—people in the north-west and in other places—know the full story of the emasculation of the measure. It is the duty of that movement to do this—not mine. The trade union movement should use every means at its disposal to bring this matter to a head because that is the only way it will be brought to a head.

I did not think I could see something like this happen in the Parliament. I have now seen it and in the future I will believe that anything is possible.

The Hon. R. Thompson: The longer the honourable member stays in the Chamber the more he will see it.

The Hon. D. K. DANS: I do not know of anyone in Australia, on the employers' side, who would come to the negotiating table and say, "You are not getting a thing". This is simply what has been said tonight. It would have been far more moral and honest for the Opposition parties in this Chamber to have denied the Bill a second reading.

The Hon. R. Thompson: I challenged them to do that.

The Hon. D. K. DANS: We would then know where we stood. After a couple of days of debate we are left with a scrap of paper which says nothing at all. Perhaps some people will argue that it says something but it says nothing. This Chamber is simply saying, "We will not legislate because we do not think we are able to". Opposition members say that application should be made to the Industrial Commission, while knowing full well that the commission will not receive an application and adjudicate upon it. Opposition members suggest that approaches should be made to the Employers Federation. It has been said that the matter should be talked out but, if it is not, it will be a case of winding up the old coffee grinder and going through all the actions which are necessary before receiving consent.

I am also amazed that the amendment names the Employers Federation as the alpha and omega of industrial matters.

The Hon. I. G. Medcalf: And the Trades and Labor Council.

The Hon. D. K. DANS: I have heard rumblings in the commercial community that the Iron Masters' Federation or the metal trades people may move in and set up their own organisations in the not too

distant future. If this happens, who will then be the leading light on the employers' side? The Opposition is taking too much for granted in naming the Employers Federation.

There is not too much left in the measure barring the paper on which it is written, for what that is worth. Maybe the "full stop" has been left. If the Committee deletes clause 8 in its present form we may as well tear up the measure and use it as confetti or save it to use as bandages when the impending industrial confrontation takes place.

The Hon. I. G. MEDCALF: I have been asked one or two questions which I propose to answer. The Minister wanted me to give an assurance—I think he addressed his question to me—that the Liberal Party and the Employers Federation would put forward some policy on long service leave.

I am sure the Minister knows that I do not habitually speak for anyone unless I am authorised or entitled to speak for that person. I would not, for example, speak for the Minister and I take great care not to speak for anyone who has not authorised me to do so.

I meant every word I said during my second reading speech and I am sure the Minister accepts my statement that I am in favour of long service leave. I meant every word I said when I stated that the Liberal Party also believes in long service leave. There is no shadow of a doubt that the Liberal Party subscribes to long service leave and to the existing arrangement in this State that all employees—whether or not they are members of a union—are entitled to receive 13 weeks' long service leave after 15 years' continuous service. This is the law in this State, either by virtue of the Long Service Leave Act which governs nonaward employees or by consent agreements between the Employers Federation and the T.L.C., or by awards made by the Industrial Commission.

I give the assurance that so far as I am personally concerned—and I also believe the Liberal Party would give the same assurance—I would cheerfully submit the names of other organisations if the suggestion made by Mr. Dans should materialise. The law in this State is by agreement between the T.L.C. and the Employers Federation at the moment. Mr. Dans believes that some other group will take over the duties of the Employers Federation or the T.L.C. I have no reason to believe that this is likely to happen.

The Hon. D. K. Dans: I did not say that and I do not believe it.

The Hon. I. G. MEDCALF: The honourable member suggested that, in future, we might have to deal with a group other than the Employers Federation.

The Hon. D. K. Dans: The honourable member knows the situation in other States. The Employers Federation does not speak for everyone.

The Hon. I. G. MEDCALF: If any member of the Committee or of the public believes that any other group is likely to take over—and can convince me—I will cheerfully submit the names of those organisations as I have suggested the Employers Federation and the T.L.C.

The Hon. D. K. Dans: I did not say anyone was going to take over anyone else.

The Hon. I. G. MEDCALF: I am sorry; I thought Mr. Dans implied that at some future time the Employers Federation may be taken over by the metal trades group.

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

The Hon. I. G. MEDCALF: In that case, I will not persist with that comment.

The Hon. L. A. Logan: Mr. Dans said another organisation might be set up.

The Hon. I. G. MEDCALF: To answer the Minister's question, I give a positive assurance—and I believe I may speak for the Liberal Party—that court arrangements between representative bodies of the employers and the unions in this State, so far as long service leave is concerned, will receive my personal endorsement. I believe in long service leave which is part of Liberal Party policy.

We must straighten out this matter lest we get our wires crossed, which I am sure we do not want. There is a different principle involved between the Minister's party and my own in respect of this matter. The difference in principle is that the Minister believes this is a fitting subject for legislation. I believe that at the present time we should not take this jurisdiction out of the hands of the Industrial Commission. This was the point of my earlier comments. We believe there is no such pressing need for a change in the long service leave requirements at the present time as to insist that the Parliament take it out of the hands of the Industrial Commission and give the Industrial Commission a direction as to what it is to do in connection with long service leave.

Once again, I may have misunderstood Mr. Dans, but I understood him to say that the Industrial Commission is not competent to award long service leave.

The Hon. D. K. Dans: No.

The Hon. I. G. MEDCALF: Apparently I misunderstood Mr. Dans once again. I assure members, who may harbour that idea, that the Industrial Arbitration Act makes it perfectly clear that the Industrial Commission, in court session, is in fact competent to award long service leave. It comes quite clearly within the definition of

an industrial matter within the Industrial Arbitration Act, 1912, as amended. There is no doubt about that.

It is entirely up to the commission whether or not it makes a finding. I readily agree that each award from 1958 to 1964, was a consent award. However, in the last five years there has been only one application for a variation in long service leave conditions. That application was made by an iron workers' organisation in Perth following a decision in 1967 varying the long service leave provision for iron workers in the north-west. The Minister told us this the other day in reply to a question. In the 1967 application, long service leave was granted after 10 years' service.

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

The Hon. I. G. MEDCALF: It was granted by the Industrial Commission. I hope members appreciate this means that the commission not only has the power to do this, but it has already done so in one case. There may well be other classes of workers in particular industries or in arduous employment who would be entitled to this provision tomorrow if they made application.

The principle I attempted to enunciate earlier is that we are not opposed to long service leave, if granted by agreement or by action of the commission. We also believe that the benefits should flow on automatically to employees not covered by awards. We are not simply voting by rote as Mr. Dans said. We believe a principle is at stake. This is not an opportune time to take the issue out of the hands of the Industrial Commission in view of the great lack of pressure for any variation in the awards.

I realise, Mr. Chairman, you have extended some leniency to me, as well as to other members. I thank you for this. However, we are dealing with clause 8, and I ask the Committee to vote against it.

The Hon. R. THOMPSON: I do not want to lengthen this debate any further than necessary. We are in serious danger of creating a situation in Western Australia where we have no arbitration and conciliation system at all. We are using double standards and separating different groups of people.

As I said at the outset, the intention is to bring all workers into line with the Civil Service in regard to long service leave. It has been said that the Seamen's Union, the Waterside Workers' Federation, and other large industrial organisations throughout Australia have negotiated for long service leave. However, if we informed members of the Civil Service in Western Australia that they will be granted 13 weeks' long service leave for 15 years' service, we would not be able to enter Parliament House because of the thousands of people crowded around it.

The person in the lower income bracket usually works much harder physically than, say, civil servants—and I do not mean to take anything away from any person who is receiving improved long service leave conditions through negotiation or through Statute. If we continue as we have in the past, we will find the unions will amalgamate and we will be left without a State arbitration system. The blame for this will lie with this Chamber. The Opposition has tonight given us a wonderful demonstration of solidarity. It believes that workers should not obtain any benefits, even though the Premier was given a mandate to introduce this legislation. I believe further debate on this clause is futile.

The Hon. D. K. DANS: I must be careful to relate my remarks to clause 8. However, I wish to correct Mr. Medcalf about some of the remarks he attributed to me. I believe this was a genuine misunderstanding.

Firstly, I did not say that someone would take over from the Employers Federation. I said that another organisation could be set up in Western Australia to look after the interests of the people not covered by the Employers Federation. This happens in the other States.

The Hon. G. C. MacKinnon: Do you mean as well as?

The Hon. D. K. DANS: Yes.

The Hon. G. C. MacKinnon: Of course you did not make that clear enough.

The Hon. D. K. DANS: I will take some advice from Mr. MacKinnon on this occasion.

The Hon. G. C. MacKinnon: I do not mind being helpful.

The Hon. D. K. DANS: I could hardly see the ironmasters' organisation acting for the local storekeepers.

I do not think the Opposition has made out a genuine case. On the last occasion he rose, Mr. Medcalf introduced a new note. He said, "We do not think the time is opportune". I cannot recollect his using that phrase previously, so one can assume only that whilst at present the time is not opportune to legislate in this Chamber or in some other place, at some future date it could be opportune.

I cannot emphasise this point enough—a number of agreements have been made by consent. At no time did I say that the State Industrial Commission was not competent to handle the matter. In my second reading speech I clearly stated that State arbitral tribunals, across the length and breadth of the land, have made it abundantly clear that they do not wish to take this matter upon themselves. For various constitutional reasons, up to a certain time the Commonwealth did not have the power to do so.

The Hon. I. G. Medcalf: That has nothing to do with it.

The Hon. D. K. DANS: No. The States are competent to handle the matter, but nobody can deny that until now they have never picked up the gauntlet. These tribunals would rather have agreements presented for consent, and it is pretty obvious to me why this is so—perhaps the reasoning is sound.

If the tribunals made sweeping decisions as courts, we may be here enacting different legislation.

Let me make it clear: clause 8 is about the only important matter remaining in the Bill. If we vote against the clause, the question of long service leave will be back in the jungle—exactly where we do not want it to be.

The Hon. R. Thompson: That is the intention of the Opposition.

The Hon. D. K. DANS: It does not matter very much whether the court has received one application or a thousand in the last five years, one year, six months, or five minutes. Generally, the courts do not hear long service claims by way of application. When the parties consent to an agreement they will take up the matter and give it the imprimatur of the court.

In this Chamber we are faced with the alternative of leaving something in the Bill or leaving the issue as it now stands. I do not know a great deal about State arbitral processes, but I had experience on one occasion in regard to some tugs at Port Hedland. Because of the State iron ore agreement, to which Mr. Medcalf referred, the tug boat owners who at that time were part of the Commonwealth Steamship Owners Association and were operating under a different award, requested better conditions. The tugboat owners were told they would not get this, and as a result all the tugs in Port Hedland stopped work. It was about a week before a commissioner could get to Port Hedland, and three days were taken up with arguing backward and forward. The commissioner was implored to make a decision because of the build-up of ships outside the port. Agreement was finally reached; I do not know whether this was because of the build-up of ships or the extremely hot weather. I make the point that this is the alternative to legislation unless people in good faith set about negotiating right now.

To accept such an alternative would be a tragedy, not only for the people who will be affected, but also in the interests of Western Australia. This Chamber, which finds itself so competent to legislate on the question of daylight saving, beekeeping, bingo, and dog racing, does not find itself competent to legislate on a very human problem—a problem which will cause a great deal of heartrending, hatred, and disputation if people cannot reach consent agreements quickly.

I have a little experience in this field, and I feel that we will have trouble in the future if the legislation is not passed. The blame for this will lie clearly with the members of this Chamber. I commend clause 8 to the Committee and I hope members will vote to retain it.

The Hon. G. C. MacKINNON: I believe we will all agree that Mr. Dans' reputation as an advocate is obviously well earned. However, I feel one or two implications in his advocacy of clause 8 ought to be corrected. He implied that the passing of clause 8 will resolve the situation in relation to long service leave once and for all, and it will be removed from the area of disputation. That is not true.

All it does is follow the rest of the Bill, and the rest of the Bill changes it from a pick-up provision to one of total application. It sets a minimum standard for everybody; a minimum standard below which they cannot fall. This is clear and has been agreed upon. Mr. Dans has suggested, and I say he is wrong, that there is nothing that would preclude any union or any group of unions—or indeed the iron masters to whom Mr. Dans referred—from approaching the Industrial Commission and saying they agree that their people should have long service leave at the end of eight years, after which the whole thing would start again.

Mr. Dans seeks to imply we are denying everybody this right, or refusing to solve this problem. This of course is not true.

The Hon. D. K. Dans: I am talking about the future.

The Hon. R. Thompson: You must realise that the moment there is no 10-year qualification period it will conflict with the Commonwealth, and there would soon be no system.

The Hon. G. C. MacKINNON: The Minister now wants to bring the Commonwealth into this. We have already seen the efforts of the Commonwealth to subvert or by-pass the Australian Constitution in a number of ways.

The Hon. R. Thompson: They are not getting around it.

The Hon. G. C. MacKINNON: We are dealing with the State system.

Point of Order

The Hon. D. K. DANS: On a point of order, Mr. Chairman, at no time did I suggest that I wanted to turn the State arbitral system over to the Commonwealth.

Committee Resumed

The Hon. G. C. MacKINNON: An examination of my words will show that I did not suggest Mr. Dans wanted to turn the State arbitral system over to the Commonwealth.

The Hon. R. Thompson: I made a statement of what would be factual in a few years' time.

The Hon. G. C. MacKINNON: The Commonwealth wants to control everything over which the State has jurisdiction. It is not true for Mr. Dans to say that all future disputation on long service leave will be prevented if we agree to clause 8 going through.

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

Clause put and a division taken with the following result—

Ayes—9

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. S. J. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. L. D. Elliott	Hon. D. K. Dans
Hon. J. L. Hunt	*(Teller)*

Noes—17

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

Pair

Aye	No
Hon. W. F. Willesee	Hon. N. McNeill

Clause thus negatived.

Clause 9: Section 9 amended—

The Hon. I. G. MEDCALF: Section 9 of the Act provides for the actual taking of long service leave which must be taken as soon as practicable after it becomes due except where otherwise agreed. Clause 9 of the Bill contains consequential amendments which are entirely dependent on clause 8 which has already been deleted. Accordingly clause 9 should also be deleted, otherwise the whole thing is meaningless.

Clause put and negatived.

Clauses 10 and 11 put and passed.

New clause 9—

The Hon. I. G. MEDCALF: I move—

Page 6—Insert the following new clause to stand as clause 9—

9. The principal Act is amended by adding after section 8 a new section as follows—

8A. Notwithstanding any other provision in this Act in the event of an agreement between the Western Australian Employers' Federation (Incorporated) and the Trades and Labor Council of Western Australia or a determination of the Commission in Court Session varying from time to time any of the provisions for qualifications or entitlement to long service leave as contained in volume fifty-two of the *Western Australian Industrial Gazette* at pages sixteen to twenty-one, both inclusive, for the majority of awards which those provisions have been incorporated in and form part of, the qualifications and entitlement of employees to long service leave shall forthwith thereafter be varied accordingly.

The new clause provides that should there be agreement between the Employers Federation and the Trades and Labor Council or a determination by the Industrial Commission which has the effect of varying any of the provisions in respect of qualifications or entitlement to long service leave as set out in the relevant authority— the *Industrial Gazette*, volume 52 at pages 16 to 21 inclusive—which affects the majority of awards in which the provisions are at present incorporated, the employees who are not covered by law for long service leave shall be immediately so covered. In other words the new clause provides an automatic and immediate flow-on of long service leave benefits to persons who are not governed by laws, and to those under Federal awards which do not contain similar long service leave provisions.

New clause put and passed.

Title put and passed.

Bill reported, with amendments.

SUPERANNUATION AND FAMILY BENEFITS ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. J. Dolan (Leader of the House), read a first time.

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [8.58 p.m.]: I move—

That the Bill be now read a second time.

The purpose of the Bill now before members is to amend those provisions of the Superannuation and Family Benefits Act which deal with the Provident Account established by that Act. The amendments sought are consequent upon recent rulings given by the Commonwealth Commissioner of Taxation concerning the deductibility for income tax purposes of certain types of contributions to the Provident Account.

There are three different categories of contributions payable to the Provident Account under the present Act, which are as follows—

Contributions under section 83C at the rate of 5 per cent. of salary by persons who are, for medical reasons or because of limited service, unacceptable for membership of the superannuation fund;

Contributions under section 83B at the rate of 5 per cent. of salary by a female employee who chooses the provident account as an alternative to the superannuation fund; and

Voluntary contributions under section 83AB paid over periods of five years by employees, male or female, basically as an additional means of saving; these contributions are in many cases being paid in addition to ordinary superannuation contributions or, in the case of some female employees, beyond the ordinary rate of 5 per cent. of salary.

Contributions in the third category are absolutely voluntary, attract interest, and may be withdrawn at intervals of five years so long as regular fortnightly contributions have been made throughout each interval of five years. On the other hand, contributions in the first and second categories—that is, by persons unacceptable for membership of the Superannuation Fund or by female employees electing to contribute to the Provident Account as a condition of service and as an alternative to the Superannuation Fund—are not withdrawable, generally speaking, while the contributor continues to be an employee.

Until recently, the Commonwealth taxation authorities have treated contributions to all categories as deductible for income tax purposes, but after investigations conducted over the past 18 months they have advised that contributions in the third category, being purely voluntary and withdrawable, will not be treated, after the 30th June, 1973, as deductible. Contributions in the first two categories will, subject to some minor amendments being effected to the rules of operation of the second category, continue to be deductible as in the past.

It is obvious that the new ruling, which will withdraw deductibility for income tax purposes for the voluntary contributions to the Provident Account, would markedly affect the attractiveness of that account to contributors. Moreover, at the same time as the Provident Account was being investigated by the taxation authorities, a re-examination was also made by the Superannuation Board of the purpose which the voluntary section of the Provident Account was serving in present circumstances, and, of course, of the purpose it might continue to serve if contributions to it ceased to be deductible.

At present, interest at the rate of 5½ per cent. is paid on voluntary contributions to the Provident Account. This rate is, of course, somewhat below rates of interest offering for moneys on deposit with private institutions and credit unions, either on call or on very short term. While Provident Account contributions are deductible for income tax purpose, the real return to contributors to the Provident Account is doubtless better than that given by most other avenues of investment, but once the taxation deduction is removed the Provident Account would not appear to offer any real attraction to voluntary contributors.

Moreover, members will be aware that in recent years the Superannuation Fund provisions of the Act have been extensively amended, providing, in general terms, for a very substantial range of reserve units well in excess of their actual current entitlements. These reserve units are primarily intended for use when salary increases occur as members are approaching retirement, when the reserve units are, in effect, converted to ordinary units, thus enabling optimum pension benefits to be obtained at a cost which is staggered throughout the working life of the member.

For this reason the board feels that the Provident Account has ceased to serve one of its previous aims: namely, of enabling contributors to the Superannuation Fund to build up a reserve of moneys which could be applied to meet the cost of units of superannuation which often become due for subscription shortly before retirement at very substantial cost.

There is, of course, another very important aspect of the present problem. As mentioned earlier, voluntary contributors to the Provident Account were obliged to make regular contributions over periods of five years before contributions could be discontinued or any moneys withdrawn. It is felt that contributors, presently part of the way through a five-year period of contribution should not be obliged to continue for the whole of the period of five years when one of the benefits derived from their contributions—namely, taxation concessions—is withdrawn.

For all of these reasons the board has recommended that section 83AB of the present Act be repealed and re-enacted in terms which absolutely terminate any right and/or obligation to contribute voluntarily to the Provident Account as from the 1st July, 1973. Moneys standing to the credit of voluntary contributions to the Provident Account will be refunded, together with interest thereon, during the course of the 1973-74 financial year.

There then remains only the question of certain female contributors to the Provident Account. In this respect, the Commissioner of Taxation has advised that female employees who contribute at the rate of 5 per cent. of salary to the Provident Account in order to comply with a condition of service will continue to be granted taxation concessions under section 82H of the Commonwealth Income Tax Assessment Act on their contributions.

However, there are many female employees in instrumentalities outside the Public Service—for example, female teachers employed by the Education Department—who have voluntarily contributed to the Provident Account in order to make some provision for retirement. Under the

present Act, since the latter class of female employee does not contribute strictly as a condition of service, the contributions are withdrawable after five years; and it is the right to withdraw which will, from the 1st July, 1973, deny them taxation concessions for their contributions unless some alteration is made to the rules.

In order to ensure that all female employees who wish to contribute at the rate of 5 per cent. as provision for retirement will continue to receive taxation deductions for their contributions, it is proposed to make an amendment to section 83B of the Act to ensure deductibility for contributions made by such female employees.

Under the proposed amendments there will be three new restrictions. Firstly, female employees who are members of the Superannuation Fund will not be entitled to contribute or to continue to contribute to the Provident Account in addition to the Superannuation Fund. Secondly, female employees will not be permitted to contribute at a rate in excess of 5 per cent. of their salary. Thirdly, female contributors will not be able to withdraw any contributions made after the 1st July, 1973, to the Provident Account while they continue in service, except where they elect to join the Superannuation Fund and their contributions to the Provident Account are more than sufficient to meet arrears of contributions to the Superannuation Fund. In these circumstances the excess contributions will be paid to them.

Naturally, any female employees who are presently contributing to the Provident Account but who become ineligible on the 1st July, 1973, to continue to so contribute because they are also contributors to the Superannuation Fund, will be given an unqualified right to withdraw all moneys standing to their credit in the Provident Account, together with interest thereon.

Female employees who are not members of the Superannuation Fund, and who are therefore entitled to continue to contribute to the Provident Account, will be entitled to withdraw all moneys paid prior to the 1st July, 1973, less any proportion thereof that may have been contributed as a condition of service.

It is necessary to make all those changes to section 83B in relation to the rights of female employees to contribute to the Provident Account in order to ensure that those female employees who have relied on the Provident Account as the only means of provision for retirement will continue to receive taxation deductions for their contributions.

It will be seen that the Bill deals solely with the Provident Account, and, even then, only with such aspects thereof as are affected by the new ruling given by the Commissioner of Taxation. Other amendments to the Superannuation and Family Benefits Act are under consideration, and legislation designed to implement those other amendments is expected to be introduced in the second part of the present session.

I commend the Bill to the House.

Debate adjourned, on motion by The Hon. F. D. Willmott.

SICK LEAVE BILL

Second Reading

THE HON. R. THOMPSON (South Metropolitan—Minister for Community Welfare) [9.10 p.m.]: I move—

That the Bill be now read a second time.

The main purpose of the Sick Leave Bill is to introduce a minimum entitlement for all workers when absent from work through sickness and to allow unlimited accumulation of unused accrued leave.

The entitlement to leave proposed in the Bill is one-sixth of the hours ordinarily worked per week, for each month of continuous service; or expressed in another way, two weeks per year at a rate equal to that which the worker would have been paid for the ordinary hours he would have worked had he not been absent from work.

In the case of the majority of workers the practical effect of this entitlement will be to double the number of days allowed per year with pay and, for those workers whose wages include parts separately expressed such as shift work loadings but which are not irregular payments, the guarantee that they will not suffer a reduction in their usual wage merely because they are absent from work through sickness.

Other provisions within the Bill will be of particular significance to apprentices. Firstly, an apprentice who on completing his indentures continues with his employer shall be entitled to a sick leave credit of not more than 80 hours from unused sick leave accrued during the apprenticeship period.

Currently the legal position for the greater number of apprentices in these circumstances is that entitlement to paid sick leave under the apprenticeship contract ends with the contract: all new entitlements begin and accrue under the new contract of service. Secondly, whereas at present the standard entitlement for apprentices under the regulations is 10 days per annum, noncumulative, the provisions of the Bill will operate to make entitlements cumulative during the period of the apprenticeship. Strong support for these proposals is found in the sick leave entitlements in force in other States.

On the 7th July, 1972, the Queensland Conciliation and Arbitration Commission declared a general rule of eight days' paid sick leave per annum, cumulative to 13

weeks. In its decision the commission admitted to having no real evidence as to the incidence of absences through sickness, but on the question of improving sick leave entitlements in the light of trends revealed by other awards in Queensland and elsewhere the commission said—

> There is clear evidence before us that significant numbers of employees . . . receive more liberal sick leave benefits than this State's standard provisions. We have concluded that it would be inequitable not to take this factor fully into account, and have decided that in consequence, some improvement in existing minimum award provisions is now warranted.

The Victorian Industrial Appeals Court, on the 3rd November, 1972, announced a new standard for inclusion in wages board determinations of 64 hours per year fully cumulative. That court indicated it accepted that the determinations had fallen behind the current standards prescribed for the majority of the national work force. Note was taken too of the more generous sick leave provisions in the Public Services, and the decision of the Queensland commission declaring a general rule.

For the employers it was submitted the only proper ground for any increase in the quantums of leave would be a demonstrable need, in that the incidence of absences occasioned by genuine illness exceeded the present prescriptions. Rejecting this, the court stated its decision was a response to an improvement in the general standard and was intended to apply a benefit only where it was genuinely needed.

Under the South Australian conciliation and arbitration legislation assented to on the 30th November, 1972, the minimum sick leave entitlement for all workers covered by awards is 10 days per annum fully cumulative.

A question may arise as to the propriety of the move by the Government to legislate directly in an area traditionally the preserve of industrial tribunals.

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

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

This arrangement has the effect of putting the commission in no different position from that in which it already finds itself with respect to hours, annual leave, etc., where general standards are determined by some other body outside of the State and adopted as minimum standards for inclusion in State awards. If in a particular industry a dispute should arise as to the sufficiency of that standard, then it is within the commission's power to settle the issue by modifying the standard provision in a manner consistent with the facts.

A second question relates to the competence of particular bodies to determine proper standards. Both the Queensland and Victorian developments referred to earlier are excellent examples of tribunals giving effect to decisions through instruments which are legislative in nature. Rejecting any notions about fixing quantums according to average demonstrable needs, they were concerned with giving concrete recognition to levels of entitlements developed over a period of time and apparently considered reasonable by the parties directly concerned. Neither decision provides entitlements quite as favourable as the South Australian standard for award workers which is influenced mainly by Public Service levels and the best arrangements in private industry. However, having regard for the criteria used and the legislative nature and effect of the decisions, the obvious fact is that Parliaments with the resources of State Departments of Labour at their disposal are no less qualified than industrial tribunals to determine sick leave entitlements for general application.

It is noted that the Victorian industrial appeals court decision includes consideration for sick leave entitlements in force in the Public Services. For Western Australia these can be summarised as follows—

> Commonwealth employees, regardless of rank, are entitled to two weeks' leave on full pay and two weeks' leave on half pay per year; leave is cumulative with maximum continuous absence through illness with pay being 52 weeks. State public servants and Government officers, numbering approximately 28,000 are entitled, per year, to two weeks' leave on full pay and one weeks' leave on half pay, fully cumulative. State wages employees, excluding apprentices, numbering approximately 44,000, are entitled to two weeks' paid sick leave per year fully cumulative.

Taking all of these matters into consideration the Government believes a minimum standard of two weeks' paid leave, fully cumulative, is appropriate for application in industry generally. This standard will be equal to that now in force for Government wages employees which although not equal to the arrangement in force for public servants and Government officers is, nevertheless, influenced by it.

Earlier this year the Government, through administrative action, moved to guarantee its workers would not suffer a reduction in their incomes related to average pay when absent through sickness, by providing that when a worker took sick leave his pay was to be inclusive of loadings, such as shift work loadings—which are not of an irregular kind—that can reasonably be said to form part of a worker's ordinary pay. The action was justified in consideration of the marked difference between actual wages and the wages ordinarily prescribed for his classification; differences which it would seem will increase in the future because of a trend to higher loadings and a greater incidence of shift work. The rationale was that a household would normally budget on what is a regular income and should not suffer the disadvantage of a lower income during the time the wage earner was absent through sickness; since the argument on which the contrary view had been established in the past was a technical one it should now be discarded.

A similar conclusion in consideration of similar arguments was reached by a full bench of the Commonwealth Conciliation and Arbitration Commission in a recent major case on annual leave and payments while on annual leave. Consistency demands that the Government should give effect to the principle in this Bill.

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

Fibre Glass Industry
Dairy Farm Workers and Farm Workers outside S.W.L.D.
Female Transport Workers
Motor Bike Messenger Girls
Managerial Staff, Hotels, Motels, etc., or people performing more than one function
Clerks in Solicitors' Offices
Pest Exterminators
Door to Door Salesmen
Used Car Salesmen
Workers in Rest Homes and Unregistered Hospitals
Lawn Mowing
Window Cleaners—Female
Caravan Park Employees
Fishermen and Employees on Cray Boat Maintenance
Poultry Farm Workers
Child Minding Centres
Gardeners (other than in Nurseries)
Laboratory Assistants (Private)
Real Estate Salesmen
Electronic Industry
Workers in Sheltered Workshops, other than Government
Driving Instructors—Male and Female
Health Studios.

In this Bill the term "worker" is given the same meaning as it has under the Industrial Arbitration Act simply by reference to that Act.

Before final drafting, the contents of this Bill were made known to the Western Australian Employers Federation and the Trades and Labor Council for the purpose of discussions.

The Hon. A. F. Griffith: Goodness gracious me; did you confer with the Employers Federation?

The Hon. R. THOMPSON: To interpolate, as a matter of fact I think I chaired three meetings between the two bodies I have mentioned. So I happen to know a little about the previous Bill.

The Hon. A. F. Griffith: I am very pleased with you.

The Hon. R. THOMPSON: I did not have occasion to tell members previously. To continue: The Bill, as presented, incorporates an intention to standardise the machinery and enforcement provisions of the proposed new Long Service Leave Act, and—through extensive amendments soon to be introduced—the Industrial Arbitration Act.

I commend the Bill to the House.

Debate adjourned, on motion by The Hon. G. C. MacKinnon.

MURDOCH UNIVERSITY BILL

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [9.25 p.m.]: I move—

That the Bill be now read a second time.

The growth of the State in population and its increasing social, cultural, and industrial development have meant an increasing demand for tertiary education, with mounting pressures on the established institutions.

This was recognised by the committee appointed in 1966 by the then Premier to report on the future needs of Western Australia in tertiary education, which recommended that a college of the University of Western Australia should be established in the metropolitan area, south of the Swan River, in 1975. The Senate of that university later recommended that instead

of this college a new university should be planned. The then Premier was informed that the Senate had been impressed by the significantly new approach to planning and development which had emerged where a university had been autonomous from the beginning and that its recommendations were based very much on the university's concern that full opportunity should be taken for a fresh approach to the role of the university today and how this role should be performed.

In the light of this recommendation, and having regard also to the decision that the fourth veterinary school in Australia should be established in Western Australia at the new university, the Government, with the support of the then Opposition, established in June, 1970, a planning board which was charged to develop plans for a university to be called Murdoch University in honour of the late Sir Walter Murdoch.

Under the Murdoch University Planning Board Act of 1970 the board was given the responsibility to plan for the first phase of development of the Murdoch University and to execute plans approved by the Minister and the Australian Universities Commission for that first phase. The board was authorised to make appointments to the Murdoch University and it was also required to make recommendations to the Minister on the form of legislation required to establish the university.

The stage has now been reached where academic, physical, and financial planning is well advanced and funds have been provided through the State and Commonwealth Governments for the implementation of plans for the university to open in 1975. A number of key appointments have been made and the appointees to foundation chairs are taking up their appointments.

The time is approaching when it will be appropriate for the planning board to be replaced by a body charged with a continuing responsibility for the development and activities of the university itself. The lack of full university status is in fact already creating some problems in relationships with other universities and with bodies such as the Australian Vice-Chancellors' Committee and the Association of Commonwealth Universities.

The planning board has carried out its obligation to recommend on the form of legislation to establish the university by presenting to the Minister early this year a comprehensive report, on the basis of which the present Bill has been drafted.

Important parts of this Bill deal with the government and organisation of the university. The Bill proposes the establishment at Murdoch University of the two-tier pattern of university government common to Australian universities and, in fact, to most universities in the English-speaking world. This pattern comprises a governing body, to be called the senate, supported by a senior academic body, to be called the academic council, which will be responsible to the senate for academic affairs. The senate is to be predominantly a lay body with a membership which will ensure the representation of a range of interests throughout the community, while also giving an effective voice in the affairs of the university to both staff and students.

In this and in other respects the university will build on the experience of sister institutions, including the University of Western Australia and the Western Australian Institute of Technology. One particular feature of the composition of the senate which is, however, unique in this State is the provision for direct parliamentary representation on the senate through the nomination of two members—one by the Premier and the other by the Leader of the Opposition. Two other positions will also be filled by the Governor on the nomination of the Premier and the Leader of the Opposition, but these positions are specifically reserved for nonparliamentarians. Of the remaining members of the senate, four will be appointed by the Governor, three will be elected by members of the academic staff, three by students, and—in time—another three by convocation. Until convocation is established in 1980, the senate will have the power to co-opt three additional members who are graduates of recognised universities but who are neither on the teaching staff nor officers of the university. In addition, the senate will have a continuing power to co-opt up to three members.

In general, a member of the senate will be appointed, elected, or co-opted for a term of three years and will then be eligible for a further term of three years, following which there must be an interval of at least 12 months before he can again become a member of the senate. It is expected that this provision will result in a beneficial infusion of new membership and new ideas into the senate, while at the same time allowing experienced members to renew their service after a short break.

It is proposed that the chancellor of the university should be elected by the senate, either from its own membership or from outside the senate, for a term of three years, and that if he were previously a member of the senate his election should create a casual vacancy.

The senate is described in the Bill as the governing body of the university and it is stated that subject to the provisions of the Act itself and the Western Australian Tertiary Education Commission Act, 1970, the senate "shall have the entire control and management of the affairs and concerns of the University and may act in all matters concerning the University

in the manner which to it appears most likely to promote the objects and interests of the University". The senate will have power to establish committees and to delegate. It will also have power to make subordinate legislation in the form of statutes, by-laws, and regulations. The authority of Parliament is recognised in the provision for section 36 of the Interpretation Act to apply to statutes and by-laws made by the university, while it is also provided that a proposed statute must be approved by an absolute majority of the members of the senate at two meetings of the senate held not less than three or more than 10 weeks apart before being transmitted for the approval of the Governor.

The Bill provides that the convocation of Murdoch University should be constituted on the first day of July, 1980, after the university has been in operation for some five years, by which time it is expected that over 1,000 people will have graduated. These graduates, together with members and past members of the senate, members of the academic and, in some cases, non-academic staff of the university, and other people, will form the convocation which will act both as an electoral body and as an advisory body for the university, with the power to make submissions to the senate on such matters with respect to the welfare of the university as convocation thinks fit.

As I stated earlier, the senate's major academic advisory body will be the academic council. The composition of the council and its procedures will be a matter for determination by statute, but its functions are listed in the Bill as including the discussion and submission to the senate of opinions and recommendations on academic policy, academic development, the admission of students, and other matters which, in its opinion, are relevant to the objects of this legislation.

In student affairs the Bill follows the successful experience of the University of Western Australia and the Western Australian Institute of Technology in giving the students a very substantial degree of responsibility for their own self-government and for the provision of social, cultural, and sporting amenities.

The Bill provides specifically that the guild of students shall be the recognised means of communication between students and the senate. As I remarked before, there is provision for three students to be members of the senate: one of these will be the president of the guild of students, while the other two will be elected for one-year terms. The extent to which and the ways in which students may be associated with decision-making in other aspects of the university's activities, including such diverse matters as course-planning, library operations, discipline, and the provision of bookshops and food services, will be a matter for resolution within the university itself.

The remaining clauses of the Bill embody a number of essentially machinery provisions concerning such matters as the power to vest certain lands in the university, dealings in land, powers of investment, trust moneys, and the guarantee of loans. The Bill concludes with provisions for the audit of the accounts of the university by the Auditor-General and a requirement that the senate shall prepare and furnish to the Minister an annual report on the proceedings of the university, a copy of every such report to be laid before each House of Parliament.

The objects of the university are stated very simply in the Bill as being the advancement of learning and knowledge and the provision of university education. The object of this Bill is to establish Murdoch University in the form which will best enable it to carry out those objects for the benefit of the people of Western Australia.

I commend the Bill to members.

Debate adjourned, on motion by The Hon. A. F. Griffith (Leader of the Opposition).

CITY OF PERTH ENDOWMENT LANDS BILL

Second Reading

Debate resumed from the 15th May.

THE HON. R. J. L. WILLIAMS (Metropolitan) [9.37 p.m.]: The contents of this Bill are not new in any way, shape, or form. The Bill had its genesis in another House some time ago, and indeed the genesis of the original legislation goes back to 1920. On the 28th September, 1920, it was introduced by the then Attorney-General (The Hon. T. P. Draper). It appears that relationships between Parliament and the City of Perth at that time were not the most cordial, and from the debate which then took place one can read what some members of the House thought about the City of Perth or, as they were sometimes called, "the city fathers".

On page 1505 of the 1920 *Hansard*, The Hon. J. E. Dodd, the member for the South Province, is reported as having said—

> I want to point to an instance showing that the city council have no regard whatever for the Government or for the people in reference to public buildings. Take the state of the roads and footpaths in front of Parliament House, and again in George-street, just below here. Why are those roads and footpaths in such a shocking condition? For the simple reason that no rates are paid in respect of the public buildings abutting on those streets. I do not wish anybody any harm, but I

> hope that if any member of the city council should be unfortunate enough to strike rheumatism and neuritis, he may be compelled to be wheeled up and down Harvest-terrace in an invalid chair. Perhaps after that experience he will endeavour to pay the same attention to the condition of streets on which public buildings abut, as he and his colleagues do to streets on which their own properties abut.

The Hon. J. Dolan: That would bounce the aches out of them.

The Hon. R. J. L. WILLIAMS: That was in 1920, and I find that today we have a much better understanding with the City of Perth and the so-called city fathers.

Having said that, it is as far as I am prepared to go with this Bill because I do not agree with the ideas expressed in it. When the then Attorney-General introduced the original Bill in 1920, a Labor member of the Opposition who would be known to some members of the House—The Hon. W. C. Angwin—proposed a certain amendment and held up the Bill for 12½ months while that amendment was considered. It was designed to ensure the councillors of the City of Perth would never be able to spend the money received from the sale of the lands now known as the endowment lands to further their own interests in and around the City of Perth, as he put it.

As one probes into this legislation, it becomes increasingly evident that something has gone awry. The endowment lands comprise City Beach and Floreat Park, which were bequeathed to the City of Perth in the 1920s by the Government, and the lime kilns estate which was purchased on a deposit of £110, I think. The whole area comprises 4,000 acres.

According to the debate which took place at that time, it was considered that these lands were useless and that any money accruing from their sale would be needed to develop them because otherwise a harsh penalty would be imposed on the other ratepayers of the City of Perth. Therefore, money received from the sale of the lands was to be used for their development.

In view of last Saturday's prices for land in this area, one might say development was proceeding apace, but unfortunately that is not the case, because not all the moneys have been expended in the endowment lands as they should have been. The Bill under discussion provides that such moneys can be spent elsewhere. In point of fact, the Bill merely repeals the present Act, and as late as today papers were tabled in the House containing a letter dated the 14th May, 1973, on page 2 of which it is stated—

> The Council has, therefore, steadfastly stated that its preference was for an overhaul of the Act.

The file was tabled by the Minister—he has nothing to hide in this matter—and upon reading it one finds that at no time has the Perth City Council ever suggested the repeal of the Act as such.

The Hon. A. F. Griffith: That is the Local Government Department file you have?

The Hon. R. J. L. WILLIAMS: That is correct.

The Hon. A. F. Griffith: I have the Department of Lands and Surveys file, which reveals exactly the same thing.

The Hon. R. J. L. WILLIAMS: I daresay that is correct. As one digs deeper into this matter, certain disturbing factors emerge.

It would appear that between 1936 and 1970 not one word was spoken about the City of Perth endowment lands, because they were not, as it were, making a profit. But suddenly in 1970 a private member's Bill was introduced in another place in this Parliament to allow moneys to be spent in other areas of the city and to allow the repeal of the rating system in the area. Those are the two matters to which members of my party and I object most strongly on behalf of the people who live in the endowment lands area.

Many accusations were made in another place about the people who live in the area. If one cares to read the debate which took place in 1970—which can be found in volume 189 of the 1970 *Hansard* on Tuesday, the 17th November—one would think that, without exception, every person who lives in the endowment lands area is not only an extraordinarily wealthy person, but is also a member of the Liberal Party—every last one of them. On page 2275 of that *Hansard* the following remark is found—

> It is a nest of Liberals out there, and this Government is especially fostering it.

That remark was made by the present Deputy Premier, who introduced the private member's Bill after consultation with one councillor of the City of Perth. I hope during the debate tonight—I have heard a great deal tonight about regimentation and so on—to convince members of the Government that they, too, may be interested only in rejecting the Bill.

The Hon. A. F. Griffith: I wish you the very best of luck.

The Hon. J. Dolan: He knows how hard it is for us to convince him.

The Hon. R. J. L. WILLIAMS: I am sure that the mover and the seconder of the motion cannot vote against it, but I do not know about the rest because they are not very regimented and they do have certain principles which they abide by. So I appeal to their sweet reasonableness and ask them to vote against the Bill.

The Hon. S. J. Dellar: Flattery will get you somewhere!

The Hon. R. J. L. WILLIAMS: I am grateful to Mr. Dellar for the contribution he has made tonight.

The Hon. R. F. Claughton: This sort of argument has also had some success with you.

The Hon. R. J. L. WILLIAMS: Yes, except that I do not appreciate the cogency of Mr. Claughton's arguments, whereas by better eloquence he may appreciate the cogency of mine.

One of the questions involved in this matter is that whenever anybody buys land in the endowment lands area the title is stamped and, as such, the land is rated on what is termed the unimproved capital value. The Bill seeks to remove that capital value rating and to substitute a rating based on annual rental value. This would have no less an effect than of doubling and in some cases trebling the rates charged in that area; and we must bear in mind that not all people who live there are wealthy or members of the Liberal Party. In point of fact, living quite close to me in a most comfortable home and with two cars and a boat is the secretary of a union who has stood as a candidate for the A.L.P. on many occasions; and good luck to him. Why should he not live there? Why should not people get their facts straight and realise that the endowment lands area is not a Liberal Party nursery, nor is it a prerogative of members of the Liberal Party, or any other party for that matter, to live there?

The Hon. A. F. Griffith: The Minister for Local Government lives out that way.

The Hon. R. H. C. Stubbs: The Minister for Local Government lives at Wembley.

The Hon. A. F. Griffith: You are in the endowment lands area.

The PRESIDENT: Order! Will the honourable member please address the Chair and carry on with his speech.

The Hon. A. F. Griffith: The Minister for Local Government must be one of these Liberal silver tails.

The Hon. J. Dolan: Spelt with a small "l".

The PRESIDENT: Order!

The Hon. R. J. L. WILLIAMS: What I cannot reconcile—and this is where I make my appeal to the Government—is why the Government should support such a move to alter the system of rating on the unimproved capital value, a system of which the people were assured on the title to their land when they purchased it. I could understand the Perth City Council wanting to tidy up its books, because eight wards are rated on annual rental value, and one on unimproved capital value. I should have thought the present Government would have pressed the Perth City Council to change the system in the other eight wards to that of unimproved capital value. We know that a dual system is in operation throughout the State, and that the business premises in the city, which are mainly rented, should be so rated whilst the other wards should be rated on the unimproved capital value. The reason I am unable to reconcile this is quite simple, because when one reads the platform of the A.L.P. published in this State in August, 1970—

The Hon. R. F. Claughton: You know the Government has suggested it.

The Hon. R. J. L. WILLIAMS: If the Government has suggested it, why is it allowing it in this repeal Bill?

The PRESIDENT: Order!

The Hon. R. J. L. WILLIAMS: I am merely trying to point out, Mr. President, that on page 44 of the platform of the A.L.P. the following is found under section 10—

> Urban land to be assessed on the unimproved value of the land and not upon annual rental at the rates applicable in the dollar, to vary according to the principal purpose for which the land is used.

That is the platform of the Labor Party; yet here we have a Bill which seeks to wipe out that U.C.V. system and replace it with an annual rental system.

The Hon. R. F. Claughton: Do you think that is a good policy?

The Hon. R. J. L. WILLIAMS: I think that part of the policy is good because I am rated on unimproved capital value. However, that is but one point. The other argument which is continually brought up is that two licensed premises in close proximity pay different rates. The cases of the Wembley Hotel and the Floreat Park Hotel are always quoted. There is no earthly reason why the Perth City Council ever had to sell the land to the Floreat Park Hotel. The council could have leased the land if it so desired and made up the deficiency in that manner. I do not see that the people in the endowment lands area should now be forced to pay for the deficiencies of the Perth City Council in the management of property.

It is quite astonishing that people talk about the endowment lands as having everything, and that there is nothing in other wards. To me it is quite extraordinary, because the Perry Lakes Stadium, for example, was built in that area. I, personally, and I know several other members do also, visit the stadium perhaps two or three times each year for some function or other. However, it was built for the people who live in Perth and not for the sole and exclusive use of the people in the endowment lands area; and nor should it

be. The people who live in the endowment lands area are willing to see hundreds, if not thousands, of people go to the stadium and remain there until 11.00 p.m. or 12.00 midnight, and to be kept awake by the noise.

From time to time I have asked questions in this Chamber about the smell from the effluent at the sewage treatment works on the border of the endowment lands area. Is it not astonishing that suddenly we want this equality, when we find that nearly seven-eighths of Victoria Park is deep sewered whilst not one-third of the endowment lands area is deep sewered?

Where is the money being spent, and why this sudden need to spend it elsewhere? Where are the roads, footpaths, kerbing, and deep sewerage, just to mention ordinary amenities? In 1920 it was envisaged that the endowment lands would become a showplace for this State. At that time I suppose it was fashionable—certainly I would not agree with it now—to suggest that it should be the Brighton of Western Australia. God forbid! In those days Brighton was a very fashionable area in the United Kingdom.

In those days it was suggested that perhaps a theatre should be placed there; but there is no theatre. Another suggestion involved the installation of a swimming pool. Unfortunately, in other areas of the City of Perth there are swimming pools. I refer to Beatty Park, which is a beautiful place, and Somerset pool, which is in the area represented by my friend, Mr. Clive Griffiths, and the Leader of the House. They have swimming pools, but one will not find a swimming pool in the endowment lands area.

The Hon. Clive Griffiths: The beach is only 50 yards away.

The Hon. R. J. L. WILLIAMS: Possibly the honourable member is braver than I am, but I will not attempt to send children to ocean beaches, especially when dumpers are rolling in. By the same token, when one wishes to learn the art of Olympic swimming and short distance racing, it does not behove one to train in ocean waters. But I am not worried about that; I am merely pointing out that this so-called wealthy area has not the amenities which it is laid down it should have.

Is it not extraordinary when one researches the records and finds that the minutes of a meeting of the finance committee of the Perth City Council refer to the fact that the Town Clerk pointed out that although City Beach was regarded as a prestige living area, many of its amenities were second class, and he thought that the proceeds from land sales should be spent mainly on upgrading the area by the installation of sewerage and the undergrounding of electricity mains?

The Hon. A. F. Griffith: What is the date of that?

The Hon. R. J. L. WILLIAMS: It is dated November, 1969; yet no improvements have been made since that time, as the honourable member would know.

It is all very well and good to say that the people in the area should pay for the privilege of living there; but the concept behind the whole thing was that the area should be developed as one in which people could live and also that the people of the State could enjoy the fact that such a suburb existed in their State.

Whenever one visits other parts of the world on a sight-seeing tour, one is taken to an area which is impressive and well laid out. That was the original concept of this area. In point of fact, it was not intended that a certain type of person should live there. People forget that the endowment lands area does not include only City Beach—as lovely and as opulent as City Beach looks. The endowment lands area also comprises houses which were built nearly 50 years ago in Floreat Park. If members opposite talk to some of the people in that area and ask them about the amenities, they will soon be told all about the matter. I think the Bill originated because certain sections of the Act needed repealing.

For instance, I can see no reason to keep in the legislation the provision that a tramway should be provided. This was one of the original intentions, because in 1920 the road terminated at Cambridge Street and from there a plank road went all the way to the beach. I am sure the Leader of the House will remember that in about 1924 when he started on his teaching career there were camping sites off that plank road to the beach.

So the area has developed slowly, but now that large sums of money are being accumulated avaricious eyes are being cast on them, and people would like to use the money for any purpose other than that laid down in the Act. The amenities suggested in the original Act should be provided, but they have not been.

People have gone out there and bought land knowing they can develop it and that their rating as such will remain constant. It does not mean to say that they pay a lower rate than anyone else because a rate can be struck in any area to balance the position.

I think it is only fair to mention that when the question cropped up in 1970 valuations were taken out on certain houses. I could read the list, but I do not propose to do so for the simple reason that it is an exhaustive one covering 36 properties. Suffice it to say that if a person had in that area a block of land which cost $15,000 the annual rate he would pay on the unimproved capital value would be $195. On a $15,000 block in the City Beach

area, for example, a rent would have to be estimated for an annual rental value and I know no-one who has bought a $15,000 block out there with a view to erecting a house for rental purposes. They all build their houses in order to occupy them.

The Hon. A. F. Griffith: They build houses to live in.

The Hon. R. J. L. WILLIAMS: If weekly rent is estimated on a $15,000 block—and the house on the block would have to match that price—a fair amount would be near the $70 mark, according to accredited valuers. When the calculations are made and the rate is charged to the nearest dollar, on the average value the rate then becomes $372 per annum. So because a person is thrifty and has pride in his house, and makes an addition to it, he is asked to pay very nearly double the rate. Where is the encouragement to residents to go out into that useless area, because that is what it was considered to be, useless land? However, with the advance made in technology, and surveying having been improved, it is no longer useless land.

I took out some figures to prove how pleasant it is to live out there and I wish to submit them lest anyone might think we are sheltered and everything out there is absolutely perfect. At the lower end of Grantham Street—and these figures are as at March, 1972—the eastward traffic flow in 24 hours was 10,915 vehicles. In the same period the westward traffic flow was 13,238 vehicles. I am hoping that when the Noise Abatement Act is proclaimed the Chief Secretary will put one of the measuring devices at my front door and that of my neighbour, because the noise from the exhausts of some of the motor vehicles which must climb the little rise from The Boulevard up Grantham Street causes no little discomfort to the people living in the vicinity. The traffic flow in 24 hours on The Boulevard, which is another exclusive area, was 7,479 vehicles. I am no mathematician and I do not propose to break that figure down to an hourly flow.

In the summertime the residents of that area can be seen working in their gardens while motorists are going to and from the beach appreciating the area as they pass through it.

Last year 9,000 schoolboys used Perry Lakes Stadium for coaching schemes involving either athletics or soccer and those 9,000 boys were not drawn from the endowment lands area alone. Perry Lakes Stadium was built for the enjoyment of all the people of Perth.

The Hon. J. Dolan: And the State.

The Hon. R. J. L. WILLIAMS: And, indeed, the State as well. The figures were calculated outside my door, but not at my request. It just so happens that a traffic count was made in that position.

To summarise, this Bill should be dealt with in the manner in which all Bills which do not please this House should be dealt; that is, they should be sent away for some other form of consideration. I have pointed out that not only does the Bill offend the law as far as I am concerned, in that people have been told specifically on a title that if they live in the area they will be entitled to a certain way of living on an unimproved capital value, but also it offends even the Government because it proposes to insert something which is neither in the Government's platform nor supports that platform. I think it is just avariciousness on the part of a few who want to see the money stripped from that particular area so that other areas can benefit. If this be the case, then it should have been stated when every title document was issued to the owners of the properties in the area.

The Hon. A. F. Griffith: It is endorsed on many of the titles. The file I have here indicates this.

The Hon. R. J. L. WILLIAMS: What I am saying is that the endorsement should not be on the titles unless the intention was that the contract be honoured to the letter, because if we allow a small thing like this—and I suppose that compared with the global situation it is a small thing—to go through, then we will not have a legal leg to stand on regarding any legal document, whenever and wherever it is produced, because by a single Act of Parliament it can be made valueless. If that is the case, I want no part of the Bill and I shall definitely oppose it.

Debate adjourned, on motion by The Hon. N. E. Baxter.

LAND TAX ASSESSMENT ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. J. Dolan (Leader of the House), read a first time.

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [10.09 p.m.]: I move—

That the Bill be now read a second time.

This measure is being introduced in conformity with the public announcement made on the 10th January, 1973. It is part of a seven-point plan approved by Cabinet on the 17th October, 1972 which is designed to forestall unreasonable increases in the price of vacant land, particularly in the metropolitan area.

The specific and only purpose of this Bill is to encourage developers to provide a flow of subdivided residential lots onto the market and to assist in maintaining reasonable price levels.

Generally developers holding large tracts of undeveloped urban land develop them progressively in accordance with an approved plan. This usually involves approval to the plan, surveys, subdivision into housing lots, road construction, and provision of services. The completed subdivision which is then ready for building upon is, of course, much more valuable than the raw or undeveloped land.

These subdivided saleable lots are currently subject to land tax at the higher unimproved rate of that land and the enhanced value is aggregated with the value of other unimproved land held by the developer for the purpose of calculation of the tax.

Actual examples show that the effect of converting broad hectares into saleable home sites is to increase the land tax by 300 or 400 percentum while the subdivided land remains in the developer's ownership. In these circumstances it is understandable that the developer will tend to so order his planning as to hold the minimum number of serviced subdivided lots at the 30th June each year to minimise the cost of land tax levied against him for the following financial year.

The effect of planning policies of this kind is obvious. The flow of saleable housing land onto the market is restricted, with the possible consequential rise in the price of the limited numbers of lots of land being made available.

Therefore, this Bill proposes to remove the application of the higher unimproved rate to these blocks and so provide a stimulus for completing subdivisional work.

Before proceeding to a detailed description of the provisions contained in the proposed legislation, I draw attention to the area measurements used in this Bill. In conformity with the Metric Conversion Bill amending the Land Tax Assessment Act in this session of Parliament, the areas in this Bill are expressed in metric measure.

For the information of members: 4,047 square metres equals 1 acre; and 4.0469 hectares equals 10 acres.

In this legislation it is proposed to treat the land subdivided by the taxpayer and held by him on the 30th June, 1973 and succeeding years as if it is improved land for the purposes of land tax assessment. This concession will be applied by the commissioner on application from the taxpayer.

The taxpayer will be required to supply to the commissioner details of the land and subdivision, together with any other relevant data needed by the department to apply the concession.

In order to qualify for the concession, the taxpayer must have—

(a) subdivided the land while it is in his ownership;

(b) effected a subdivision into lots of not more than 4,047 square metres each; and

(c) land which exceeded 4.0469 hectares before subdivision.

The assessment of an applicant will be firstly made in the normal manner; that is, the value of all unimproved land held at the relevant 30th June will be aggregated and the appropriate rate in the dollar for unimproved land applied.

Then the value of the subdivided land to which the concession is to be applied will be assessed separately at, firstly, the unimproved rate, and, secondly, the improved rate. The difference between these two assessments will then be rebated from the original assessment. This process will have the effect of applying the lower improved scale to the particular area of subdivided land.

To illustrate the operation of the proposed concession, let us suppose a developer has at the 30th June, land in broad hectares valued at $200,000 and the balance of his ownership is in subdivided saleable lots valued at $100,000. Therefore, his total unimproved holdings are valued at $300,000.

This would attract $13,487.50 in land tax under the current law. The subdivided lots valued at $100,000 would attract $3,062.50 if these lots were the only land owned and taxed at the unimproved rate.

On the same basis the land valued at $100,000 would only attract $1,135 if taxed at the improved rate.

The difference between these two figures is $1,927.50 and this would be deducted from the original calculation, reducing the tax payable to $11,560.

The provision to allow the concession for subdivisions into areas of 4,047 square metres or less is because in a number of places in the metropolitan region, subdivisions of not less than 2,023 square metres are required.

The proviso that the land from which the subdivision was made is to exceed 4.0469 hectares in area is to limit the concession to organisations whose principal activity is the subdivision and sale of land for residential purposes.

It would not achieve a substantial flow of subdivided blocks onto the market if smaller areas were allowed to participate in this concession, nor is it desirable that individual small landowners should be able to subdivide small areas and then be permitted to retain them for family purposes without development at the lower "improved" tax scale.

In addition, it needs to be remembered that, generally, the owner of small areas of land of this kind can, in effect, subdivide and sell the land within one year, so the concession is unnecessary for purposes of encouraging building blocks onto the market from these small areas.

An additional provision in the Bill is to ensure that the taxpayer who enjoys the benefit of the concession for subdivided land cannot obtain a double benefit by also applying under the existing section 8A if he later improves the land by building upon it.

As matters stand now, a person who has been paying the unimproved rate on unimproved land and subsequently improves that land within the provisions of section 8A, can obtain a rebate to the improved rate going back over four years.

In the proposal now before the House, certain serviced subdivided land will be given this concession, so the Bill contains a provision to prevent a person receiving the concession in this legislation applying for and receiving a further concession under the existing section 8A.

In brief, the application of the provisions of this Bill will result in a substantial reduction in the land tax imposed on subdivided land and so encourage the flow of housing lots onto the market for the purpose of assisting in maintaining stabilised prices.

It is estimated that the cost of this concession, on present levels of values, will not exceed $750,000 per annum. I commend the Bill to members.

Debate adjourned, on motion by The Hon. A. F. Griffith (Leader of the Opposition).

PRE-SCHOOL EDUCATION BILL

Assembly's Message

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

METROPOLITAN REGION SCHEME: SHIRE OF WANNEROO

Disallowance of Amendment: Motion

Debate resumed, from the 1st May, on the following motion by The Hon. F. R. White—

> That in accordance with the provisions of subsection (2) of section 32 of the Metropolitan Region Town Planning Scheme Act, 1959-1970, the amendment to the Metropolitan Region Scheme: amendment Shire of Wanneroo (Whitfords-Joondalup Locality) referred to in the notice relating to the Metropolitan Region Scheme Map, Sheet Nos. 10/3 and 10/4, which was laid upon the Table of the Legislative Council on Wednesday, the 4th April, 1973, pursuant to subsection (1) (b) of section 32 of the Act and published in the *Government Gazette* on Friday, the 6th April, 1973, pursuant to subsection (1) (a) of section 32 of the Act, be and is hereby disallowed.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [10.19 p.m.]: In replying to the speech of Mr. White, the mover of this motion, I would like to divide my remarks into two broad categories: first, to deal with the administrative, or machinery, aspects of the proposed amendment to the Metropolitan Region Scheme: secondly, to deal with the planning aspects.

The honourable member made some extremely serious accusations against departmental officers, charging them with "grave incompetence". The essence of his charge rests on two technical points: that the amendment was not advertised three times in the *Government Gazette*, but only twice: and that it was tabled in both Houses before notification of the Governor's approval in the *Government Gazette*, and not within six days after that notification.

The first accusation implies that the officer of the Town Planning Department responsible for arranging the printing of the *Government Gazette* notice incompetently failed to do so. The fact is that in a letter dated the 17th August, 1972 to the Government Printer, the responsible officer wrote—

> Will you please publish the attached notice in the following *Government Gazettes*—
>
> Friday, 25 August, 1972.
>
> Friday, 1 September, 1972.
>
> Friday, 8 September, 1972.

As the Minister for Town Planning has stated in reply to a question, the third insertion in the *Gazette* was not made. The Government Printing Office has subsequently admitted that the third insertion was inadvertently omitted. It could properly be said that departmental officers should have physically checked the insertions as the honourable member obviously did, and we apologise for not so doing. However, I do not think any member of the public has been seriously jeopardised, otherwise the matter would have been brought to our notice earlier. Action has been taken to ensure a similar position does not arise again.

The second technical error was the tabling of the amendment in advance of the Governor's approval being published in the *Government Gazette*. The facts are these—

> The amendment was presented to, and approved by the Governor-in-Council on the 4th April, 1973. The Minister for Town Planning has told me that he considered it should be tabled in Parliament immediately the Governor had approved it, without waiting for the formal notification in the *Government Gazette* two days later. According to the strict letter of the law this action was premature

and technically incorrect and he acknowledges this. However, the only result has been that Parliament has been made aware of the amendment a few days earlier than would otherwise have happened.

Here again I do not think any member of the public has been seriously jeopardised and the position will be watched in the future—or the Act amended if thought necessary. The two procedural deficiencies referred to are acknowledged and admitted but do not, in my opinion, warrant the charges made against the officers of the Town Planning Department.

I would now like to turn to the planning aspects of this matter, on which the honourable member largely bases his charges that residential development has been allowed on rural land in contempt of Parliament, contrary to proper legislative procedures and without proper authority.

If these charges are correct then the honourable member himself will have to shoulder some of the blame, as a member of the Country Party, because it was during the term of office of his colleague, The Hon. L. A. Logan, as Minister for Town Planning, that the first steps were taken to secure the development to which this amendment relates. I will outline the situation chronologically.

On the 11th September 1969, agreements were reached between the three major developers—Taylor-Woodrow-Corser, The General Agency, and Estates Development —and the then Government.

Briefly, the agreements provided for the development of some 4,000 acres of land in the Whitfords area. Members may recall that one of the features of the agreements reached with the three developers was for a measure of price control on a proportion of the lots that would be made available. In the course of negotiations, it was evident that the developers wished to extend development into their holdings of rural land contiguous with their holdings of urban-deferred land. This was agreed to by the Government, the broad basis being that for every lot created subject to price control in the urban-deferred area the developers would be allowed a lot to be created in their then-rural holdings.

I have copies of correspondence between the developers and The Hon. L. A. Logan relating to the confirmation of agreements on how these areas were to be developed.

To carry out the coalition Government's part of the agreements it was considered that the best approach would be to incorporate these areas into the Wanneroo Shire's Town Planning Scheme as urban zones and subsequently to amend the Metropolitan Region Scheme.

The then Minister, Mr. Logan, gave preliminary approval to the Wanneroo Town Planning Scheme on the 24th February 1970. The scheme was publicly exhibited in the normal way between the 12th June and the 11th September, 1970. After the objections to it had been heard and determined, the scheme was gazetted on the 13th September, 1972, the Metropolitan Region Planning Authority having previously confirmed that it was generally consistent with the region scheme.

As part of his claim that the Town Planning Department under this Government had been acting in defiance of the Statutes, the honourable member put a question in this House on the 17th April asking what area of rural-zoned land north of Hepburn Avenue had been subdivided into residential lots since February, 1971. The answer was: about 189 hectares. Had the honourable member asked a similar question relating to the period prior to February, 1971, under the previous Government, the answer would have been that about 80 hectares of rural-zoned land had also been subdivided, producing 621 lots.

Another point which the honourable member mentioned was that a large portion of the land proposed to be zoned urban intruded over valuable underground water supplies which the Honorary Royal Commission—of which he was Chairman—suggested should not be intruded upon by development until adequate research and study had been carried out. He charged the M.R.P.A. with ignoring the Honorary Royal Commission's view.

This is inaccurate. The Chief Engineer of the Metropolitan Water Board was consulted on this matter and was asked—on the 29th November, 1972—if the board could give a clearance to the proposed development in the areas which are now under discussion. The reply of the chief engineer—on the 14th December, 1972—was to the effect that there was no reason why these areas should not be zoned urban.

Now I wish to deal with the honourable member's complaint that the modifications to the proposed amendment, through granting objections, were substantial but were not submitted for public examination or objection. I would make two observations here.

The Minister exercised the discretionary power given him to regard the modifications as not requiring public exhibition. Although the acreage involved may not be regarded as minor, the effect on the region scheme of the modifications is minor. The landowners affected are nearly all housing developers whose aim is to subdivide their properties and make lots available for housing, associated uses, and public open space—all of which is completely in conformity with the proposals of the Corridor Plan.

On this point I should perhaps clear up two criticisms of the honourable member on the proposed urban-deferred zoning of a portion of the Crown Land stock route, and Lake Goollelal. The purpose of zoning the stock route land as urban-deferred is

to make some of it available, if necessary, for urban purposes as there are negotiations for land exchange as was done with a similar area of Crown Land in the Whitfords area, now zoned urban. As to Lake Goollelal, this is an area where, because of water-table problems it is difficult to define boundaries exactly. If the area had been shown as public open space the boundaries, at this stage, could only have been approximate and would have had to be modified later. It was therefore considered more appropriate to leave the area as zoned and, later, to modify and define the boundaries of the public open space and adjoining urban area.

However, the honourable member's remarks were brought to the attention of the M.R.P.A. To meet his point, and to leave no doubt as to its intentions, the M.R.P.A. resolved at its last meeting, on the 16th May, that it would not lift the deferment on the area of Lake Goollelal shown as urban deferred on the proposed amendment map until the Lake Joondalup/Lake Goollelal reservation had been defined. The appropriate amendment will be made to the region scheme when the boundaries of this reservation have been determined.

The second point I make on this question of modifications is that proposed amendments are frequently modified as a result of objections being upheld. If, as the honourable member suggests, the amended amendment is to be subjected again to the full process of advertising and objection, the process might have to be repeated several times over and it may take years to complete.

I hope I have shown to the satisfaction of the House that the charges levelled against departmental officers are groundless; that the proposed amendment merely implements agreements initiated and concluded by the previous Government; that the honouring of these agreements is in full conformity with the Corridor Plan; that the technical breaches in the advertising and tabling of the amendment, though regrettable, are minor; and that the Honorary Royal Commission's views on underground water supply have been fully respected.

I do not know whether the honourable member proposes to press his motion to a division. In his opening remarks he indicated that disallowance was not really the prime purpose of his motion which was to demonstrate that the amendment had lapsed by default.

Two results could flow from the disallowance, according to the honourable member's motives. If he indicates that the purpose of his motion is only to draw attention to the technical breaches and to have them rectified—and no more than that—then of course the M.R.P.A. has no alternative but to start at the beginning once more. It will readvertise the amendment, place it again on public exhibition for three months, hear and deliberate on objections, submit the amendment to the Minister, and re-table it in Parliament. At the very best, these procedures might be completed shortly before the end of the spring session and in the meantime, of course, the Town Planning Board would be bound not to approve any further subdivision in the area.

The result would be that the development plans of the developers would be thrown completely out of gear, at considerable financial cost to them, and that the flow of serviced lots onto the market would be sharply reduced temporarily. I think members opposite should ponder very seriously over this point. From time to time over the last nine months or so there has been some criticism from the Opposition that an insufficient number of serviced lots has been coming onto the market. The Government strongly denies this, and the figures we have, particularly over this period, refute the charge entirely. But if, notwithstanding, the Opposition still considers that enough lots are not coming onto the market and that this threatens a rise in land prices, it must frankly face the consequences of taking any action which would slow down the flow of lots and tend to send land prices rising again.

If, on the other hand, the honourable member proposes to press for the disallowance on the grounds that he opposes the rezonings themselves, then it will not be a case of temporarily curbing the flow of lots until the end of the spring session, but of completely ending the provision of housing in an extensive area of attractive land.

Such disallowance would have two most serious repercussions. Firstly, it would mean that the Government would be forced by the Opposition parties to dishonour agreements made with developers by the previous Government when it was in power. Secondly, it will mean that tens of thousands of people will be deprived of potential housing lots.

I emphasise this because it would not be a question simply of a temporary slowing down in the provision of housing lots while the processes of validating the amendment were completed; it would mean a complete shut down of housing in this area. Such a drastic repercussion would inevitably set off another land price spiral and would make nonsense of the Opposition's professed concern to keep land prices at a reasonable level.

This is really the decision that faces the House. Let members face the fact that support for this motion will, one way or the other, reduce the supply of houses in a popular area and have most serious consequences.

In the light of all I have said, particularly that it is very much in the public interest that this proposed amendment proceeds, I hope the honourable member will consider that his motion has served the purpose of fully ventilating his criticisms, and that he will withdraw it.

Debate adjourned until Thursday, the 24th May, on motion by The Hon. N. E. Baxter.

EDUCATION ACT AMENDMENT BILL (No. 3)

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. J. Dolan (Leader of the House), read a first time.

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [10.37 p.m.]: I move—

That the Bill be now read a second time.

This Bill has been prepared as complementary legislation which will become necessary on the passing of the Pre-School Education Bill currently before Parliament.

The establishment of a statutory board to administer pre-school education in Western Australia will eliminate the role previously carried out by the Education Department in this area, and the relevant sections of the Education Act as referred to in this Bill will become redundant.

I refer to section 3 of the parent Act which contains various definitions. Therein will be found an interpretation of "Kindergarten". The Bill proposes that this definition be deleted. The Bill further provides for the repeal of section 34A of the Education Act.

I make the comment that possibly the most important aspect which will result from the repeal of section 34A is that a male person will be enabled to teach in Western Australian kindergartens or pre-school education centres. Section 34A of the parent Act prohibits a male person from being actively concerned with teaching in a pre-school centre or a kindergarten whereas the prohibition does not exist in the pre-school Bill. The repeal of the particular section will mean that the possibility to which I have referred may become a reality.

Debate adjourned, on motion by The Hon. A. F. Griffith (Leader of the Opposition).

EDUCATION ACT AMENDMENT BILL

Assembly's Message

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

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [10.39 p.m.]: I move—

That the House at its rising adjourn until 11.30 a.m. tomorrow (Wednesday).

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [10.40 p.m.]: Of course I do not oppose the motion. The Leader of the House indicated the sitting hours last week. He also stated by way of reply that we may have a fairly late night on Thursday. However, since his statement, certain events have occurred which cause me to ask whether the Leader of the House has further information concerning the possibility of the extension of the sitting into next week. I have heard the suggestion that we may be asked to attend on at least one day next week. I do not think we run any risk of Parliament's being in session after the 30th May for reasons we all understand. However, members ought to know the situation regarding the possibility of the House sitting next week.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [10.41 p.m.]: Because of certain developments in another place, we will not be sitting after tea on Thursday. That means of course that it has become necessary in another place—and we will follow its example—to sit at 11.00 a.m. on the Tuesday of next week. I give this information to members so they may make their own arrangements.

The Hon. A. F. Griffith: When does the Deputy Premier resign?

The Hon. L. A. Logan: He has to resign by next Wednesday.

The Hon. J. DOLAN: He will resign when necessary.

The Hon. A. F. Griffith: That will ensure that Parliament will not be in session a minute after midnight.

The PRESIDENT: Order! The Leader of the House has closed the debate.

The Hon. L. A. Logan: He did not give anyone a chance to comment.

Question put and passed.

ADJOURNMENT OF THE HOUSE

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [10.42 p.m.]: I move—

That the House do now adjourn.

THE HON. L. A. LOGAN (Upper West) [10.42 p.m.]: I strongly object to the line the Government is taking. We were given a definite undertaking that this part of the session would finish on the 24th May. Members of my party, and I am sure other

members of Parliament, have made firm commitments next week. I am supposed to be in Geraldton from next Sunday until the following Friday. How can I be there and here at the same time?

In the first part of the session, it was intended to debate the Address-in-Reply and to then deal with some minor Bills for three or four weeks. And yet, we have been dealing with major legislation. This is not good enough. I strongly feel we should not be called upon to sit next week.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [10.43 p.m.]: I am not very happy about the prospect of being here next Tuesday. We were told by the Leader of the House, and the public were told by the Premier, that the first part of this session of Parliament would adjourn on the 24th May.

I must comment that the handling of legislation in another place appears to leave something to be desired. We have never had more than 12 items on our notice paper since the opening of Parliament on the 15th March.

The Hon. J. Dolan: The Opposition has continually asked for adjournments.

The Hon. A. F. GRIFFITH: What does that have to do with it?

The Hon. J. Dolan: It has slowed things down.

The Hon. A. F. GRIFFITH: When the Leader of the House was on this side, he and his colleagues frequently asked for adjournments.

The Hon. J. Dolan: Of course we did.

The Hon. A. F. GRIFFITH: Then why is the Leader of the House making this point?

The Hon. J. Dolan: You are complaining that we did not have business on the notice paper.

The Hon. A. F. GRIFFITH: I simply made a statement of fact that we have never had more than 12 items on our notice paper since the opening of Parliament. The Leader of the House knows this to be true. Now, in the last week, we are expected to deal quickly with major legislation. The Sick Leave Bill was received tonight and we are expected to consider it. I assume that is the wish of the Leader of the House. Somehow or other the Premier's plan has fallen apart and the House will now be called to sit next Tuesday.

When the Government states it will sit on certain days, cannot it keep to them without changing its mind all the time? I can sympathise wth Mr. Logan—

The Hon. J. Dolan: I cannot.

The Hon. A. F. GRIFFITH: I conclude my remarks, because it is obvious we cannot arrive at anything reasonable.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [10.46 p.m.]: It is about time the House knew what the true position is.

The Hon. L. A. Logan: What the true position was! The Premier told us we would finish on Thursday next.

The Hon. J. DOLAN: We would have finished on the coming Thursday if it had not been for the Leader of the Country Party. He refused to sit after tea next Thursday.

The Hon. A. F. Griffith: We can sit after tea in this House on Thursday if the Minister so desires.

The Hon. J. DOLAN: This meant that the Premier in another place was placed in the position that he would have to call the House together on Tuesday next if the business had not been concluded at tea time on Thursday. If the Premier finishes by tea time on Thursday next there is not the slightest reason for him to ask members to come back on Tuesday next. The Leader of the Country Party demanded that he be not asked to come back on Tuesday next.

The Hon. L. A. Logan: The Premier stated that he would finish at tea time on Thursday next.

The Hon. J. DOLAN: Thursday does not end at tea time; the honourable member knows that. Because of the force of circumstances the Premier stated that he may have to bring members back on Tuesday next. It is of no use members on the other side of the House trying to tell me that this should not be done, because examples were quoted by the Premier in another place that a similar situation has happened previously under another Government. By force of circumstances the Premier has been obliged to make a change in the finishing date; that is, if he does not finish at tea time on Thursday next he must call Parliament together again on Tuesday of next week.

The Hon. L. A. Logan: He has been told that we will sit after tea on Thursday.

The Hon. J. DOLAN: He has been told no such thing! He has been told by the honourable member's leader that he will not sit after tea on Thursday. Only today he told the Premier that; unless he has changed his mind at the death knock and I have not been told about it. If arrangements are altered and we sit after tea on Thursday next then, consistent with the promise made by the Premier, he will finish after tea on Thursday. The circumstances are such that my hands are tied and I cannot do anything else.

Question put and passed.

House adjourned at 10.49 p.m.