The reason for this is simply that it is necessary to keep all records there for a period of three years. These records will contain all the information which the register would contain and the invoices will be available even if a register is kept. Therefore, the register will only be an unnecessary duplication.

The amendment will only apply to sales at Midland Junction Abattoir. I move—

> That the amendment made by the Assembly be amended by deleting the words "cattle to which section 3A of this Act applies" and substituting the words "bulls, bullocks, cows, heifers, steers, calves, ewes, wethers, rams, or lambs" and inserting after the word "section" in the last line of paragraph (a) of subsection (2) of proposed new section 3C the words "for a period of not less than three years", and amending clause 5 of the Bill as follows—
>
> Add at the end of the clause the following proviso—
>
> Provided that the provisions of sections 3A and 3B of this Act shall not apply to any cattle sales held within the precincts of the Midland Abattoir Board saleyards at Midland.

The Hon. J. M. THOMSON: I have no objection to the amendment. In fact, I support it.

Council's amendment on the Assembly's amendment put and passed; the Assembly's amendment, as amended, agreed to.

Sitting suspended from 9.29 to 10.16 p.m.

Report, etc.

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

A committee consisting of The Hon. R. Thompson (Minister for Community Welfare), The Hon. I. G. Medcalf, and The Hon. J. M. Thomson drew up reasons for not agreeing with amendment No. 1 made by the Assembly.

Reasons adopted and a message accordingly returned to the Assembly.

SALE OF LAND ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th May.

THE HON. I. G. MEDCALF (Metropolitan) [10.16 p.m.]: This is a very small Bill and I propose to support it. Its purpose is to amend section 17 of the principal Act, which deals with misrepresentation by land developers and others in respect of land development projects. Members will recall that when this Act was passed during the term of the previous Government a considerable amount of debate ensued on some of the sections, but not on section 17. The effect of the section is that land developers and others who are promoting land sales must be extremely careful when they refer to any public amenity such as a reserve, roads which will pass through the land, a reservation made by the Town Planning Department, or indeed any amenity at all. They may not refer to any such amenity unless that amenity has in fact received full approval; otherwise they are deemed to be misrepresenting the project to the intending purchaser.

The Minister quite clearly set forth in his second reading speech the purpose of the amendment. It is designed to ensure that no statements will be made by land developers or others unless either firstly all the approvals have been given by all the appropriate authorities; or, secondly, the developer or other person makes a statement that the approvals have not yet been given or that he does not know whether or not they have been given. I think the amendment is quite reasonable. I feel the parent Act goes too far and imposes rather severe limitations on people who are attempting to promote land development. For that reason I support the Bill.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [10.18 p.m.]: I thank Mr. Medcalf for his support of the Bill. It is a simple measure which seeks to do exactly what the honourable member explained to the House. I commend the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

House adjourned at 10.21 p.m.

Legislative Assembly

Tuesday, the 15th May, 1973

The SPEAKER (Mr. Norton) took the Chair at 4.30 p.m., and read prayers.

CONSTITUTION ACTS AMENDMENT BILL (No. 2)

Introduction and First Reading

Bill introduced, on motion by Mr. Jamieson (Minister for Works), and read a first time.

QUESTIONS (30): ON NOTICE

1. HEALTH

Disabled Children: Therapy

Mr. RUSHTON, to the Minister for Health:

(1) Is he aware good results are being achieved for disabled children by utilising horse riding as a therapy?

(2) To what extent is this therapy being used at present?

(3) Is the department prepared to give financial help to riding schools and other interested persons to carry on and extend this service?

Mr. DAVIES replied:

(1) Interest is being shown in Australia and in a number of overseas countries (particularly in England) in the possibility of horse riding being of therapeutic value to some disabled children. This appears to be mainly in the direction of improvement in general health but certain handicapped children (such as spastics) may obtain more specific benefit.

(2) A charitable organisation exists in Queensland to facilitate and promote this activity and interested people in Western Australia are in the process of forming a similar society. Specialist paediatricians are aware of what is being done and doctors may encourage horse riding in certain circumstances but it is not currently accepted as a necessary part of therapy.

(3) The department would not be prepared to provide financial assistance at this stage.

2. CLERK OF COURTS

Armadale

Mr. RUSHTON, to the Attorney-General:

(1) Which towns or centres within Western Australia have a full-time clerk of courts?

(2) Will he name the town or centre and the population of these communities which have a greater number of residents than the region based on Armadale which would be serviced by a full court at that centre?

(3) As the full court and clerk of courts is obviously fully justified at Rockingham, Mandurah and Pinjarra, and the population based on Armadale is greater than each of these centres, will he please justify his statement in answer to question 15 on 19th April, 1973—"The volume of court work at Armadale at present does not justify the appointment of a full-time clerk of courts"?

(4) Will he have a full review of the actual volume of court work coming from the Armadale region and which is now dealt with at Armadale, Perth, Midland and Fremantle and then reconsider his decision?

Mr. T. D. EVANS replied:

(1) Albany
Beverley
Boulder
Bridgetown
Broome
Bruce Rock
Bunbury
Busselton
Carnarvon
Coolgardie
Cue
Derby
Esperance
Geraldton
Harvey
Kalgoorlie
Katanning
Leonora
Mandurah
Manjimup
Marble Bar
Meekatharra
Merredin
Moora
Mount Barker
Mount Magnet
Narrogin
Norseman
Northam
Pinjarra
Port Hedland
Rockingham
Roebourne
Southern Cross
Wagin
Wyndham
York

(2) Bunbury
Kalgoorlie-Boulder

(3) The volume of court work is only one of the factors to be taken into account in assessing the need for the appointment of a full time clerk of courts. Clerk of courts at other centres undertake duties extraneous to court work. None of these additional duties would be available at Armadale.

(4) The matter is to be kept under review as is evidenced by my answer of the 19th April that the Public Works Department has been asked to examine the feasibility of extending the building.

I might add, by way of explanation, that regard has to be paid to the fact that on the 19th April I did not read out the full answer and I duly on a subsequent date corrected that omission.

3. FRUIT

Pome Fruit Industry, and Apple Sales

Mr. A. A. LEWIS, to the Minister for Agriculture:

(1) Does the Government consider that the views expressed by it about the doubtful future of the Pome fruit industry are still valid?

(2) Has the Government been advised or heard of the possible sale by Rural Traders Co-operative of 750,000 cases of granny smith apples to the Middle East in the 1974 crop season?

(3) What steps have been taken to ensure that the Commonwealth Apple and Pear Board does not demand that part of this order be supplied from Tasmania?

(4) Will he do all he can to support Mr. H. Gubler in his effort to ensure that the Australian Apple and Pear Board allows the export of the sizes required?

Mr. H. D. EVANS replied:

(1) The Government accepts the view expressed in the report by the Fruit Handling and Transport Committee, that with continually rising sea freights and increasing competition from other suppliers, the viability of apple exports to the E.E.C. must be suspect in the long term and that alternative markets for Western Australian fruit must be sought.

(2) The Government is aware that there is a stated requirement for large quantities of apples in the Persian Gulf area, which could in part be supplied from Western Australia. Over many years Western Australia has shipped small quantities of apples to this area. Increased participation in this market is dependent upon sufficient shipping of a suitable type being available and the general improvement in handling and storage facilities at destination. It is understood that R.T.C. is endeavouring to arrange shipment of minimal quantities of granny smiths to the Persian Gulf area in 1973, and increase the quantity as far as is practicable in 1974.

(3) The Australian Apple and Pear Board has not in the past determined total quantities or set export quotas other than for apple and pear shipments to the United Kingdom and Europe. Exporters have been free to seek markets and negotiate sales in any country provided minimum prices and the form of sales contracts are approved by the board. At this stage there is no evidence to indicate a change of board policy.

(4) Determinations of sizes permitted for export are made by the Department of Primary Industry. The board can only recommend that such changes be made. Representations would be made to the Minister for Primary Industry if such support was deemed necessary.

4. RAILWAYS

Bridgetown Depot: Transfer to Manjimup

Mr. A. A. LEWIS, to the Minister representing the Minister for Railways:

(1) Has the Commissioner for Railways had a petition from railway employees in Bridgetown with reference to the transfer of the W.A.G.R. depot from Bridgetown to Manjimup?

(2) If so, what does the Government intend to do about the losses that these employees will incur when the depot in Bridgetown is closed, taking note of the fact that their houses have to be sold in a town which already has a surplus of housing?

Mr. MAY replied:

(1) Not any petitions have been received.

(2) If employees who are transferred are involved in losses of the nature referred to, consideration will be given to assisting them.

5. FIRE STATION

Armadale

Mr. RUSHTON, to the Minister representing the Chief Secretary:

(1) Because of the heavy demands upon the voluntary firemen in the quickly growing Shire of Armadale-Kelmscott, has a decision been made to change the Armadale station to a permanently manned station?

(2) If "Yes" to (1), when is this move contemplated?

(3) If "No" to (1), how much longer can the dedicated volunteers be expected to match the heavy demands?

Mr. TAYLOR replied:

(1) No.

(2) Answered by (1) above.

(3) The needs of any one part of the metropolitan area cannot be looked at in isolation, as efficient and economic fire protection is best afforded by an integrated pattern of response which involves the mobilising of brigade resources at levels beyond that available in any one district to meet emergencies that arise.

Armadale volunteer brigade has the total support of metropolitan brigades, the nearest of which is within 8 miles.

Needs are kept under regular review by the Fire Brigades Board's planning officers and assessment is based on many factors including the type of development and the actual fire experience of particular areas both in terms of frequency and severity of actual fires.

There is no evidence to support an increase in fire protection at Armadale at this point of time. The next development anticipated for the southern corridor of the metropolitan area is the building of a major metropolitan support station at Beckenham, which is expected to come into operation at the end of 1975.

6. TOWN PLANNING

Kelmscott: Scheme 4

Mr. RUSHTON, to the Minister for Town Planning:

(1) What is the total acreage of the M.R.P.A. (Kelmscott) scheme 4?

(2) How much land has been provided for public open space in this scheme?

(3) Will he please table a plan showing the acreage and siting of the public open space?

Mr. DAVIES replied:

(1) 493 acres 0 roods 0 perches (approx. 199.51 ha).

(2) 50 acres 0 roods 11 perches (approx. 20.26 ha).

(3) Yes, plan tabled herewith.

The plan was tabled (see paper No. 163).

7. HOUSING

Kelmscott Town Planning Scheme 4

Mr. RUSHTON, to the Minister for Housing:

(1) Has he or the commission received requests to provide financial help towards recreational facilities in the M.R.P.A. (Kelmscott) scheme 4 area developed by the State Housing Commission?

(2) What help does he intend to offer by way of grant towards relieving the social pressures generated by this commission development?

Mr. BICKERTON replied:

(1) The commission was advised on 26th February, 1973, that the council resolved to seek commission assistance "in the provision of a suitable hall in a position to meet the urgent needs of the district". No mention was made of the Kelmscott or any other district.

(2) In districts and where the commission's operations are not dominant, it is not policy to make loans available for social infrastructure the provision of which is one of the normal responsibilities of a local authority receiving rates on land prior to and after its development. Consequently on 15th March, commission declined the request. However, the commission advised the shire it would confer on social infrastructure and other facilities, when it commenced the planning and development of its substantial broad acres in South-West Armadale.

8. *This question was postponed until Thursday, 17th May.*

9. WORKERS' COMPENSATION ACT

Availability

Mr. O'NEIL, to the Minister for Labour:

(1) Is he aware that there are no printed copies of the Workers Compensation Act available?

(2) Will he ensure that copies of the Act will be available before debate on the Workers Compensation Act Amendment Bill proceeds?

Mr. TAYLOR replied:

(1) The Member's question has now made me aware of the situation.

(2) Yes. The Parliamentary Counsel advises me that sufficient photo copies of an updated proof of the Act will be made available to meet the requirements of Members of both Houses.

10. RAILWAYS

Midland Marshalling Yards

Mr. BRADY, to the Minister representing the Minister for Railways:

(1) Has all shunting and marshalling of trains ceased at Midland marshalling yards?

(2) If not, when will the yards cease to be used for marshalling, etc., by the W.A.G.R.?

(3) Can the marshalling yards be leased to any other transport organisation that could use both road and rail activities in co-operation with W.A.G.R., e.g. northern transport companies, etc.?

(4) Will any attempts be made to lease the marshalling yard by calling tenders or inviting transport organisations locally and interstate to set up their headquarters in the vacated area?

Mr. MAY replied:

(1) No.

(2) For marshalling, 3rd June, 1973, but some of the yard will continue to be used indefinitely for servicing the saleyards, workshops, C.B.H. installation, and for attaching goods traffic to certain country passenger trains.

(3) No, because this would be contrary to the department's policy of encouraging the centralisation of road and rail activities in the Kewdale/Forrestfield complex.

(4) No.

11. IRRIGATION

Harvey: Increased Storage

Mr. I. W. MANNING, to the Minister for Water Supplies:

(1) Is he aware that the water level in the storage reservoirs serving the Harvey irrigation district reached an exceptionally low level during the recent irrigation season?

(2) What are the Government's plans for an early start on work to increase the storage capacity serving the Harvey district with particular reference to the construction of the proposed new dam on the Harvey river?

Mr. JAMIESON replied:

(1) The level to which the reservoirs serving the Harvey district were drawn down was based on a recommendation from the Irrigation Commission as to how much water in excess of water right should be supplied for the 1972-73 season. For this season farmers were allowed to draw up to 4½ acre feet per rated acre compared with the 3 acre feet per acre water right.

In making this recommendation, the Irrigation Commission was guided by the local Harvey Irrigation Committee who considered that running a certain degree of risk of restrictions for next season was warranted to ensure that normal production was maintained in 1972-73.

(2) In May, 1970, the State submitted to the Australian Government for inclusion in the water resources development grants scheme a proposal to build another dam on the Harvey River. Preliminary studies made by the Australian Government suggested that the economics of the proposal would be improved if construction was delayed for a few years.

The Public Works Department is currently updating the engineering section of the submission and the Department of Agriculture is re-examining the economics of the proposal with particular reference to the suggestion of the Australian Government.

12. ROCKINGHAM AND KELMSCOTT HIGH SCHOOLS

Building Costs

Mr. RUSHTON, to the Minister for Works:

(1) Will he give the House sufficient information, as he would the Parliamentary Public Accounts Committee, to allow a fair comparison of costs between the construction of the Rockingham and Kelmscott high schools?

(2) Will he give an assessment or detail, whichever is applicable—

(a) of the extra costs (e.g. reasonable profit, arranging finance, performance, etc) incurred by the contractor on Rockingham high school;

(b) of the extra costs incurred by the Public Works Department, particularly—

(i) the rise in building costs over period between construction;

(ii) in which way Kelmscott is larger and cost of this enlargement;

(iii) the cost of modification to the design of the structural steel frame and the reason for the modification;

(iv) the cost of varying the services and the reason for doing so?

(3) How are the site conditions sufficiently different as to attract extra costs?

(4) How many apprentices were employed on Kelmscott high school construction, and what is the additional cost due to their employment on the job?

Mr. JAMIESON replied:

(1) Yes. It is suggested that if the Member requires further specific information after considering the answers to parts (2) (3) and (4) of this question, he contact the Under Secretary for Works who will arrange for the necessary research to be carried out.

(2) (a) This information is not disclosed by contractors.

(b) (i) The assessed rise in cost, based on the agreed "rise and fall" formula over the period between the commencement of Rockingham high school and the commencement of Kelmscott high school, is $54,244.

(ii) Mainly additional width to covered access ways and covered areas, and additional building area to the gymnasium and manual arts block—additional cost $41,620.

(iii) Cost of modifications to steel due to amended design requirements was $4,780.

(iv) The cost of varying the site services was approximately $18,300 due to the the need to locate buildings on the site related to site contours.

(3) Site levels and contours.

(4) The number of apprentices employed varied throughout the project but averaged approximately 14. The additional cost, due to loss of productivity through on-site instructions and training by tradesmen, is indeterminate.

13. PRICES CONTROL

Effectiveness to Contain Inflation

Mr. RUSHTON, to the Minister for Prices Control:

I refer him to his answers to my question 30 on 9th May, when he said "I refer the Honourable Member to the second reading speech made earlier today on the Excessive Prices Prevention Bill",—

(1) As I have found after reading the speech in question, no answers as stated, will he give effect to his Premier's statement on the A.B.C. 7th May "A.M." programme and "easily demonstrate" the effectiveness of control of prices by price control in ensuring minimum prices and controlling inflation?

(2) Why has it taken so long to honour his undertaking to let me have the comparison of costs between the price fixed articles in South Australia and comparable articles in this State?

(3) When does he expect to let me have the information sought in (2)?

Mr. TAYLOR replied:

(1) to (3) The South Australian Prices Commission had agreed to provide prices of a representative number of items. The matter has been raised again and as soon as this information is received, a comparison with local prices will be made. It is hoped to fully answer the question next week which is the latest indication given by the South Australian Prices Commission as to when this information could be available.

14. SUBURBAN BUS AND RAIL SERVICES

Swan Electorate

Mr. BRADY, to the Minister representing the Minister for Transport:

(1) When is the new system of transport control to be implemented embracing M.T.T. buses and rail transport?

(2) Will the current shortages of transport in outlying suburbs be improved as a consequence of the new system?

(3) Will the shire councils or general public be invited to make suggestions for improved timetables to operate in areas adjacent to railways, e.g., Eden Hill, Lockridge, West Swan, Caversham, Middle Swan, Swan View, Greenmount, Hazelmere, etc.?

(4) Will any liaison be made with taxi companies or other firms or bodies, e.g., private schools, R.A.A.F. depots, technical schools, etc., to bring about an overall improvement in the passenger service?

Mr. JAMIESON replied:

(1) An amendment to the Metropolitan (Perth) Passenger Transport Trust Act is required. Preliminary work on this has commenced and the Government hopes to introduce a Bill for the purpose in the spring session of Parliament.

(2) The quality of service in outlying areas must be related to revenue earned and the cost of providing it. For instance, it is obviously impossible to provide the same frequency of service in an outlying suburb as in an inner, more dense suburb. Nevertheless, it is expected these arrangements will enable a better quality of service to be given to outlying suburbs.

(3) and (4) Yes, but it is pointed out that suggestions are continually received from many quarters, and both the M.T.T. and the W.A.G.R. already liaise with the sort of institutions the Member has mentioned.

15. LOCAL GOVERNMENT RATES

Ex Gratia Payments: Government Departments

Mr. RIDGE, to the Premier:

(1) If any, which State Government departments are not making *ex-gratia* payments in lieu of rates to local authorities?

(2) When and for what reason was it determined to adopt this course of action?

(3) How many properties are affected at—

(a) Broome;

(b) Derby;

(c) Wyndham;

(d) Kununurra?

(4) Assuming that the value of *ex-gratia* payments would be similar to the rates the properties would normally produce, what is the amount involved in each of the towns referred to in (3)?

(5) Considering that many northern local authorities are in dire financial straits and that some towns have large numbers of resident Government employees, will he instruct all departments to make *ex-gratia* payments in lieu of rates and so ensure that shire councils are not further financially embarrassed as a result of Government action?

Mr. J. T. TONKIN replied:

(1) to (5) Under section 532 of the Local Government Act, land is not ratable property if it is the property of the Crown and is being used for a public purpose. However, *ex-gratia* payments, in lieu of rates, are made in the case of Government-owned houses, which are occupied by staff required to pay rentals.

16. LOCAL GOVERNMENT RATES

Ex Gratia Payments: Minister for Health

Mr. RIDGE, to the Minister for Health:

(1) For what reason are departments under his control not making *ex-gratia* payments in lieu of council rates on properties which are occupied as staff quarters?

(2) Considering that occupiers of staff quarters use amenities and facilities which have been provided by ratepayers, does he not consider it reasonable that Government departments should contribute towards the provision of civic works?

(3) Will he instruct departments under his administration to make *ex-gratia* payments in lieu of rates, on all properties owned or vested in the departments in question?

Mr. DAVIES replied:

(1) to (3) The question does not specify which department is concerning the Member but because the Medical Department is the one which has the greatest number of staff quarters it is assumed that it is that department.

Since at least 1953 and almost certainly considerably longer than that it has been the department's policy to pay rates or the equivalent amount in *ex-gratia* payments in respect of all houses occupied by staff members who are required to pay a rental, i.e. it does not include houses which are occupied by nurses or domestics who are provided with their accommodation under the terms of their industrial awards.

No payments are made by the department in relation to staff accommodation which is on the site of the hospital.

If the Member has knowledge of houses not occupied by nurses or domestics as I have described, in respect of which the department is not paying rates or the equivalent will he please let me know details.

For further information, the Public Health Department's policy is the same but the number of accommodation units with which it is concerned is very small.

Mental Health Services have no staff accommodation away from the site of the mental health service facility, i.e. whether it be a mental hospital, hostel or training centre.

17. EDUCATION

Pre-school Teachers' College

Mr. MENSAROS, to the Minister for Education:

In view of his statement about the future of the pre-school (kindergarten) teachers college which will come under the auspices of the W.A.I.T., could he please explain why there is a different policy applied to this institution than was to the teachers colleges generally as illustrated by the Teacher Education Act?

Mr. T. D. EVANS replied:

The difference in policy arises from the fact that the Kindergarten Teachers' College is an independent institution controlled by an incorporated body, the Kindergarten Association of Western Australia.

The teachers' colleges brought under the Teacher Education Act were controlled by the State Education Department. However, provision was made in the Act for the Kindergarten Teachers College to be treated in the same way as the State teachers' colleges if this was desired, but the kindergarten authorities preferred that the college should be amalgamated with the Western Australian Institute of Technology, and I add that this was in accordance with one of the recommendations in the Nott Report.

18. SEWERAGE

Subiaco Treatment Works

Mr. MENSAROS, to the Minister for Water Supplies:

(1) Has the continuous supply of chloride for the Subiaco sewerage treatment plant been restored again after it had been interrupted by the Eastern States strikes?

(2) If so, when?

(3) If not, when will the board endeavour to secure alternative supplies so that the unusually heavy smell which causes considerable inconvenience for nearby residents could be arrested or at least considerably lessened?

(4) If (1) is "Yes" could he please disclose the reason of the present unusual smell in a time of the year when there are no long periods with low aerial inversion and when frequent winds should help to disperse the odour, and could he disclose the measures which have been taken to prevent the situation?

Mr. JAMIESON replied:

(1) Yes.

(2) 8th March, 1973.

(3) See (1) above.

(4) Despite the more frequent winds there have still been many occasions when autumn calm conditions have prevailed as in previous years.

19. PUBLIC WORKS DEPARTMENT

Architectural Section: Personnel

Mr. MENSAROS, to the Minister for Works:

How many architects, quantity surveyors, draftsmen and other personnel were employed by the Public Works Department in the drawing up of plans, specifications and quantity bills for all types of public works handled by the department as at 30th March, 1970, 1971, 1972 and 1973?

Mr. JAMIESON replied:

The following staff numbers in the categories nominated were engaged as detailed:—

	30/6/1970	30/6/1971	30/6/1972	30/3/1973
Architects	42	48	50	60
Architectural draftsmen	37	48	57	70
(Cadets)	(28)	(29)	(23)	(11)
Quantity surveyors	2	2	7	4
(Cadets)	(3)	(4)	(2)	(4)
Plumbing designers	5	6	7	9
Architectural drafting assistants	16	15	14	14
Structural engineers	13	18	18	21
Structural draftsmen	12	14	17	18
(Cadets)	(6)	(7)	(9)	(10)
Mechanical engineers	10	12	10	12
Mechanical draftsmen	17	22	23	26
(Cadets)	(8)	(6)	(7)	(7)
Mechanical drafting assistants	3	4	4	5
Electrical engineers	7	7	10	7
Electrical draftsmen	6	6	9	10
(Cadets)	(4)	(7)	(7)	(9)
Electrical technical officers	5	4	4	5
Electrical drafting assistants	5	5	5	5

The figures are as for 30th June in the years 1970, 1971 and 1972, not 30th March, as this was the most readily available record.

20. STATE HOUSING COMMISSION

Architectural Section: Personnel

Mr. MENSAROS, to the Minister for Housing:

(1) How many architects, quantity surveyors, draftsmen, and other personnel were employed by the State Housing Commission in the drawing up of plans specifications and quantity bills for all types of works except War Service homes handled by the State Housing Commission at 30th March, 1970, 1971, 1972 and 1973?

(2) If he cannot separate the personnel who worked on War Service houses only, would he please give the figures inclusively?

Mr. BICKERTON replied:

(1) and (2) The following table sets out the staff employed on the whole of the architectural activities as questioned.

All war service homes activity is integrated throughout the commission operations including architectural.

It is to be noted the commission does not prepare bills of quantities because of the repetitive nature of much of its work.

Personnel	As at 30/6/1970	As at 30/6/1971	As at 30/6/1972	As at 31/3/1973
Architects	7	*9	†8	‡10
Draftsmen Drafting	12	13	14	14
Assistants	4	8	9	6
Quantity Surveyor	1	1	1	1
Estimators	4	5	5	5

NOTE:

* Includes two architects who completed their University training in the previous year and who were bonded for a two-year practical training period.

† Includes two architects who completed their University training in the previous year and who are bonded for a two-year practical training period.

‡ Includes three architects who completed their University training in the previous year and who are bonded for a two-year practical training period.

21. LIBRARY

Mosman Park

Mr. HUTCHINSON, to the Premier:

(1) Is it the intention of the Library Board, or his intention, to punish or discipline the Mosman Park Council, by substantially delaying a favourable decision to assist Mosman Park with library facilities, because three and a half years ago the council would not join in a joint library scheme?

(2) Is he aware that the council's December 1970 decision not to put $70,000 into the joint scheme as requested by Mr. Sharr was directly based on the knowledge that the library was not to be built in Mosman Park, to the real advantage of the residents there, but in Claremont?

(3) As Minister for Cultural Affairs, will he comment on the apparent incongruity that $70,000 was requested in 1970 from Mosman Park for library facilities sited in Claremont when, in regard to library facilities to be established in Mosman Park for the ratepayers, Mr. Sharr has (in his tabled letter to Mr. Lonnie) disagreed on grounds of remoteness with a choice site in Mosman Park which would be highly suitable to the ratepayers?

(4) In the light of the replies I received to my question addressed to him on 1st May, would it be more appropriate in future in regard to library matters to address questions to the State Librarian?

(5) Will he end this Gilbertian situation by requesting the State Librarian to contact the Mosman Park Council on the matter of library facilities for Mosman Park or will he take a hand in this matter himself?

Mr. J. T. TONKIN replied:

(1) It is not the intention of the Library Board to punish or discipline the Town of Mosman Park. The Chairman of the Library Board gives his personal assurance that the board's consideration of the present proposals from the Town of Mosman Park has been entirely free from any prejudice arising from past experience. The board has long been aware of the desire of the people of Mosman Park for a library and would welcome receiving proposals from the town council which would enable Mosman Park to enjoy a library service of the same standard as other areas enjoy.

(2) Mr. Sharr did not request the Mosman Park Council in December 1970 to enter a joint scheme. He transmitted a document which the board had unanimously approved and had directed should be sent to all the local authorities concerned.

The document, which was reproduced by the Local Government Boundaries Commission in its report, proposed in brief: "a strong library at the mid point between Perth and Fremantle, namely, Claremont, with satellite libraries at Nedlands, where the present library is, and adjacent to the grove shopping centre where the present Peppermint Grove library is. This would be an efficient and economical layout and would certainly give the people of the whole area a very much better quality of library service". The proposed library at Claremont would have relieved the load on the Peppermint Grove library and enabled it, as was originally planned, to serve the people of Mosman Park. Almost the whole of Mosman Park lies within 1½ miles of the Peppermint Grove library, the normal radius of service of libraries throughout the metropolitan area. It was suggested that Mosman Park should contribute to the cost of the Claremont library what they might otherwise spend on a library in Mosman Park and, in return, have access to the well sited library near the grove shopping centre.

The council's reply, dated 2nd December, 1970, to this initiative by the board stated:—

"After a complete study of the document forwarded, my council resolved that you be advised that, although the overall scheme proposed in respect to the West suburban libraries would allow the inclusion of the Town of Mosman Park, the costs involved to this council are not within the resources of the Council at this stage.

The major factor influencing this decision was, of course, the initial cost to council of $70,000 to enable participation in the scheme".

Subsequently, it is understood, the council did approach Claremont Town Council, on the lines proposed by the board.

It is clear, therefore, that the reason for the council's decision, as stated by the Member, was not the reason given by the council at the time it took that decision.

(3) The Library Board, in 1962, published a pamphlet *Siting and Design of Public Library Buildings: notes for the guidance of local authorities and architects.* This was forwarded to all local authorities. The Board advised in the pamphlet—

"A library site should have the following characteristics:—

(a) located right in a centre of natural and frequent congregation, such as a shopping centre. Wide experience shows that to place a library elsewhere substantially reduces its use. Even if a site has to be purchased close to the centre, this, in the long run, is more economical than using land already owned by the local authority which is outside the centre.

(b) located on a main thoroughfare, and not on a back street, or away from a road, as for example, a park.

(c) Adequate size in relation to the population to be served.

(d) located conveniently in a catchment area of adequate size. (This mainly applies in large urban areas, not normally in country towns.)"

The site proposed in Mosman Park appears to the Library Board to be on the extreme edge of the town, away from the greatest concentration of population, on the top of a hill, not near any shops, and not served by a bus route.

The board therefore resolved at its April 1973 meeting—

"THAT the Town of Mosman Park be advised:

(b) that, when the time comes to consider applications from local authorities for the 1975 or later development programmes, the board would find great difficulty in giving priority to a proposal which did not conform to its published prescription of the requirements of a library site over others which did so conform;

(c) that the board would be unlikely to approve the site now proposed, and recommends that the council submit proposals for a site conforming with the board's prescription."

(4) No.

(5) Consistent with its normal procedure, the Library Board would gladly receive a deputation from the town council to discuss the matter, if the council were to request it to do so. All communications from the Town of Mosman

Park have been answered promptly after the board's consideration of them. No reply has been received to the board's last letter dated 12th April, 1973.

22. ABATTOIRS

Midland and Robb Jetty: Throughput

Mr. McPHARLIN, to the Minister for Agriculture:

(1) What number of stock were killed at Midland and Robb Jetty abattoirs from 1st January to 30th April for the years 1970, 1971 and 1972?

(2) What number of stock, i.e., sheep, lambs, cattle and pigs, for the same period as above were killed this year?

Mr. H. D. EVANS replied:

	Cattle	Sheep	Lambs	Pigs
(1) Midland Junction				
1970	29,488	339,638	102,778	34,645
1971	21,585	327,043	112,286	34,788
1972	20,748	587,655	125,750	38,177
Robb Jetty :				
1970	19,800	208,657	85,745	5,967
1971	17,927	230,088	101,028	7,136
1972	18,346	273,974	112,301	8,837
(2) Midland Junction :				
1973	50,207	623,835	118,211	57,302
Robb Jetty :				
1973	28,350	271,449	68,765	15,013

23. TRADES AND LABOR COUNCIL

Publication "New Deal"

Sir CHARLES COURT, to the Attorney-General:

(1) Will he undertake an investigation either through his own department or in conjunction with any other appropriate Minister to ascertain whether any of the advertisements in the publication "New Deal" (which purports to be the official organ of the T.L.C. and its May Day 1973 issue) were inserted without the specific authority of the advertisers concerned?

(2) If these advertisements were inserted without the specific authority of the advertisers concerned, is an offence committed, and what is the nature of the offence?

Mr. T. D. EVANS replied:

(1) I have now had the opportunity to look more carefully at the wording of this question. Having done that, I must say firstly, that I can see no occasion to instigate an investigation.

Even if I were convinced that the allegation was correct, it would not be a matter of any official concern to me, and I would have no power to order an investigation.

(2) Although strictly speaking this part of the question is inadmissible, in that it calls for the expression of an opinion on a matter of law, the answer is that no offence would have been committed.

24. CAREY PARK SCHOOL

Resource Centre

Mr. I. W. MANNING, to the Minister for Education:

(1) On what date can it be anticipated that work will commence on the construction of a resource centre at the Carey Park primary school?

(2) What expenditure will be involved in the construction of the centre?

Mr. T. D. EVANS replied:

(1) A private architect was only recently commissioned to undertake the work and until working drawings have been prepared it is not possible to give a commencement date.

(2) $20,000 has been allocated for the centre.

25. MINERAL SANDS

Port Site at Eneabba

Sir DAVID BRAND, to the Minister for Development and Decentralisation:

(1) Has a decision been made on the site of port facilities for export of products of mineral sands treatment plants at Eneabba?

(2) Who will be responsible for the port facilities and the decision on the site?

(3) Will power for plants be provided by the State Electricity Commission?

Mr. GRAHAM replied:

(1) Initially, mineral sands will be shipped through Geraldton. Companies have made preliminary studies in regard to alternative port sites but there has been no decision.

(2) Responsibility for port facilities has not been considered. The site for any port would require approval of the State.

(3) There have been preliminary discussions with the State Electricity Commission. However at present there is no arrangement for the State Electricity Commission to provide power to mineral sands treatment plants.

26. HOSPITALS

Nurses' Education

Dr. DADOUR, to the Minister for Health:

What is the total cost of nurse education for the years 1971-72, and 1972-73 at the following hospitals—

Royal Perth Hospital,
Princess Margaret Hospital,
King Edward Memorial Hospital,
Sir Charles Gairdner Hospital,
Fremantle Hospital,

detailed under the following headings—

(a) tutorial staff salaries;
(b) lecture fees;
(c) rent of floor space;
(d) equipment;
(e) other?

Mr. DAVIES replied:

	Royal Perth Hospital $	Princess Margaret Hospital $	King Edward Memorial Hospital $	Sir Charles Gairdner Hospital $	Fremantle Hospital $
1971/72 :					
(a) Tutorial staff salaries	137,943	42,436	24,997	92,054	34,647
(b) Lecture fees	6,940	3,960	2,360	4,280	3,860
(c) Rent of floor space	Nil	Nil	Nil	Nil	Nil
(d) Equipment	2,007	11,709	500	400	(*)
(e) Other	20,401	10,841	1,522	(*)	(*)
1972/73 (estimated) :					
(a) Tutorial staff salaries	196,350	57,362	37,038	131,733	38,030
(b) Lecture fees	7,500	2,400	2,462	4,420	5,733
(c) Rent of floor space	Nil	Nil	Nil	Nil	Nil
(d) Equipment	6,000	5,084	1,260	300	(*)
(e) Other	31,243	12,000	5,077	1,000(*)	(*)

(*) Separate records of other expenditure for school of nursing are not kept except text books at Sir Charles Gairdner Hospital ($1,000). No major items of equipment were purchased by Fremantle Hospital.

27. SEWERAGE

Point Peron Works

Mr. RUSHTON, to the Premier:

(1) Has he previously indicated to the Shire of Rockingham through the media his intention to resite the Point Peron sewerage works should his party be returned to Government?

(2) What attention has he given to this undertaking?

Mr. J. T. TONKIN replied:

(1) Although I had strong opposition to the proposal to construct the Point Peron sewerage works on the site intended by the previous Government, I do not believe I have said at any time that, regardless of the stage which construction had reached, I would have the works re-sited.

(2) I have discussed the matter with the Minister for Works who has advised me that work in connection with the Point Peron sewerage had progressed too far for it to be scrapped.

28. CONSUMER PRICE INDEX

Comparison with other States

Mr. MENSAROS, to the Minister for Labour:

Does he have information, and if so, can he divulge it to the House showing how much lower—

(a) the consumer price index related to a given date;

(b) the percentual increase in the consumer price index,

has been in South Australia than in all the other States at each statistical date and for each statistical period published, since the South Australian price control legislation is in force?

Mr. TAYLOR replied:

(a) I do not understand this question.

(b) The consumer price index is calculated for the six State capitals and Canberra, and not for each State. The separate city indexes measure price movements within each city

individually. They do not compare price levels between cities. It is possible to compare the increases from one period to another.

The following table indicates the index number and its increase from one period to the next both in actual and percentage terms for the period 1954-55 to 1971-72. Price control was introduced in South Australia in 1948 and the consumer price index was commenced in 1960. However, the bureau was able to produce figures back to 1954-55. Figures tabled herewith.

In respect to section (a), I invite the Member to contact the Under Secretary for Labour and if he desires, to ask further questions.

The statistics were tabled (see paper No. 164).

29. TRADE UNIONS

Blackmail and Intimidation: Allegations

Mr. O'CONNOR, to the Minister for Labour:

(1) Following claims of union pressure on a Morley self-service store as disclosed on page 2 of the *Daily News* of 9th May, will he include this case in his inquiry into union intimidation?

(2) Who is in charge of the inquiry?

(3) When does he expect a report to be available on this matter?

(4) Will he table a copy of the report when it is available?

Mr. TAYLOR replied:

(1) to (4) As advised in my reply to a question in the House by the Member on Tuesday, 17th April, 1973, as a preliminary to further inquiries, letters seeking further information were sent to all persons named by Members of the Opposition in the House, including two who wrote to me privately.

In reply, I have received one telephone call advising that, at the moment, any apparent problem no longer existed, but I will be informed if difficulties arise in the future, and one letter which I will quote:

"Dear Sir,

In reply to your letter of 11th ult.

1. Any difficulty in obtaining fuel supplies at the depot was due wholly to inference (sic) by T.W.U. officials.

I presume the word "inference" should read "interference".

To continue—

2. Never at any time was any trouble caused by the depot staff.

Yours faithfully"

In view of this response or lack of it to my preliminary inquiries, I do not feel that, in view of the fact that virtually all of the original complaints were made through Opposition Members and not through myself, my office, the Arbitration Commission or the Police Department, and that now letters of inquiry from me personally, have elicited the above response, I do not intend to continue my own inquiries or enlarge them at this stage. I will, however, invite the person referred to in part (1) to meet with me in my office to discuss his allegations. I understand that the matter of oil on milk bottles has been referred to the Commissioner of Police.

30. PRIVY COUNCIL

Appeals

Sir CHARLES COURT, to the Attorney-General:

(1) Under what Statutes does the State of Western Australia and its citizens have a right of appeal to the Privy Council?

(2) On what matters are there rights of appeal by the State of Western Australia and its citizens to the Privy Council?

(3) What procedures would be necessary by—

(a) the Commonwealth Government; and

(b) the State Government,

before the rights of appeal to the Privy Council could be terminated?

(4) (a) Has the State Government any intention of taking action to endeavour to terminate these rights of appeal available to the State of Western Australia or its citizens;

(b) when is such action (if any) proposed?

(5) Has the State Government indicated to the Commonwealth Government and/or to any other parties its desire to abandon the right of appeal to the Privy Council?

Mr. T. D. EVANS replied:

(1) Access to the Privy Council by way of appeal is grounded in the Royal Prerogative and controlled by a

number of United Kingdom Statutes enacted between 1833 and 1915.

(2) Subject to the grant of leave or special leave as the case may be, the Privy Council has jurisdiction in all matters other than those involving the exercise of federal jurisdiction.

(3) This question is one upon which differing legal opinions may be advanced. However, the Government is advised that under existing law appeals in Western Australian cases to the Privy Council can be terminated only by action of the United Kingdom Government. It is further advised that observance of the traditional constitutional conventions respecting the relationships between the State of Western Australia on the one hand and Her Majesty the Queen and the Government of the United Kingdom on the other hand would require that the State Government be fully consulted before any such action was taken. The State Government is advised that the Commonwealth Government has no authority in the matter.

(4) (a) and (b) The State Cabinet has not yet discussed this matter specifically, and therefore no decision has been made.

I make the point that prior to my becoming the Attorney-General, the matter was discussed by Cabinet, but not the specific items raised in the question of the Leader of the Opposition.

(5) Not that I am aware.

QUESTIONS (4): WITHOUT NOTICE

1. TRANSPORT WORKERS' UNION

Blackmail and Intimidation: Allegations

Sir CHARLES COURT, to the Premier:

I wish to indicate that I will be asking a further question of the Deputy Premier arising from a matter we discussed earlier in the afternoon. Dealing with the Curtis Bros. case—

(1) What investigations have been made by the police or other Government agencies into the experience of Curtis Bros. of Morley Park last Thursday, the 10th May?

(2) What is the result?

(3) What protection is being given or what precautions are being taken?

Mr. J. T. TONKIN replied:

(1) to (3) The following information has been given to me by the Minister for Police—

Superintendent Nicholson, Metropolitan District Office, advises that special patrols are giving priority attention in the Morley area as a result of the Curtis incident.

There is no further information yet as to the identity of the person or persons who poured oil over the milk bottles outside Curtis's shop.

2. TRANSPORT WORKERS' UNION

Blackmail and Intimidation: Allegations

Sir CHARLES COURT, to the Deputy Premier:

Some questions on this matter were asked last Thursday and I addressed a letter, dated the 14th May, to the Premier. I understand that the contents of that letter are known to the Deputy Premier. In it I referred to the Deputy Premier's allegations about political collusion in respect of the Curtis Bros. incident. Is it his intention to withdraw the allegation of political collusion, and has he any further information on the oil incident so far as the union is concerned?

Mr. GRAHAM replied:

I trust that you, Mr. Speaker, will permit me to outline the situation. A report appeared in the *Daily News* on the 9th May of a certain incident concerning Curtis Bros. and approaches made to a principal by a representative of the Transport Workers' Union. On the following day, the 10th May, another report appeared in the *Daily News* describing the incident of oil being poured over milk bottles. Questions were asked of me by the Leader of the Opposition, and one of them was as follows—

(1) What action is proposed to give protection to the Curtis brothers from intimidation by representatives of the T.W.U. following the distressing experience of these traders yesterday and today?

"Intimidation by representatives of the T.W.U." refers to a conversation with a union representative, and to the experience of the

traders. "Today" was referring to the pouring of oil over the milk bottles.

That question contained a direct allegation against the Transport Workers' Union as being responsible for this form of intimidation. I replied to the Leader of the Opposition and during the course of my reply to his supplementary questions I described the situation which was that there were present a storekeeper, a Press reporter, a newspaper photographer, TV cameramen, and a Liberal Party member of Parliament who was not the political representative for the district. I suggested that this was more than a coincidence, and I followed that up by the words to which exception is taken, these being—

> In my opinion I can say there are some indications of political collusion.

If ever there was an organised incident, this was it. Since then, the Leader of the Opposition has taken exception to those words.

Mr. O'Connor: I do, too!

Mr. GRAHAM: Be that as it may. What I am pointing out is that there were some reasons for my stating that it would appear there were indications of political collusion.

Sir Charles Court: Are you going to withdraw the words or not?

Mr. GRAHAM: I said—

> In my opinion I can say there are some indications of political collusion.

In my view I had some grounds for that statement because of the assembly of persons—

Sir Charles Court: Are you going to withdraw the words or not?

Mr. GRAHAM: —which was of such importance that obviously it had some political connotations.

The Leader of the Opposition has asked for my withdrawal of those words. Before dealing particularly with that aspect, I wish to say that I have in my hand a statutory declaration which is signed by Robert Cowles, the Secretary of the T.W.U. With your permission, Mr. Speaker, I will read it as follows—

(1) Christian name or names and surname of declarant in full.
(2) Address.
(3) Occupation.

I [1] PATRICK CECIL ROBERT COWLES, being Secretary of the Transport Workers' Union of Australia (W.A. Branch) of [2] Room 53, Trades Hall, Beaufort Street, Perth in the State of Western Australia [3] ..... do solemnly and sincerely declare that:

> The incident of oil thrown over empty bottles outside Mr. Curtis' delicatessen, Morley, during the night of Wednesday, May 9, 1973 or early hours of Thursday May 10, 1973, was not a deed done by me or any of the Officers of this Union. Neither I nor any officer of the said Union have any knowledge of the person or persons responsible for the act. Further that I did not use intimidating action on my public relations visit to Mr. Curtis on the morning of May 9, 1973.

The SPEAKER: Order!

Mr. GRAHAM: I repeat that this is a statutory declaration and does not warrant cheap gibes by interested members of Parliament. It concludes—

> And I make this solemn declaration by virtue of section one hundred and six of the Evidence Act, 1906.
>
> Declared at Perth, W.A. this 15th day of May 1973, before me,
>
> J. C. BARTLETT, Justice of the Peace.
>
> [4] ROBERT COWLES.

(4) Ordinary signature of declarant.

I seek permission to table the document.

The statutory declaration was tabled (see paper No. 165).

Mr. GRAHAM: So this removes completely any suggestion that the T.W.U. was responsible.

Sir Charles Court: That is their statement, you say? They are dissociating themselves?

Mr. GRAHAM: That is so, in the same way the Leader of the Opposition in a statement addressed to the Premier—and not in a statutory declaration, but I am unaffected by that—indicates that he, the Leader of the Opposition, has made inquiries of his political party and his colleagues and all of them disclaim any responsibility for the incident referred to in the *Daily News* of the 10th May, 1973.

Mr. O'Connor: We can ask you people the same question—Are you involved in it?—if you want to go this far, which is quite foolish.

The SPEAKER: Order!

Mr. Rushton: Offensive, that's what it is.

The SPEAKER: Order!

Mr. GRAHAM: So, Mr. Speaker, assuming that the Leader of the Opposition has cast his net far and wide to include all members of his party who might have taken some offence at the remarks, I am prepared to withdraw those that can be construed as being a reflection upon them and their integrity but I say at the same time there is a very definite duty devolving upon the Leader of the Opposition because there was no denial by him that the question as framed pointed an accusing finger directly at the Transport Workers' Union, or certain of its officers.

3. WATER SUPPLIES

Canning Dam-Roleystone Tunnel

Mr. RUSHTON, to the Minister for Water Supplies:

(1) Is the scheduled programme for construction of the Canning Dam tunnel to guarantee the metropolitan water supply at the earliest in jeopardy from union bans on anything French?

(2) Is the construction company Citra under a performance clause?

(3) If "Yes" to (2) how is this affected by any withdrawal of labour?

(4) How many employees are involved in this project—

(a) directly;

(b) indirectly?

(5) For how long is the McNess Drive access to Canning Dam to remain closed—

(a) if normal conditions continue;

(b) if withdrawal of labour takes place?

(6) What negotiations has the Government had with the unions to enable the project to continue?

(7) What result has been achieved?

(8) What is the present position and the foreseeable future of the tunnel project as it is affected by French/union confrontation?

The SPEAKER: This is not an urgent question and I direct that it be put on the notice paper.

Mr. RUSHTON: Mr. Speaker, can I query that situation?

The SPEAKER: I have directed that the question be put on the notice paper.

Mr. RUSHTON: I think the Perth water supply is an urgent matter.

The SPEAKER: Order!

4. TRANSPORT WORKERS' UNION

Blackmail and Intimidation: Allegations

Sir CHARLES COURT: I do not know how to handle this situation under Standing Orders.

Mr. J. T. Tonkin: Perhaps I could ask you a question and make it easy.

Sir CHARLES COURT: Perhaps the Premier could, under Standing Orders. The Deputy Premier has virtually asked me a question and I can provide the answer if that is satisfactory. I will await your opinion, Mr. Speaker.

The SPEAKER: Perhaps the Premier could make a statement.

Mr. J. T. TONKIN: In view of the explanation given by the Deputy Premier, and the tabling of the statutory declaration which absolves the union from any involvement in this incident, I suggest that in all fairness it would not be unreasonable for the Leader of the Opposition to withdraw his statement against the union.

Sir CHARLES COURT: I could, of course, ask that this question be put on the notice paper or refuse to answer because it involves an expression of opinion, to use a phrase favoured by the Premier on occasions! However, I do not intend to do that. I do want to say I am rather disappointed that the Deputy Premier handled the matter in the way he did. I felt in view of the letter I wrote to the Premier and the discussion I had with him that the Deputy Premier would have dealt with the specifics of the case and left it at that.

As I understand the situation, he has now withdrawn the words we regard as offensive and a reflection on our party, and the Opposition generally, and he has asked that I, in turn, make some comment regarding the allegations I made about the T.W.U. I want to say that we accept the words of withdrawal by the Deputy Premier, although he did depart from established practice because, when these sorts of words are to be withdrawn, it is not customary for a long detailed explanation to be made at that time. However, he has said his piece and we accept the final words he got around to saying—that he withdraws the allegation he made—and we accept the withdrawal, as such, and the spirit of it.

So far as the other matter is concerned, I want to say, in view of the statutory declaration tabled

in respect of the T.W.U.'s part in the matter that, because of that statutory declaration, we accept the T.W.U.'s assurance that it was not involved in the oil incident.

However, I make it clear we do not withdraw our allegation in respect of the matter which will be the subject of debate in the House when we introduce our motion on this general question tomorrow.

So far as the oil incident is concerned, in view of the statutory declaration and the explanation, and the assurance given by the Minister, we accept that the T.W.U. did not in any way consider or accept involvement.

Mr. J. T. Tonkin: Does that mean the Leader of the Opposition is rejecting the other part of the statutory declaration that the union did not use intimidatory tactics?

Sir CHARLES COURT: We do not have to accept or reject the declaration at all. I am making our position clear. We are accepting the statutory declaration and the assurance given by the Deputy Premier in respect of the oil incident. The Premier helped me to make this decision when he told me the police have made inquiries and have not been able to locate anyone considered to be responsible.

Mr. J. T. Tonkin: Surely the full contents of the statutory declaration should be accepted.

The SPEAKER: Order! I cannot allow general debate to take place.

MINING ACT AMENDMENT BILL

Assent

Message from the Governor received and read notifying assent to the Bill.

EDUCATION ACT AMENDMENT BILL (No. 3)

Introduction and First Reading

Bill introduced, on motion by Mr. T. D. Evans (Minister for Education), and read a first time.

Second Reading

MR. T. D. EVANS (Kalgoorlie—Minister for Education) [5.23 p.m.]: When I look at a Bill I never cease to be amazed about how many clauses are concerned with procedure and how many deal with the form or actual substance. This Bill contains four clauses and all of them relate to substance. I move—

That the Bill be now read a second time.

This measure 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 measure 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 the repeal of section 34A is that male persons 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 at present before Parliament. The repeal of the particular section will mean that the possibility to which I have referred will become a reality.

Debate adjourned, on motion by Mr. E. H. M. Lewis.

METRIC CONVERSION ACT AMENDMENT BILL

Second Reading

MR. J. T. TONKIN (Melville—Premier) [5.28 p.m.]: I move—

That the Bill be now read a second time.

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

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

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

One of the advantages of presenting amendments in this schedule form is that the amendments will be easier to trace in

future than they would be had they been effected as a general rule by the proclamation process authorised by section 5. The approval of this schedule would mean that the majority of Acts requiring amendment have been dealt with. I commend the Bill to the House.

Debate adjourned, on motion by Dr. Dadour.

SUPERANNUATION AND FAMILY BENEFITS ACT AMENDMENT BILL

Second Reading

MR. J. T. TONKIN (Melville—Treasurer) [5.30 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; namely—

> 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 altenative 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 in 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 of 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 purposes, 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 enabling members to subscribe for 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 partway 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 contributors 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 employees 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 amend 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 those 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 so to 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. I have already indicated that 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 Mr. R. L. Young.

ROAD MAINTENANCE (CONTRIBUTION) ACT REPEAL BILL

Second Reading

MR. J. T. TONKIN (Melville—Premier) [5.45 p.m.]: I move—

> That the Bill be now read a second time.

In presenting this Bill I would like to reiterate some of the matters I put before the House on the occasion when a similar Bill was presented in August, 1971. At that time I said, "Members of the Labor Party have always maintained that the road maintenance tax was an iniquitous imposition." When one recalls that this was said in August, 1971, and here we are nearly two

years later with the tax still in force, one finds members opposite have had plenty of opportunity to question and prove, if they could, that such a statement was in fact incorrect or exaggerated. However, it seems to me that it is significant that no contradiction has been forthcoming. I can only conclude, therefore, that my criticism of this legislation cannot be refuted.

As is well known, my Government has made strenuous efforts to relieve or even absolve some truck operators from the effects of the tax, but it seems that those effects are so devious as to make it almost impossible to provide any real relief. On the previous occasion, in voicing my Government's objections to the Road Maintenance (Contribution) Act I made these points—

- that it falls heavily on those situated in isolated areas remote from railways;
- that most sections of the farming community, including the Farmers' Union, are strongly opposed to the tax;
- that the collection of the tax poses many administrative problems for the Transport Commission;
- that the truck owner-drivers are involved in much book work in complying with requirements of the legislation;
- that much unfavourable publicity has arisen because of the many prosecutions imposed; and
- that other States in Australia with similar legislation have also found this to be an unpopular taxing method.

Those statements are as valid today as they were in August, 1971.

Mr. Thompson: Have the other States still got it?

Mr. J. T. TONKIN: No responsible Government should continue to impose on a section of the community such an unpopular piece of legislation. My Government's proposal to replace this tax by increasing commercial vehicle registration fees will resolve many of the problems I have just outlined—

Sir Charles Court: And create worse ones in their place.

Mr. J. T. TONKIN: I very much doubt—as a matter of fact there is no room for doubt—that the Opposition would be prepared to repeal this tax and forgo completely the money necessary to supplement the resources of local authorities for road work.

Mr. W. A. Manning: You put that in your policy speech.

Mr. J. T. TONKIN: Therefore, the laugh we heard a moment ago was a hollow laugh.

Sir Charles Court: We will see.

Mr. Stephens: What about the promise you made which was reported in *The Albany Advertiser*?

Mr. J. T. TONKIN: Is the honourable member suggesting that the State should forgo the whole of the money?

Mr. Stephens: No. You said you would make good the deficiency by economies within the department.

Sir Charles Court: Your policy was to repeal the road maintenance tax—full stop.

Mr. J. T. TONKIN: That is all right; that is what I am proceeding to do. I would remind the Leader of the Opposition that he had the opportunity in 1971 to repeal road maintenance tax without imposing license fees in its place.

Sir Charles Court: That was not quite the position.

Mr. J. T. TONKIN: Yes it was, because I declared unequivocally that whether or not the Bill imposing the license fees was passed—

Mr. Rushton: That still applies.

Mr. J. T. TONKIN: —I would repeal the road maintenance tax. I would remind the members for Dale and Stirling that they, just as much as the members of another place, are responsible for the defeat of the previous Bill to repeal road maintenance tax; because at that time the Opposition merely had to approve of that Bill and defeat the other measure, and road maintenance tax would have been abolished without alternative license fees being imposed. It is no good members opposite trying to dodge that issue. That was the situation and the action of the Government was in complete conformity with what the Leader of the Opposition now says was the undertaking given in my policy speech.

Sir Charles Court: Why did you bring in the other tax?

Mr. J. T. TONKIN: It is a bit late to try to excuse that.

Sir Charles Court: Why didn't you just implement your policy and challenge the Opposition to accept it or oppose it?

Mr. J. T. TONKIN: The result would have been the same.

Sir Charles Court: No it wouldn't.

Mr. J. T. TONKIN: Why would it not have been the same?

Sir Charles Court: You brought in the other tax.

Mr. Gayfer: If local authorities do not get their money you can say we have voted this out.

Mr. J. T. TONKIN: The member for Avon cannot have it both ways. He cannot argue that I should have introduced a Bill on its own to repeal the tax and chide me for not doing that when the situation

developed in such a way that the Opposition could have repealed the road maintenance tax without imposing alternative license fees.

Sir Charles Court: We are not that green, you know. Everyone saw through what you were doing. When you brought down two Bills you disclosed your thinking.

Mr. J. T. TONKIN: It was not necessary to bring down two Bills.

Sir Charles Court: That is right. You disclosed your hand then.

Mr. J. T. TONKIN: I have done that again. I will go further and say this: Having given the Opposition the opportunity to repeal the tax without imposing license fees, I now propose not to abolish the tax without imposing license fees because the income is necessary in order to ensure that local authorities will have sufficient resources.

Sir Charles Court: Wasn't that always the position?

Mr. J. T. TONKIN: The Opposition had the opportunity then but did not take advantage of it.

Sir Charles Court: Don't come at that raw stuff here; we are not that stupid.

Mr. J. T. TONKIN: The Leader of the Opposition can argue until he is blue in the face; but the fact of the matter is that he had the opportunity and he did not take advantage of it. The reason that he did not take advantage of it is his own business; but he had the opportunity. Is it suggested that the Government would have gone back on its word?

Mr. Rushton: Will we get one like this on fluoride, too?

Mr. J. T. TONKIN: I made an unequivocal statement to the House that if the Bill imposing license fees was not passed and the road maintenance tax repeal Bill was passed, the latter would be proclaimed and the tax would be abolished.

Mr. O'Connor: But it will not be this time?

Mr. J. T. TONKIN: There is not a member in the House who could successfully state that that was not the position.

Sir Charles Court: You are now saying that what the Legislative Council did was the responsible thing to do.

Mr. J. T. TONKIN: What the Legislative Council does from time to time it does at the request of the Leader of the Opposition.

Sir Charles Court: It does nothing of the sort.

Mr. J. T. TONKIN: Oh, yes it does; it is influenced by him.

Sir Charles Court: I only wish you could hear some of the discussions that take place.

Mr. J. T. TONKIN: As a matter of fact it is recorded in *Hansard* that the Leader of the Opposition has stated what will happen in the Upper House before a Bill reaches there.

Sir Charles Court: He has said what he hopes will happen.

Mr. Rushton: Can you be sure of what will happen in the other House?

Sir Charles Court: Would you mind clarifying one point? I take it that you are saying today that now you want both Bills passed?

Mr. J. T. TONKIN: Yes; that is very definite.

Mr. O'Connor: You will not have one without the other?

Mr. J. T. TONKIN: That is right; that is the position today.

Sir Charles Court: This is good legislation for the Legislative Council.

Mr. Thompson: How did you get on with your approach to the Premiers of the other States?

Mr. J. T. TONKIN: Put that question on the notice paper. To return to my argument in connection with the Bill before us now, my Government's proposal to replace this tax by increasing commercial vehicle registration fees will resolve many of the problems I outlined earlier and there will be a saving on administrative charges as well. I believe this Bill eliminates a taxing measure which, since it came into effect in 1966, has placed an unfair burden on the community.

Finally, I would say that only today I received a submission on behalf of owner-drivers who have suggested a system of increased licensing which they would welcome in place of the road maintenance tax. I replied that the proposals they put forward will be examined, but they are more or less in line with what is before the House this evening.

Mr. Thompson: Was that from the owner-drivers' association?

Mr. J. T. TONKIN: I cannot answer that definitely; it came from a person who declared in his letter that he has organised the owner-drivers. He mentioned a number of them and said that he was speaking on their behalf.

Mr. O'Connor: Is this Mr. Bezant?

Mr. Gayfer: Are you going to make any comment about the meeting of State Premiers on Thursday, the 10th May?

Mr. J. T. TONKIN: Despite the indications of opposition from the Opposition, I commend the Bill to the House.

Debate adjourned, on motion by Sir Charles Court (Leader of the Opposition).

TRAFFIC ACT AMENDMENT BILL (No. 2)

Second Reading

MR. J. T. TONKIN (Melville—Premier) [5.58 p.m.]: As already indicated, this Bill is complementary to the preceding measure, and unless this Bill is passed the Government will not proceed with the other and it will not become law.

Mr. Thompson: There is no doubt about this one?

Mr. J. T. TONKIN: I like to make my position clear because I realise I am likely to receive all sorts of misrepresentation.

Sir Charles Court: The great vindication of the Legislative Council! This is a vote of thanks to that House.

Mr. J. T. TONKIN: I move—

That the Bill be now read a second time.

To replace road funds which would no longer be forthcoming if the Road Maintenance (Contribution) Act is repealed, it is proposed to amend the third schedule to the Traffic Act to provide a new scale of fees for commercial vehicles.

At this stage it is estimated road maintenance contributions in 1973 will amount to approximately $3,300,000, compared with $3,800,000 last year. As there will be a number of vehicles with unexpired portions of licenses to run after the commencement date of the provisions in this Bill, there will be some loss of road funds during the transition period; but following that period it is expected the proposed scale of fees will yield approximately $3,600,000 in the financial year 1974-75. It may be seen, therefore, that virtually there will be no loss of road funds arising from the new scale of fees.

Should the Bill be passed through all stages and assented to, it will not be proclaimed until the Road Maintenance Contribution Act has been repealed.

The new scale of fees amending the third schedule, is set out in metric terms and so that members do not have to trouble themselves with conversions, they may be assured that the scale of fees is a reduction of 5 per cent., to the nearest dollar, on those previously considered by the House in 1971.

Mr. O'Connor: Is there any reason for the reduction? Is this a result of an increase in the number of vehicles?

Mr. J. T. TONKIN: The reason for the change is that I am hoping to get the Bill passed; and as an inducement to achieve that I am reducing the amount of license fee, and making other concessions. It is as simple as that. I hope members will not object to that.

For motor wagons, prime movers, and trailers with an aggregate weight of 2540 kilograms or more, the new scale of fees provides for assessment on the basis of aggregate weight; that is, tare plus load capacity, calculated in accordance with the vehicle weights regulations.

Under this method of assessment, it may be expected that a road haulier who operates a vehicle or a combination of vehicles with specifications appropriate to the type of work he is doing and at a level which could normally be considered economic, will pay an equitable fee.

In cases where a vehicle or combination of vehicles are at present subject to road maintenance contribution, a saving in fees will generally be shown, even when the vehicle travels for a distance as short as 800 kilometres per week. The following are examples—

	Tare	Aggregate	Road Maintenance plus half license	Proposed
	kg	kg	$	$
International Semi-trailer (40 237 km per annum)	7 620	20 320	1,009	649
Foden Truck (40 237 km per annum)	8128	22 252	1,095	743

Mr. Gayfer: Does that include a full license, or will you be allowing a half license?

Mr. J. T. TONKIN: That is what they will pay.

Mr. Gayfer: They will pay the full license?

Mr. J. T. TONKIN: Yes, for that amount. To continue with the table—

	Tare	Aggregate	Road Maintenance plus half license	Proposed
	kg	kg	$	$
Mercedes Semi-trailer (48 280 km per annum)	9 144	25 908	1,469	948
Large Semi-trailer (56 327 km per annum)	12 446	36 576	2,347	1,519

The SPEAKER: Order! I must ask members to be more quiet.

Mr. J. T. TONKIN: There will be increases in fees for commercial vehicles with a load capacity that does not at present attract road maintenance contribution, but it must be remembered that in other States, road maintenance contribution is paid on a load capacity of 4064 kilograms (four tons) or more, and registration and license fees are generally in excess of those applying in this State at present.

In this connection I would advise members that recently the Premier of Queensland (Mr. Bjelke-Petersen) told me that

his State collected approximately $8,000,000 from the road tax, apart from the road maintenance tax.

Mr. McPharlin: What is the tonnage in South Australia? In the other States it is four tons.

Mr. J. T. TONKIN: I might have that information later.

If the commercial vehicle is owned by a person engaged in the business of farming and grazing, concessions of two-thirds will apply and he will pay only one-third of the normal fee on two of his motor wagons.

The last time a similar Bill was introduced in 1971 the concession was granted in respect of only one motor wagon. Now it is considered that if the concession is given on two motor wagons, that should meet the requirements of farmers; that is, provided the two motor wagons have a tare of not less than 1524 kilograms and the vehicles are not station wagons. The effect will be largely to exempt farmers and graziers from the increase in fees, although some may pay a little more and others a little less.

In cases where a vehicle, previously subject to road maintenance contribution, is used at a level well below that at which a competent haulier would operate, an increase in total fee may be expected.

It is difficult to find a basis of assessment which is simple and yet fair to all types of vehicles and operators, but it is believed that assessment on the basis of aggregate weight will generally be more equitable than the previous basis of tare weight.

Mr. O'Connor: Do you consider there will be an anticipated reduction in the cost of goods to customers in the country?

Mr. J. T. TONKIN: No. Admittedly, a scale of fees related to road usage would appear to be the ultimate, but no satisfactory means of implementing such a proposal is available to the States and the difficulties and cost of collecting road maintenace contribution illustrates this point.

It is expected anomalies may present themselves and these will be reviewed from time to time. An increase in fee, however, is not necessarily an indication that an anomaly has been created, as it may have been brought about by the correction of a previous anomaly.

In the case of a prime mover and semi-trailer, it is proposed to attach the fee mainly to the prime mover. Concessions relating to semi-trailers will be eliminated, and these will be licensed at a flat fee of $10.

Mr. O'Connor: Does this apply to a semi-trailer of any size?

Mr. J. T. TONKIN: Yes. The concession with regard to semi-trailers will be eliminated and there will be a flat fee, but the license will be on the prime mover.

There has been some concern at the possibility of vehicles licensed in other States operating commercially in this State to the detriment of operators who license their vehicles in Western Australia. The proposed amendment to section 5 and the addition of section 5A, is to require licenses to be taken out in this State where commercial vehicles are operating on other than interstate trade. Reciprocal rights will be retained for residents of other States who visit this State as tourists, in other than commercial vehicles.

It is appreciated that many of the lighter type station sedans and utilities are operated as private vehicles and where the tare does not exceed 1778 kilograms, provision has been made for these to be assessed at the same rate applying to a motorcar where the vehicle is used for private or domestic purposes, or is owned and used solely by a charitable, benevolent, or religious institution.

A person carrying on the business of farming and grazing—and who uses a wagon mainly for the carrying of the requisites for or products of that business—is, in respect of one property, at present entitled to a concession of one-half the normal license fee in respect of one vehicle of a tare of 1524 kilograms or more. This concession is to be increased to two-thirds and will be extended to a second vehicle. These concessions will not apply to station wagons, some of which now have a tare exceeding 1524 kilograms or 30 hundredweight.

While no adjustment of license fees will be made in respect of vehicles currently licensed when the new rates come into effect, provision has been made to prevent deliberate manipulation to obtain the benefit of the unexpired portion of a previous license fee. Where a vehicle is deliberately delicensed and relicensed with the view to extending the period of license at a lower rate, the local authority will be entitled to recover payment of the difference and refuse to license the vehicle until the amount has been paid.

As a deterrent to that small minority of persons who may be expected to make false statements concerning the use of a light utility or panel van for private purposes, it has been made an offence to make a false or misleading statement or representation in a declaration for the purpose of obtaining a concession.

The subject of this Bill is to replace funds needed for road construction and maintenance. No measure to increase fees is met with enthusiasm, but an objective assessment of their effect on the transport industry as a whole will indicate the merits of the proposals. The present system gives encouragement to the marginal transport operator who endeavours to avoid paying his contribution to road maintenance, if he is to remain in business, and I

do not believe this is a desirable state of affairs. I believe the basis of assessment is sound and the scale of fees reasonable and equitable.

I commend the Bill to the House.

Debate adjourned for one week, on motion by Sir Charles Court (Leader of the Opposition).

Sitting suspended from 6.14 to 7.30 p.m.

LAND TAX ASSESSMENT ACT AMENDMENT BILL

Second Reading

MR. J. T. TONKIN (Melville—Treasurer) [7.30 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 for a flow of subdivided residential lots onto the market and so assist in maintaining reasonable price levels.

Generally, developers holding large tracts of undeveloped urban land develop it progressively in accordance with an approved plan. This usually involves approval of 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 tax 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 per centum 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 the Bill. It is proposed to introduce a metric conversion Bill amending the Land Tax Assessment Act in this session of Parliament and accordingly the Bill now before the House has areas expressed in metric measure.

For the information of members, 4,047 square metres equal one acre, and 4.0469 hectares equal 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) must have land which exceeded 4.0469 hectares before subdivision.

Mr. Rushton: What about when local authority requirements do not permit of this?

Mr. J. T. TONKIN: I suggest the honourable member reserves his queries until the Committee stage.

The assessment of an applicant will, firstly, be 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 attract only $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 purpose of 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 the owners of 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.

Mr. Rushton: Forgetting about the little man again.

Mr. J. T. TONKIN: 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 applying under the existing section 8A also if he later improves that land by building upon it.

As matters now stand, 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.

Under the proposal now before the House, this concession will apply to certain serviced subdivided land, so the Bill contains a provision to prevent a person receiving the concession under this legislation from 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 Sir Charles Court (Leader of the Opposition).

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th April.

MR. O'NEIL (East Melville—Deputy Leader of the Opposition) [7.44 p.m.]: I am a little surprised this Bill is before us at the moment. We know the Minister for Labour is absent and, though he apologised for his absence, he gave me to understand that the Sick Leave Bill was to take precedence during his absence.

Mr. J. T. Tonkin: I wish he had told me.

Sir Charles Court: He rang me on your behalf yesterday and asked me whether we would mind if the notice paper was changed.

Mr. O'NEIL: The Minister for Labour indicated this to me.

Mr. J. T. Tonkin: Apparently I am the only one who did not know about it.

Mr. O'NEIL: That is not unusual.

Sir Charles Court: The Minister for Labour rang and asked whether we would mind if this Bill was postponed until 8.30 p.m.

Mr. J. T. Tonkin: I have no objection to that.

Mr. O'NEIL: I am prepared to go on, but I think the Minister for Labour will be at a disadvantage. I understand he arranged for another Minister to take notes in respect of the Sick Leave Bill but I do not know whether he has done the same in respect of this measure.

Mr. J. T. Tonkin: I suppose it is natural he is excited.

Sir Charles Court: The Minister for Labour rang yesterday and arranged this.

Mr. O'NEIL: However, this is by the way. Members who were in this House in 1963 will recall with great clarity, I think, the performance which went on at that time when we, as the Government, restructured the industrial arbitration commission. Prior to that time there had existed in this State an arbitration court consisting of a judge, an employers' representative, and employees' representative, and one conciliation commissioner. We restructured this particular commission to appoint four industrial commissioners who were also to act as conciliators. In this way, we saw the first indication of the stress which was to be placed on the solution of industrial problems by conciliation.

Despite the great arguments which went on at that time the period which has passed has proved that the principle of conciliation has been used more and more and that of compulsory arbitration less and less. Of course, this was the precise purpose of the 1963 amendments, amongst other things. We have been told, by way of answers to questions, that since the commission has been in operation in its present form something approximating 90 per cent. of industrial disputes are, in fact, resolved by conciliation and not more than 10 per cent. go to final compulsory arbitration.

I wonder really just how much more conciliation we can have when, as it is, only 10 per cent. of the problems are finally resolved by arbitration. In arbitration, the umpire's decision is made and is final and only one party is fully satisfied, which is normal with any umpire's decision.

Any further attempt to improve the situation may, in fact, simply load the system with a further tier of consultation—mediation, if one likes to call it that—which will, in essence, slow down the processes of resolving industrial problems and disputes.

Provision is made in the measure to allow for more conciliators. There is provision to lift the number of commissioners from the present figure of four plus the chief commissioner. Members may recall that we increased the number from three to four in the last session of Parliament, I think it was. The measure before us proposes to lift out the statutory number of four completely so that any Government of any colour may, in fact, appoint as many conciliators as it likes and the Opposition has no particular objection to that provision.

This is essentially a Committee Bill. There are so many amendments to the Industrial Arbitration Act, it would be almost impossible to canvass all of them in the course of a second reading speech. I am indebted to a publication which came out under the date line "May Day" because it has indicated to me the particular areas which one section of the trade union movement, at least, considers to be the most important matters in the measure.

To revert for the time being to the 1963 debacle I would like to say that when I continue my remarks at a later stage of this sitting, I hope we can discuss this problem in a cool, calm, and sensible way.

Leave to Continue Speech

Mr. O'NEIL: I move—

> That I be given leave to continue my remarks at a later stage of this sitting.

Motion put and passed.

Debate thus adjourned.

(Continued on page 1713)

SICK LEAVE BILL

Second Reading

Debate resumed from the 10th April.

MR. MENSAROS (Floreat) [7.50 p.m.]: We must take cognisance of the fact that the notice paper has been altered in a particular way, apparently in order to suit the unusual interest we are enjoying on the part of people in the public gallery. I do not know whether the Government wants to prove, by doing this, that it needs the support of the gallery or whether it wants to prove that, after all, it is master of the Labor movement. Apparently the Government can order, at will, people to come into the gallery and then dismiss them at will, as we will see in due course.

Mr. Jamieson: That is a reflection on the people in the gallery.

Mr. MENSAROS: The Minister will see in due course. Apart from this, on behalf of the Opposition I will try to deal with this measure without any emotion and on a factual basis. I start my remarks by saying that the Opposition supports the contention that a loyal employee should be entitled to—and, indeed, should receive—assistance during, or for, the time at which he has to interrupt his services because of genuine ill-health and must stay away from his work. We support the contention that such assistance should be paid by the employer as long as the illness is not so long in duration as to be the due burden of the Social Services Department which has been established in our nation to deal with these and other circumstances.

We support the principle of entitlement by the employee and the responsibility of the employer under the conditions as they exist today. We also agree that the quantum and the conditions of such entitlement should not be rigid but should be subject to review from time to time when evidence shows that such a change is indeed warranted.

I am thinking of a change being warranted when there is proof and evidence of an increased number of genuine illnesses occurring within employment. In addition, there should be proof and evidence that the economy can afford changes if they are to cost more to the total of the economy. We should have proof and evidence that there will be no danger to the whole community by way of an acceleration in inflation which is admitted by all to be the biggest evil we have today. We should also have additional proof and evidence that such changes will not lessen—but, indeed, encourage and increase—productivity and the stability of good industrial relations built on mutual respect and understanding for the common good of the society. Consequently the Opposition is not opposed to changes which even include increases in

sick leave entitlement provided the changes are warranted on the grounds I have mentioned.

It follows from this, of course, that these grounds should be subject to an investigation to prove and counter-prove any submissions and there should be proper deliberation on all the circumstances. This should be done by the appropriate authority in the appropriate manner—the authority which has traditionally served labour relations in this State in the past.

If this measure were to do this, the Opposition would have no objection to supporting it. I remark here, as an aside, that I cannot see any necessity to bring down a Bill to effect this. However, if the measure were to achieve exactly this we would support it, regardless of the Government's reason for bringing it down. The Government could have brought it down for political reasons or because of pressure from the T.L.C. The Government could be desperate about its prospects for the next election and may want to show that it is on the side of the employees although, in saying this, I simplify the matter. If, for these or any other reasons, the Government had brought down a Bill which would, in some way, encourage the proper arbitration authority to take notice of all the facts when awarding sick pay entitlements to various employees, of course the Opposition would have supported the legislation without any objection.

Mr. Hartrey: Is the honourable member suggesting that we should dictate to the Industrial Commission?

Mr. MENSAROS: I am not suggesting that at all. I said that the Opposition would have supported the measure had legislation been brought down to create a situation whereby proper consideration would be given to this matter by the appropriate authority. The fact that we have an Industrial Arbitration Act does not lessen the value of the Industrial Commission. The Act sets out the proper conditions under which the commission should work. This is what I mean.

If as in other States—as the Minister pointed out against his own case—a Bill had been introduced to cater for those who are not included in industrial awards and are not Government employees—and thereby, at law, unable to enjoy the benefits of sick leave entitlement—we would have supported the measure. I must remark at this stage that there are fewer people in this category in Western Australia than the Minister tried to impress upon us when he moved the second reading. At the time he enumerated approximately two dozen industries but he conveniently forgot the provisions of the Factories and Shops Act under which most of these industries come. The Minister omitted to mention this when he enumerated those who do not receive sick leave entitlement. However, I make this remark by the way.

If such a measure had been brought down, again we would have supported it as the very same principle appears in the original Long Service Leave Act.

Mr. Hartrey: Your Government did not bring it down, though.

Mr. MENSAROS: This measure will not achieve any such thing. In exactly the same way as the Bill introduced to amend the Long Service Leave Act, it tries to set an extremely undesirable precedent against the very system of arbitration of which we in Australia—and in this State, in particular—can be justly proud and to which we should be grateful.

I want to make it crystal clear to all—even those who deliberately do not want to listen to this argument and will shut their ears—that the proposed legislation is simply an initial stroke against the whole system of arbitration. This is the principle to which the Opposition objects. We do not object to improved conditions in connection with sickness during employment. We certainly do not oppose such a principle.

Mr. T. D. Evans: You are clutching at a straw in objecting.

Mr. MENSAROS: I do not think that is a relevant remark.

Mr. T. D. Evans: It is as relevant as your argument.

Mr. Hartrey: Do you think we should leave it to the commission to settle workers' compensation problems?

Mr. R. L. Young: I thought the member for Boulder-Dundas had already been endorsed.

Mr. MENSAROS: I wonder whether the member for Boulder-Dundas is speaking to the gallery because he would not normally make such ignorant comments on a matter such as this. The honourable member knows full well that workers' compensation has always been legislated for.

Mr. Brady: How long have you been in this country?

Mr. MENSAROS: On the other hand, up to date there has been no legislation for sick leave entitlements of this nature. This is the first measure to be introduced.

Mr. Brady: Go back to Europe.

Mr. Bickerton: We can see the fascism coming out.

Mr. MENSAROS: That is not worthy of the Minister.

I repeat: We do not oppose an intention to improve conditions if evidence is produced that they ought to be improved. We support these contentions, but we oppose the endeavour to kill the whole system of arbitration, a unique Australian system which was set up after a long fight by the unions. This system made it possible to have a reasonable industrial relationship which has allowed Australia to develop and

take its present place in the world, and not be left behind because of constant industrial strife. This benefited the very workers the Minister purports to support. Our workers have achieved conditions which only a few countries in the whole world have been fortunate enough to achieve.

Mr. Hartrey: This legislation will help to do that too.

Mr. MENSAROS: This backdoor method will slowly strangle and ultimately abolish our well-tried system of arbitration. This is what we oppose when we oppose the Bill.

Mr. Bickerton: That is what was said in 1900.

Mr. MENSAROS: This is exactly what the Bill does. I want to repeat for all who can hear: We oppose the ultimate abolition of the arbitration system which is what this Bill sets out to do.

Mr. T. D. Evans: Alice in Wonderland!

Mr. Jamieson: He is the Mad Hatter.

Mr. MENSAROS: This Government, in its dying months, with the second-in-charge already deserting the ship, hopes it can mislead the public and the workers it is supposed to represent. By one precedent after another, it is making the arbitration system entirely powerless. It wants to take over the role of arbitration. It does not want to use the system employed by the Industrial Commission of arbitrating between two parties after collecting evidence and listening to submissions and counter-submissions. By simple imperial decree, the Government wants to regulate labour relations. Today it is sick leave and long service leave. Tomorrow it will be wages, working hours, and who knows what else! Perhaps it will be the Orwellian uniform.

I ask the workers and their true representatives—not those often referred to as the militant leaders who say their only interest is the good of the people but who only look after their own interests—who are working for the betterment of conditions, where does this legislation lead? Do they consider it will lead finally to benefits for the workers? Will the employees be better off if the conditions of work are subject to political favour and fear by the Government of the day? This legislation is concerned with sick leave, and as I pointed out, in due course and even now, the Government is interfering with many other conditions of work. Of course the Minister denies this because he knows if he tells the truth, ultimately, as a consequence, he will lose the support of those people whom he says he represents.

In his second reading speech the Minister says that there is nothing wrong because the system of arbitration will remain. It was indeed an acrobatic second reading speech because he cited the standard set by the Industrial Commission as a justification for the legislation. The Minister said—

> If in a particular industry a dispute should arise as to the sufficiency of that standard—

Of course this includes sick leave. To continue—

> —then it is within the commission's power to settle the issue by modifying the standard provision in a manner consistent with the facts.

This is all very well, but if the union wishes to improve on the sick leave standards, why should this Bill be the instrument of such endeavour? The employees should seek such improvements by application to the proper industrial arbitration authorities in the same way as they have done in the past. Therefore, I cannot see any justification for trying to accomplish this end by legislative action. Of course, the Minister is trying to set a precedent.

If we consider how industrial relations and conditions of work generally are provided for in various countries, we see firstly that in some countries they are provided for by law, by negotiation, and/or a combination of both. Secondly, there is our system of arbitration which is unique; and thirdly, in totalitarian and dictatorial states, the conditions of the worker are regulated by decree of the Government. The Minister for Works, in good dictatorial and socialistic fashion, is saying—

Mr. Bickerton: You are better than Charlie Chaplin!

Mr. MENSAROS: The Minister for Housing may laugh about it, but this is what the Bill seeks. It provides that the conditions of the worker will be laid down by the Government of the day. I wonder whether anyone will contradict this.

Mr. Hartrey: Surely the Government of the day should legislate!

Mr. MENSAROS: In previous debates the honourable member said that Parliament has the supreme power. This is supposed to be a democracy. Originally Parliament gave the power to the Industrial Commission. The legislators of the day realised it is much better to set up an independent authority to settle the differences of two opposing parties. Is it the honourable member's intention that the Industrial Commission should be done away with and that Parliament and not the commission should make the decisions? If anyone supports this contention, even though piecemeal, he will logically support the idea that we should not have the courts of law as an independent authority to arbitrate between different parties and that Parliament should have all the rights to do this. It is this principle we are vehemently opposing.

As I said before, we should examine the conditions of workers in various countries where the conditions are set in

different ways. Again I do not believe anyone could contradict my statement that the best conditions are those agreed upon by arbitration. Conditions are not quite as good where the standards are set by law and negotiation. However, I submit without fear of contradiction, that where conditions are subject to Government decree—and I am pointing to the totalitarian countries—the conditions are indeed worse. Who will contradict the statement that in the last decade the conditions of workers in democratic countries have improved justifiably and rapidly? The only places where conditions have not improved are behind the Iron Curtain—in totalitarian countries. In such countries there is practically no difference between the employers and the unions. Nobody knows whether a person is a high official of the party, of the union, or of the Government. Nobody knows that Breshnev, the head of Russia, is not a Government official; he is only a party official. Nobody knows when the union man is pushed to the forefront; he is a representative of the so-called union. From personal experience I can vouch for the fact that conditions in these countries are worse today than they were when the communists took over.

Mr. Hartrey: No, they are not.

Mr. MENSAROS: Conditions in Western Australia are better today than they were before the war. I do not care how much the honourable member interjects, this is the fact.

Mr. Hartrey: You do not know about facts.

Mr. MENSAROS: When conditions are decreed by the Government, they are much worse than they were before. It is not at all strange to me that the honourable member barracks for these countries behind the Iron Curtain. This shows the true face of socialism.

Mr. Hartrey: We will show you the true face of socialism upon the worker.

Mr. MENSAROS: As I said during the debate on the long service leave legislation, this Bill provides not only that the Government will do the decreeing and that it will not depend on negotiation or a decision reached by arbitration, but also that the unions of the day—or at least their leaders—are not worth anything. Virtually the Minister says to the unions, "I will take it from your hands. You are not able to represent your members efficiently. You are not able to go to the proper authorities for arbitration, submit your case, and achieve results. Therefore I, the almighty Minister, will do it for you. You can forget about arbitration." This is what is implied in the Bill.

Mr. Taylor: He did not imply he was almighty, please!

Mr. MENSAROS: In actual fact the Minister is saying the unions are not able to do their job. He says, "Apparently you cannot do your job. Put it in my hands and I will do it for you." In his second reading speech the Minister also tried to say that in all other States sick leave conditions are regulated by legislation.

Mr. Taylor: Can you quote where I said that? I referred to New South Wales and South Australia.

Mr. MENSAROS: The Minister referred to South Australia and New South Wales.

Mr. Taylor: That is right.

Mr. MENSAROS: But the Minister forgot to say that a minimum is specified in those States, and that is quite a different thing. As I said at the beginning of my speech, we will not oppose anything to improve the conditions of the workers who are not covered by awards and other legislation—

Mr. Hartrey: And you generously tell us there are very few of these.

Mr. MENSAROS: —such as the Factories and Shops Act, which the Minister did not mention. In his speech the Minister also gave the impression that the Bill is the result of discussions between representatives of employers and employees. Of course, he did not tell us that he did not accept a single submission, remark, or comment made by the representatives of the employers. Yet he says that a draft of the Bill was presented to the Trades and Labor Council and the Employers Federation for the purpose of discussion. I would like to put the record straight. The draft may have been submitted for the purpose of discussion, but the Minister did not take any notice of the submissions put forward by one side.

In this connection I wonder why it is so ethical—why it is such a good thing, as the Government contends, to conduct a constant campaign or to carry out a sort of lobbying of members of Parliament. I wonder why that is all right, and yet it is not all right to discuss the matter with both interested parties and listen to their comments in the light of their undoubted and long experience.

Despite the fact that on those grounds I have been trying to show we are opposed to the measure as it stands, and despite the fact that we know we do not have the numbers and that the second reading of the Bill will undoubtedly be passed—

Mr. Jones: I bet you will make a nice mess of it in another place, though.

Mr. MENSAROS: The honourable member may know more about that than I do.

Mr. Jones: We will wait and see.

Mr. MENSAROS: I would now like to deal with the Bill itself, apart from the comments I have made concerning the

principle underlying it. We have to realise, of course, that the measure seeks to provide, for all workers, including apprentices—being persons of not less than 14 years of age—employed by any employer to do any skilled or unskilled work for hire or reward, a scheme of reimbursement for absences from work due to sickness of a worker other than that due to his own fault, neglect, or misconduct.

The proposed measure would thus relate to all workers in Western Australia other than those employed by the Education Department as teachers or by the Railways Classification Board under the Railways Classification Board Act and, of course, those who are subject to or who come under Commonwealth awards and under awards in which the sick leave provisions are superior to those of the Bill.

The provisions of the Bill also relate to those workers who are not employed under any awards and who are not subject to the Factories and Shops Act. This is what the Minister conveniently forgot to mention, but instead he enumerated a great number of industries, and I am sure that a great number of those would be subject to the provisions of the Factories and Shops Act. I would also point out that within Western Australia reimbursement for absences due to personal ill-health arises formally under awards or industrial agreements that are granted by the Western Australian Industrial Commission. I would like to point out that the following provisions appear in the Factories and Shops Act—

(a) a person who is employed in or about the business of a shop whether any consideration is paid for his services or not, in selling or supplying, or assisting in selling or supplying in or about the shop, goods to the public or as a messenger; and

(b) a person engaged in packing goods in or about a shop or engaged in the shop as a clerk or engaged in delivering any goods from a shop.

As I mentioned before, only those who are not in those categories and who are not Government employees, of course, have no sick leave benefits, other than those provided in their contract of employment.

However, it may be of some interest for the record to have a look at how the work force is proportioned. As at the beginning of January, 1973, the statistics show that 342,000-odd people were employed in Western Australia. According to the calculations, of these only 11.3 per cent.—or roughly, 38,500—are not subject to awards —either State or Commonwealth. But of course quite a number of these would still be subject to the provisions of the Factories and Shops Act, as I mentioned previously. Therefore the vast majority—I would think it would be well over 90 per cent. of the work force employed—are still subject to some conditions laid down by industrial awards or Statutes. A further examination would show that about 28.2 per cent. of the workers are employed by the Government and the remaining 71.8 per cent. would be employed by private enterprise.

The first point that can be made after consideration of the Bill is that it is cutting through the traditional method that is employed to obtain such working conditions. Therefore one could say that the Bill, as such, cannot be justified as it seeks to regulate working conditions in a legislative form. I also point out that it is a curious fact—I will stand corrected by the Minister if I am wrong—that, apart from isolated cases, generally no union requested any improvement to be made in the conditions applying to sick leave. Therefore I wonder why the Minister, without any justification or without producing any evidence, is now trying to introduce legislation to double the sick leave for all workers in Western Australia. The Minister did not say that, according to his statistics, more sickness or illnesses than ever before are occurring among members of the work force. He did not state that, according to his statistics, there were many employees who were left without income on account of illness.

Mr. Taylor: Would you not agree that, in accordance with his policy speech, the Premier offered such conditions?

Mr. MENSAROS: I am not talking about the Premier's policy speech. I am simply mentioning that sick leave is a condition of work and that, so far, it has been prescribed by industrial awards. Further, it has been granted upon submissions that have been proved and counter-proved and on evidence that such conditions are needed. I am not debating the policy speech of the Premier. I am saying that the Minister introduced the Bill without justifying the necessity for it. We know many decent people who do not take a "sickie", because fortunately they are not sick and therefore they have no need to take a "sickie". Sick leave is merely a condition of work which should apply when the worker is sick. Therefore the Minister at least should have said, "I have statistics available which prove that the prevailing conditions are not sufficient."

I am not saying this would have justified the breach of principle of regulating this matter by legislation, but I am saying that the Minister even went so far as to bring down this measure without proving there was any justification for it. In speaking of honest and decent workers, if a worker has worked for a great number of years and then suddenly is entitled to a long period of sick leave, under normal

conditions this should be a burden carried by benefits obtained under the social services and not by the employer. If we look at this question in a practical way, I wonder whether someone would say to me that morals in connection with sick pay are impeccable. I wonder whether someone would stand up and say there is not even a minority of people who would take some sick leave without being sick. Is this the intention behind the entitlement of sick leave? Surely it is not. Hence my amendment appearing on the notice paper which does not indicate that we approve of the Bill, but simply acknowledges that the Bill will pass the second reading stage.

Mr. Jones: What about those awards that prescribe bonus days in lieu of sick leave?

Mr. MENSAROS: I know that many employers pay their employees in lieu of sick leave.

Mr. Jones: It is brought down by a court decision that workers obtain a certain *pro rata* payment in lieu of taking sick leave.

Mr. MENSAROS: I have no objection to that if it is agreed upon, but we are making a farce of the provisions if workers take sick leave entitlement without being genuinely sick, and then create a condition that a worker can take out his sick leave because he feels he may leave his employer in the near future. I challenge the honourable member to deny that a worker often takes a "sickie", especially after a long weekend; or when he is an employee of a small enterprise and is aware that a larger order has been given to his employer and knows that he will probably have to work harder in the next day or so.

Mr. Jones: Of course, the Employers Federation would not do anything like this!

Mr. MENSAROS: I am not talking about the Employers Federation.

Mr. Jones: Oh no! You are only talking about the workers.

Mr. MENSAROS: It is implied that if something is wrongly done by ourselves or a friend of ours, that is right, but the action of such person does not make a wrong right. Nevertheless, it does occur. Either we have an entitlement for absence from work through sickness or, not being hypocrites, we call it something else. That is my contention, and hence my amendment which appears on the notice paper. With all due respect to members of the medical profession, I know that many medical certificates are issued following a telephone call.

Mr. Hartrey: That is a grave charge to lay against members of the medical profession.

Mr. MENSAROS: This is quite right. Will the honourable member say it has never happened in his experience?

Mr. Hartrey: Yes, I will, and I have had 35 years' experience.

Mr. MENSAROS: That is interesting. What I am trying to point out is that if it is a genuine entitlement for absence from work as a result of sickness we should not be hypocritical about it but should say that it is payment for sickness and for no other reasons. I do not think in this respect the present conditions are quite satisfactory.

I could deal with the Bill in detail, but I do not think this is the occasion to do so. I could, of course, make the same remark I made during the debate on the long service leave legislation; that is, that if one takes the provisions regarding continuous employment to their limit, one would say a worker would be entitled to be said to be employed continuously even if he or she were away for nine months and two weeks. In addition, if a worker were away during a strike he might be entitled to continuous employment even though he has not worked a single day during the year, if we add up all the entitlements for continuous employment.

Oddly enough there is one difference—I do not know whether or not it was deliberate—in the two Bills. Whereas under the conditions of the long service leave legislation if someone was away, on being entitled to workers' compensation in connection with long service leave, that time counted for his entitlement—

Mr. Hartrey: So it should.

Mr. MENSAROS: —but under this Bill although a worker remains continuously employed and his entitlement accumulates, the time he is away does not count in his entitlement. That is the difference between the two Bills, although for what reason I do not know.

I have one question I wish to ask the Minister and perhaps he can deal with it when he replies to the debate. Except in respect of the proclamation of the legislation, I cannot see any special provision to indicate that its provisions will not be retrospective. The interpretation could be that as the Act was not proclaimed these provisions are not retrospective, but if we read clause 13 and related clauses we could gain the impression that the conditions would be retrospective. I would like some clarification of that.

Mr. Hartrey: Legislation is not retrospective unless it expressly says so. You should know that.

Mr. MENSAROS: I will leave my other comments until the Committee stage, but would like to reiterate that we are not opposed to better conditions for employees

if the need for them is proven and if they are provided by the proper authorities. We are not opposed either to legislation for those who are left out of any industrial award; but we are opposed to the principle that the Government of the day by imperial decree shall decide the conditions of employment and thus condemn to death the whole arbitration system which has served, and I trust shall serve, the workers as well as the rest of the community in our State so well.

MR. O'NEIL: (East Melville—Deputy Leader of the Opposition) [8.34 p.m.]: I wish to say a few words on the Bill and at the same time to welcome back to the House the Minister for Labour. Also I wish to take the opportunity to congratulate him on an event which occurred earlier today. I notice he not only smiled, but also breathed a sigh of relief, probably because as Deputy Premier he will be most unlikely to remain as Minister for Labour.

Mr. Taylor: I am disappointed that when you received your appointment you retained your position as spokesman for labour.

Mr. O'NEIL: No. The lead speaker on this issue was the member for Floreat. I merely wish to add something.

This Bill is one of a quartet which the Government is pleased to describe as its industrial legislative programme, or it uses words to that effect. Some of the other measures were mentioned in the Minister's second reading speech so I can, in fact, make some passing reference to them.

I wish to refer back again to the long service leave legislation. It was a Bill to amend the parent Act which applies only to those workers not covered by industrial awards and agreements. The proposition in the amending Bill is that the provisions apply to all workers, so that that legislation removes one of the responsibilities which was previously vested in the Industrial Commission; and that was one of the conditions of employment and work.

Western Australia has never had any sick leave legislation. This is a new baby. If the Bill were in the form that it, too, was in fact a pick-up Bill to ensure that nonaward workers had sick leave conditions no less advantageous than those applying to award workers, we would have had absolutely no objection to it.

Mr. Hartrey: That is what the last speaker said, too.

Mr. O'NEIL: I am reiterating it.

Mr. Hartrey: It is hardly worth while.

Mr. O'NEIL: Righto! Reference was made to the position in other States and the traditional situation which has existed here up to date at any rate; that is, it has been the prerogative of the industrial authority to determine sick leave conditions. On page 768 of *Hansard* No. 5 of this session, the Minister said—

> 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 Minister was in no doubt at all in respect of this provision that it was traditionally the preserve of industrial tribunals. He tried to hoodwink us in respect of the long service leave Bill, but the remark in respect of this Bill could be applied equally in regard to the long service leave Bill.

Mr. Taylor: I am not happy about the hoodwinking. Have a look at the comments I made on the debate. You quoted only one of them in respect of the long service leave Bill.

Mr. O'NEIL: I understand that by way of interjection—I missed it—the Minister indicated that sick leave is covered by Statute in most States.

Mr. Taylor: No. I repeat that what I said in respect of long service leave was accurate.

Mr. O'NEIL: For the benefit of those who were not here when the Minister introduced the Bill—and there are quite a few in and about the Chamber—let me quote what he said—

> 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.

Clearly as late as July last year the Queensland industrial commission made a determination as to the rule in respect of sick leave. Further on the Minister said—

> The Victorian Industrial Appeals Court, on the 3rd November, 1972, announced a new standard for inclusion in wages board determinations of 64 hours per annum fully cumulative.

Once again, a determination by what is, in fact, a wages tribunal.

Mr. Taylor: You associated your point about long service leave which I disagreed with.

Mr. O'NEIL: Further on the Minister said—

> Under 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.

The Minister referred to the South Australian conciliation and arbitration legislation. He said that in South Australia the matter was dealt with by Statute for all

workers covered by awards. He then went on to mention a few others, but I cannot pick them up at the moment.

However, it is quite clear that in respect of this Bill, which is a completely new concept in legislation, the Government is, in fact, removing one more facet of working hours and conditions from the jurisdiction of the Industrial Commission. The Government is attempting to remove the provisions in respect of long service leave which, despite what the Minister says, historically and traditionally have rested with the authority; and the Government is doing exactly the same now in respect of sick leave conditions. So, in fact, bit by bit the Government is pulling down and eroding the authority of an Industrial Commission which has stood this State in good stead. It is an industrial law which had its genesis in the Labor movement itself. Industrial arbitration law in Australia is unique.

Mr. Taylor: In long service leave it was Government legislation which first introduced it.

Mr. Hartrey: It is not unique to Australia because it was introduced in New Zealand.

Mr. O'NEIL: At the time it was introduced here it was a particularly Australian concept. Am I right?

Mr. Hartrey: It was a New Zealand concept.

Mr. O'NEIL: Perhaps the honourable member will get to his feet and quote his facts and figures and let us know a little more about the subject.

The arbitration commission has been a traditional system of resolving industrial disputes in Australia for a long time, and, in fact, it had its genesis in the Labor movement—

Mr. Hartrey: I agree with you.

Mr. O'NEIL: —and bit by bit and little by little it is being torn asunder.

I will not make a major contribution in respect of this legislation other than to point out that it is the principle to which we object. If the Government had introduced a Bill which in fact catered for nonaward workers and left the responsibility of determining sick leave conditions for award workers to the industrial authority, we would have had no objection whatever.

Mr. May: Much!

Mr. O'NEIL: Let us have a look at the list the Minister quoted of those currently not covered by an award. They are—

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.

I notice no mention of massage parlours!

That is a list of the nonaward workers who apparently are currently not covered by long service leave conditions laid down by the industrial authority.

As I have said, we would have had no objection to a Bill stipulating standards for those people to enjoy sick leave conditions on no less advantageous terms than those under award conditions, because we are not opposed to the principle of sick leave or to the Government legislating for those not already protected and covered. What we are opposed to is the Government—Big Brother—taking away a traditional authority, one which I believe should remain with the Industrial Commission, and putting it in the hands of a Government of any colour.

Mr. Hartrey: You agree with everything that exists already, and resist every step towards more progressive legislation!

Mr. O'NEIL: I suggest the honourable member rise to his feet to make a speech. He usually speaks well and intelligently, but I am sure he can see the import in my argument that in respect of being accused of not having the interests of the worker at heart on this matter, we are saying that if the Government were dinkum and went about the legislation in the right way, it would have the support of the Opposition.

As I mentioned, this Bill is one of a quartet which is the subject of some interest on the part of people not usually seen in the Chamber. The Government has made a complete and utter mess of its timing in respect of these Bills. We had an experience tonight under which, by arrangement, the Minister intended to bring this

Bill forward earlier than he did. I was rather surprised when it was not proceeded with in its order, and the Premier indicated by interjection that he had no knowledge of the arrangement with the Opposition.

Mr. Jones: He corrected that.

Mr. O'NEIL: He did not. He indicated that I should ask to be permitted to make my remarks at a later stage, but the Premier said he knew nothing of the arrangements. It is not unusual for Bills to be introduced by someone other than the Minister concerned, but we had a ridiculous situation recently when the Minister, acting on behalf of the Minister for Labour, said—

> Here is a Bill, but do not take any notice of what is in it because we will amend it when it goes into Committee.

Mr. Jones: He did not say that entirely.

Mr. O'NEIL: He said that a certain clause did not carry out the Government's intention and that it would be amended. What sort of insult to the Opposition is that?

Mr. Jones: He gave his reason; that is, because there was a move to amend the Federal Act.

Mr. O'NEIL: Why introduce it then?

Mr. Taylor: Because we were not aware of what was coming up.

Mr. O'NEIL: Why introduce it? I am saying that the timing is a complete mess. The Government had an intent, whether or not under pressure, to have all these Bills before Parliament at the one time. But the Government introduced a Bill and said to the Parliament, and the public, if we like, "Here is a Bill, but do not take any notice of it because we will amend this clause, that clause, and another clause".

What hope has the Opposition of looking at the Bill and finding out what is intended when, in fact, it did not give any indication of what the Government intended.

Mr. Jones: You never did this when in Government?

Mr. O'NEIL: I never introduced a Bill and said that its contents were not the real purpose of the Bill. Of course, there is nothing wrong with a Government amending its own legislation. A Bill is introduced and the debate is adjourned. Indeed, a Government will receive representations about the Bill from outside interests. It will hear the views of the Opposition on the Bill and it may well decide to make some amendments. However, never to my knowledge has a Bill been introduced where the Minister has said, while introducing the measure, not to take any notice of a particular clause because its provisions were not what the Government intended.

Mr. Jones: He did not use those words.

Mr. O'NEIL: All right, he did not use those words, but he said that clause so-and-so did not meet with the Government's intentions and did not carry out the Government's wishes, and that it would be amended later.

Mr. Jones: You have been arguing differently.

Mr. O'NEIL: I am making my speech at the moment and the member for Collie will be able to get up later and speak on this farce which has been presented to Parliament. The Government, for some reason or other—and I think I know the reason—wants all these Bills before Parliament at the one time when they are not ready.

Last year I asked the Minister for Labour whether he intended to move amendments to a certain piece of industrial legislation, and whether or not he had set up an advisory committee. The Minister for Labour said that he had set up a Minister for Labour Advisory Committee consisting of a representative of the employers, a representative of the trade union movement, and the Secretary for Labour. I ask the Minister to comment and indicate whether or not this Bill is a recommendation from the Minister for Labour Advisory Committee.

Mr. Taylor: As a majority, no.

Mr. O'NEIL: The Minister made reference to the fact—as pointed out by the member for Floreat—that the contents of the Bill provide the T.L.C. and the employers with an avenue to enable them to do something.

Mr. Taylor: Who does the Deputy Leader of the Opposition suggest should make the final determination; the Government of the day or the committee?

Mr. O'NEIL: The Minister went to great pains to say he would set up a committee comprising a representative of the employers, a representative of the trade union movement, and the Secretary for Labour. That is it; they were his advisers. I am sorry for the Minister for Labour because he has been caught with his pants down. The four pieces of legislation are now before the House and the Minister is not ready for them. The Bills are not in proper form, anyway. That is perfectly clear and I quote the example of the Bill I was referring to a little while ago.

We do not oppose improved conditions for sick leave for workers. We do not oppose them.

(Applause from the gallery.)

The SPEAKER: Order! Order! If the visitors in the gallery cannot keep order I will have the gallery cleared. You must keep order.

Mr. O'NEIL: We would not oppose a Bill introduced to cover those workers not already covered. However, we object strongly

to this one further step to remove from the Industrial Commission a matter which has traditionally been its responsibility.

Debate adjourned, on motion by Mr. Bateman.

FATAL ACCIDENTS ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

MR. O'NEIL (East Melville—Deputy Leader of the Opposition) [8.50 p.m.]: At least, I have not had to wait eight months as did the member for Wembley when he continued his remarks on a certain measure. I think I had only had an opportunity to make some introductory remarks, and I indicated that the measure was essentially a Committee Bill because it proposed to amend a considerable number of the conditions in the current industrial law. I mentioned that the industrial arbitration system established very early in the piece was reconstructed in 1963, and that a colossal amount of opposition both from the floor of the House and from the gallery ensued in those days. I also said I trusted we would not see a repetition because this is a matter of major concern.

The necessity for industrial stability in work conditions and the like is a matter of general and public concern. The people affected mostly in respect of industrial disturbances are the workers themselves. There has never really been a case, to my knowledge anyway, where those mostly involved in an industrial dispute—namely, a strike—have achieved anything that would even compensate for what the workers have lost during the period of the strike. I think that can be proven to be quite so. So let us say, initially, that in the interests of industrial harmony, irrespective of the law and irrespective of the structure, one very vital thing should obtain; that is, goodwill on both sides.

I am not being partial in this matter. It is just as important that goodwill exude from the employers as from the workers. If that ingredient is missing then nothing we do by way of amendment will have any effect whatever. It would appear to me that the Government, and at least a section of the trade union movement, are seeking to put the blame for industrial disagreement on the industrial law. I believe this sort of accusation is certainly wrongly placed because as I mentioned previously since the Industrial Commission has been set up to give preference to conciliation as distinct from arbitration, some 90 per cent. of industrial disputes have been resolved by conciliation and less than 10 per cent. by compulsory arbitration.

We all appreciate that arbitration is the final recourse in respect of solving disputes. It is like an umpire; his decision is final and that decision satisfies only one team anyway. The arbitration system has a similar effect. There is no way of overcoming it. When a case goes to arbitration only one side is satisfied. If there is a mutual agreement, in respect of problems, and a matter is solved at the conciliation table, then arbitration is not necessary.

The measure now before us proposes many changes. We agree with a number of them, and fairly important ones in respect of the administration of unions to facilitate their operations and help them in respect of the work they have to do. We do not object to those provisions and we will deal with them progressively as we go through the Committee stage of the Bill.

However, as I mentioned, I was indebted to the publication which indicated to me the areas where at least one section of the union movement considers certain issues to be vital in this legislation.

The first issue is mediaton. It is intended to intrude upon the now existing two-tier system of conciliation and arbitration, and introduce a third tier. In my belief this certainly is not warranted and, in fact, when we look at the details of the proposal we find that it is intended to set up panels of mediators which can be consulted. I cannot see how such a system will ever work. It is intended to intrude, through a mediator or through mediation, a third tier of operation.

My research facilities do not enable me to have access to the information which is available to the Government, nor do I have time to carry out the necessary research. However, a system of mediation does exist in some parts of America, but it does not exist alongside a system of conciliation and arbitration. It exists because no other system is present. Mediation is a system of solving problems where there is no conciliation or arbitration system, and I do not know how the two systems can be married.

In the publication to which I have referred there was a reference to a learned professor at our university, and he stated that the idea of mediation was very interesting. He has added a few words to indicate that the Government considers the recourse to arbitration is, in fact, a final line of recourse. Perhaps that is right but nothing is added to the system by providing another tier of operation.

We have to examine what is involved in this very difficult field of solving industrial disputes. The system proposed is generally along the lines that there will be a panel of mediators, some nominated

by the Employers Federation, and some nominated by the Trades and Labor Council.

Mr. Jones: By the party?

Mr. O'NEIL: No, the honourable member should only interject if he has read the Bill.

Mr. Jones: I have read the Bill.

Mr. O'NEIL: There shall be a panel of names presented to the Minister by the Employers Federation and by the Trades and Labor Council. There is also a provision that anybody not on the panel can act as well. If a matter is in dispute and it is not a major issue or involving a strike then the Minister shall, if both parties in writing request mediation, and name the mediator, appoint him so to act. If the mediator is prepared to accept the job then mediation shall start.

I will ask a simple question: Can members opposite imagine any union accepting an employers' nominee for mediation? I ask another question: Can anyone imagine any employer accepting a union nominee to be the mediator?

Mr. Taylor: They both did recently in connection with the appointment of the Chairman of the State Housing Commission to look at labour conditions in the building industry.

Mr. O'NEIL: That was completely different. Let me pose the question again: Before mediation can commence the two parties must apply in writing to the Minister to appoint a mediator from a group of men nominated by one interest and another group nominated by the other interest. The mediator must be named so he has to be jointly accepted, and then the mediator has to be prepared to act.

I cannot see such a system working. In discussing this matter with some people who were concerned they said that each party would submit four or five names, and if both lists contained a common name that person would be the mediator. However, that is not what the Bill says at all. So, from that point the system will not work. I am sure that is a purely rational argument, and even the member for Boulder-Dundas would not deny that. I think he would agree it is a rather difficult system

Mr. Hartrey: In the ordinary arbitration court the parties agree to an arbitrator.

Mr. O'NEIL: But is he selected from a panel of names presented by the different parties?

Mr. Hartrey: Yes

Sir Charles Court: You would believe in Father Christmas if you believe that.

Mr. O'NEIL: Let us assume that the impossible happens and all of these conditions are met. In other words, the two parties in a dispute can agree on a mediator who has been nominated by one of them anyway. That mediator would be employed only part time. He could be the manager of Boans or the secretary of the caretakers' union. It is not a full-time job so when selected he would be able to say "I will mediate next Thursday fortnight after I have completed my long service leave." That is the sort of condition which will exist.

Let us assume the impossible has happened and we have mediation operating in an area of industrial dispute. The Bill goes on to say mediation will cease when the mediator has done his job or when one of the parties says, "We don't want him." The moment one of the parties says, "You are the mediator but, before you sit down, I do not like you. Go!", that is the end of mediation and the parties will revert to the conciliation facilities provided in the Act. The theory of mediation is interesting, as the learned gentleman from the university said, but I challenge its operation in practice.

Mr. Jones: Do you not think they can get around a table and reach agreement? Do you not think that is possible?

Mr. O'NEIL: The honourable member did not listen. Before mediation can start—

Mr. Jones: But say we get to the mediator.

Mr. O'NEIL: I do not think we will ever get there, but the mediator's job finishes the moment one of the parties says, "We've had you, Joe."

Mr. Jones: This is probably what is wrong with the system at the moment.

Mr. O'NEIL: We have no mediators at the moment. Do not let us put that one in.

Mr. Jones: Our view is that we do not get around the table quickly enough.

Mr. O'NEIL: Fair enough. The Bill contains a provision which we are quite happy to go along with; that is, to remove the restriction on the number of conciliators. The honourable member knows the Industrial Commission, as originally structured, consisted of a Chief Industrial Commissioner, and three commissioners. That was necessary because the Commission in Court Session consists of three. An appeal from one must go to the other three. Problems arose when the commissioners wanted to take leave.

Mr. Jamieson: The Commission in Court Session consists of a minimum of three.

Mr. O'NEIL: I suppose there could be a bench of four in a basic wage inquiry. There must be sufficient commissioners to enable decisions of single commissioners to be referred. But I think the Minister is complicating the issue. Last year or

the year before we agreed to an amendment to add another commissioner. It was a very simple amendment to cater for the fact that commissioners, like most people, must go on leave and need periods of rest; so we did not object to that.

The Bill now before us proposes to delete the number of four and provide that there shall be as many conciliators or commissioners as necessary. We do not object to that. If the main problem in relation to the resolution of industrial disputes is the time factor, let us have more commissioners. That is the way we see it. Let us have people who, after a period of time, can become skilled in the art of decision-making and conciliation. We do not object to that at all; we believe it will improve the situation.

There is another rather amusing move by the Government; that is, to reverse the long title of the current Act, which refers to "arbitration and conciliation". To show how interested the Government is in conciliation, it has put conciliation before arbitration. That is contained in an amendment. We do not disagree with it.

Mr. May: That is unusual.

Mr. O'NEIL: There are a number of matters to which we do not object. I think I have covered the principle of mediation. It gives lip service to a desire for more conciliation—something which could be quite simply overcome by having more conciliators, with which principle we agree.

The Bill also contains recognition of a further union official. Official recognition will be given to a person known as a "shop steward". I think we all know what shop stewards are, but previously they have never been recognised in the Statute. In the Committee stage I think we can prove conclusively that the shop steward will be a more privileged person than the union secretary. In fact, he has one advantage in that he is paid by the employer—not by the union—and we respect the fact that an official of a trade union has certain rights relative to discussing problems in union matters with employees in factories and shops. We have no objection to that.

It is proposed that an additional official be recognised under the Statute. He is not subject to election, as are the union secretary and other people. He is exempt from that. He is an appointed person who will be paid by the employer and he can spend all day on union business, if he likes—taking around a notice of a meeting before the tea break, rescinding it after the tea break, and taking around another one.

Mr. Jones: You are not suggesting they do that, are you?

Mr. O'NEIL: I am not suggesting they do that. I do not say there should not be shop stewards but I do not see why they should be put in a position superior to that of the secretary of a union, which will follow from the Bill. The honourable member should read those provisions.

Mr. Jones: It could bring disputation to a head more quickly and resolve it more quickly.

Mr. O'NEIL: It could bring disputation to a head more quickly. The honourable member was right the first time.

Mr. Jones: It could resolve disputes more quickly. That is the idea of it.

Mr. O'NEIL: The Bill gives the shop steward more authority and more protection—if that is the right word—than the union secretary or the executive of the union have in this area.

Mr. Jones: I think it would help to resolve disputes more quickly.

Mr. O'NEIL: We will discuss that later. The honurable member can express his views. We can discuss some of these aspects in more detail in the Committee stage.

There is to be a change in the definition of "worker". There are two areas in which this is to be changed. The first is that domestic servants are to be included in the category of "worker".

Mr. Harrrey: At long last.

Mr. O'NEIL: There is currently a restriction. Only in respect of an institution which has six such employees are they considered to be workers. They are workers in a boarding house as such. But the Bill proposes that any person who does any form of domestic work shall in future be a worker for the purposes of the Act.

In this area I think the Government is, perhaps unwittingly, being rather harsh. Many women—some, perhaps, with families—in fact earn money by offering themselves for domestic service on a part-time or full-time basis. If they are widows who want a home for their children, accommodation may be provided and in return for accommodation for their children they will be employed as domestics.

I want members of the Government to think about this matter very carefully. If they go this far, they are not assisting these people at all. In certain circumstances, which I dare not touch upon, these people will be put at a disadvantage. I see the member for Boulder-Dundas smiling because it is something which is in fact in breach of Commonwealth law.

Once an employee is declared a worker for the purposes of this Act, his employer is subject to certain requirements—keeping time and wages books, records of hours of service, tax stamps, and all those odds and ends. This imposition will be placed

upon a housewife and it will be a disadvantage to her. In addition, the premises in which the worker is employed will be subject to examination by union officials and by industrial inspectors of the Factories Inspection Branch who are appointed under this Act. So any household which employs a domestic who is a "worker" is open to examination by those people.

I do not think that is of advantage to the employer, and it can certainly be a major disadvantage to, say, a young widow with children who has no way of earning a living other than by offering herself for domestic service in return for which she receives pay, rations, and a place in which she and her children can live. So in bending over backwards to try to embrace everybody in the definition of "worker" the Government is not acting in the best interests of that group of people, as I am sure members of the Government will realise.

The second group it is intended to cover in the definition of "worker" is in the very contentious area of subcontractors who contract for labour only. For the purposes of the Act, such people will be workers, and in accordance with the terms and conditions of most industrial awards they will be required to become members of an industrial union. Most awards contain what is called a preference clause, which is in essence a compulsory unionism clause, and these subcontractors will be required to become members of a union.

In recent times we have heard of pressures that have been brought to bear upon subcontractors, owner-drivers of trucks, and other people in that category to become members of industrial unions. Under the present situation, if they are self-employed they are not entitled to become members of an industrial union. We have stated—and we have not heard it denied—that presssure tactics applied to that class of people in recent times have in fact been demands for protection money, because subcontractors are not entitled to be members of unions.

There is another point about subcontractors. It could well be that today a subcontractor is working for a main contractor, and by a stretch of the imagination he could be termed a worker; but tomorrow he could be tendering on his own behalf and could become once again a self-employed contractor. What happens then? One day he is forced by provisions in an industrial award to become a member of a union, and the next day he is not entitled to be a member.

In all areas of industrial law right throughout Australia there have been major complications in respect of the definition of "worker", especially in this field of subcontracting. It has never been successfully resolved. It is true that in amending the Workers' Compensation Act some years ago—I think in 1970—the Government of which I was a member introduced a definition of "worker" which the present Government is trying to transfer into the Industrial Arbitration Act.

I make it quite clear that there were compassionate grounds for defining a worker in the terms now appearing in the Workers' Compensation Act. We felt that if a worker was injured and there was any doubt at all as to his capacity to attract—if that is the right word—compensation, this should be removed as far as possible.

Mr. Hartrey: That was appreciated.

Mr. O'NEIL: But to put that definition into an Act of this kind only complicates the position. I do not think it will resolve anything in respect of the subcontractor and the owner-driver. It will only make them join a union.

Mr. Hartrey: Does a painter working for wages have a right to become a master painter?

Mr. O'NEIL: As I understand it, he can do that, but he is probably acting *ultra vires* the award because the Industrial Arbitration Act specifically prohibits a self-employed person from being a member of an industrial union. At least that is my understanding of the situation.

Mr. Jones: What about a mineworker applying for a contract? He is still within the Act. He is contracting out.

Mr. O'NEIL: The member for Collie is more *au fait* with Federal industrial law.

Mr. Jones: At Kalgoorlie, when a goldminer works for wages and contracts to do a certain job, he is still a worker.

Mr. Hartrey: You are wrong there.

Mr. Jones: Will you deny it happens on the goldfields?

The DEPUTY SPEAKER: Order!

Mr. O'NEIL: The member for Collie is probably more *au fait* with the conditions prevailing under Federal industrial law.

Mr. Jones: I am talking about a State Act under which it happens today.

Mr. O'NEIL: Is the Coal Miners' Union registered with the Industrial Commission?

Mr. Jones: It is established under an Act of this Parliament.

Mr. O'NEIL: Well, I suggest that the member for Collie and the member for Boulder-Dundas, both representing mining areas, solve their problems somewhere else.

Mr. Jones: You must be factual. Your Government established the Act.

Mr. O'NEIL: But we are now talking about the Industrial Arbitration Act.

Mr. Jones: You are talking about the definition of "worker".

Sir Charles Court: Tell the member for Collie that the ministerial election is over now.

Mr. O'NEIL: Yes; as a matter of fact my quinella ran dead. The member for Collie was the second leg of my quinella, but I failed.

I turn now to the contentious matter of legal strikes. I think there has been a tendency as a result of the number and frequency of strikes to say, "If we cannot beat them we will join them"; in other words, the Government has said, "Let us make them all legal." I am prepared to admit that my own political party has looked at what we call the limited right to withdraw and withhold labour, and this matter has been canvassed up hill and down dale. However no true solution to the problem has been found. Of course, as I mentioned previously, with the goodwill of both sides and with more conciliation probably strikes relating to award conditions will occur less and less frequently; but the point is that so many strikes occur over matters which are not within the jurisdiction of the industrial authorities.

I will give the House an example of a rumoured strike. I have been told today that, depending upon the attitude adopted by the Opposition in respect of this Bill, there is likely to be a stoppage of work on all building sites in the metropolitan area; that is, the Building Workers Industrial Union will down tools tomorrow if we on this side of the House do not toe the line.

Sir Charles Court: Threats of the worst kind.

Mr. Jones: Where did you read that?

Mr. O'NEIL: I was told that today, and I made a comment about it on television. In fact, the Secretary of the Building Workers Industrial Union made a threat in the Press a few days ago, and the matter was mentioned on the Channel 7 news tonight. I did not say it is a fact; I said I have been told it is likely to happen. Whether or not a strike will occur is dependent upon our attitude, and I am told there is a plan for further developments in this matter.

Mr. Jones: The Balcatta by-election is not far away.

Mr. O'NEIL: I suggest that the honourable member ask the person concerned. The point I want to make is that under the Government's proposal such a strike cannot be declared illegal. Under this Bill the only strikes which may be declared illegal are those which are related to industrial disputes under an industrial award within its term. Those who know industrial law will realise that if an award is out of term it has run the period of its term—which is generally three years or perhaps two years—but it still exists by way of various amendments even though it is out of term. If an industrial dispute occurs in that case there is no way at all in which a strike may be declared illegal under this Bill. The only strikes that may be declared illegal under the measure are those which relate purely to industrial conditions under an award or an agreement within its term, and then only by the very devious means of having the Industrial Commission determine upon application from someone that it is in the public interest that the strike be declared illegal.

Mr. T. D. Evans: Who is this "someone"?

Mr. O'NEIL: The Attorney-General. I was the Minister for Labour for some time and I know with what great difficulty a decision is made to determine whether in fact intervention by the State is warranted in the public interest. If it is merely a small strike which affects only a small section of industry the Attorney-General would be hard put to determine that he should intervene in the public interest; yet those who will suffer as a result of the strike are the workers themselves.

I think the idea of a limited right to strike came about initially because in the case of prolonged industrial disputes or strikes there was great difficulty in obtaining a determination as to whether the men should or should not go back to work. I have to admit that frequently union executives have addressed the workers at mass meetings and requested, advised, or recommended that they resume work, and the executives have been overruled. That is not uncommon. It has been thought at times that perhaps there may be amongst the workers someone in the background who was doing a little stirring, and that if some form of secret ballot could be held to make a determination whether or not to abide by the recommendation of the union executives to resume work, then at least a clearer determination could be made without any accusation of intimidation in respect of the decision.

However, if one examines the prospect of secret ballots in such instances, one finds that one cannot legislate for that sort of action when the strike itself is illegal. Therefore, we have to start from the beginning and make strikes legal. If we are to have a form of secret ballot to determine whether or not work will be resumed we must have the same sort of determination in respect of whether or not a strike shall be held. Those who know anything about the organisation of ballots will know that is would take at least a fortnight to organise a secret ballot. So we could have the situation of it taking a fortnight to determine whether or not

the men will strike, and in the meantime the matter might be resolved. But the men would be bound to strike if that were the determination of the secret ballot.

Assuming that a strike commences, it would take a further fortnight to determine by secret ballot whether or not work should be resumed, despite the fact that the issue might have been resolved on the day after the strike commenced. So a system of secret ballots and the machinery which they entail certainly would not produce speedy decisions to end or commence strikes. Therefore the very machinery of the system itself proves that the system is unacceptable.

I think I have stated the situation under which strikes can be determined to be illegal under this proposal, and the circumstances are very limited indeed. This principle is associated with another principle in the Bill; that is, the exemption of unions from civil law action in certain circumstances. It is proposed that any action taken by a union, its executive, or one of its members in respect of matters relating to an industrial dispute shall not be subject to civil action except where there is wilful damage to persons or property, or defamation. Anything that occurs accidentally and causes a great deal of distress and injury to a man's business cannot be subject to civil action under this proposal.

Mr. O'Connor: If you accidentally drove a truck over someone that would be all right.

Mr. O'NEIL: Yes. Of course, the issue is a little larger than that. If my proposition is accepted that a political strike—for want of a better term— cannot be declared illegal, then the only recourse available to an employer or to another party is civil action. Members might recall that writs were issued against certain people in respect of problems which arose quite recently, and suddenly the problems disappeared. At least there was some recourse to the resolution of those problems, because civil proceedings were available.

I want to make the point here that under the Industrial Arbitration Act a "union" is a union of workers or a union of employers, and one could say they are *quid pro quo*; whenever one refers to "union" one refers to groups of people who are registered for that purpose with the Industrial Commission.

It is said in defence of making strikes legal that the provision will also apply to lockouts; in other words, it will be perfectly legal for an employer to lock out workers under the same conditions. However, I think all members know quite well that the lockout is an industrial weapon that has never been used; so for the Government to say that it is extending the same right to employers as it is extending to unionists is certainly not offering *quid pro quo*.

Mr. T. D. Evans: I heard recently that certain manufacturers would refuse to supply their goods to a certain large retail grocer in Western Australia; in other words, there was a refusal to supply a commodity. Is not a worker entitled to refuse to supply his commodity?

(Laughter from the gallery).

The SPEAKER: Order!

Mr. O'NEIL: I do not know of that instance. Does a contract exist between the manufacturer and the retailer to supply the goods? If a contract does exist and the manufacturer does not supply the goods he is in breach of the contract. It is as simple as that. Management and labour serve under what is a contract—an award—and each has responsibilities and privileges.

Mr. Hartrey: It is a terminable contract.

Mr. O'NEIL: Yes, but the Attorney-General thought he had made a good point.

Mr. T. D. Evans: He did.

Mr. O'NEIL: He drew a chuckle from the gallery; I am sure we will hear from him later with his wide and extensive knowledge of industrial law.

There was another point of interest to those who asked the Government to produce this legislation and that is the matter of penal provisions. Over a long period of time we have heard from members opposite about the penal provisions in the industrial arbitration law and how they ought to be abolished. Yet those provisions will remain in the Act despite this amending Bill. The provisions in relation to strikes, whether or not they be under the parent Act remain precisely the same in this proposal.

The Government has not seen fit—and I am glad it has not—to remove the enforcement provisions from the Act. It has modified them in some respects. The Act contains certain provisions which quote a maximum fine and a maximum term of imprisonment. The latter provisions are to be removed, and we do not object to that at all. But the basic enforcement provisions in the parent Act will remain. So all the screaming, the shouting, and the tumult we have had for so many years about the abolition of penalties in industrial arbitration law has meant nothing.

I would be the first to admit that we cannot have a law which is incapable of being enforced. The unions have rules which impose penalties on people who breach those rules. Even the local bowling club penalises people who breach its rules.

Mr. R. L. Young: So does the A.L.P.

Mr. T. D. Evans: So does the Liberal Party. Ask the member for South Perth about that.

Mr. O'NEIL: I am not objecting to that; I am saying at least the Minister for Labour appreciates that we cannot remove the enforcement provisions from the law. The Attorney-General ought to know that. I would ask him to quote any law which does not contain some provision to ensure that if necessary it can be enforced.

Mr. T. D. Evans: With some prior notice I could do that.

Mr. O'NEIL: I would be glad to hear him quote some cases later. After he has spoken in the debate he might be able to obtain permission to continue his remarks and to quote such cases. It is basic to the laying down of rules for the conduct of people that there must be some provision —be it a strong or minor penalty—to enforce the rules; otherwise why have them? For that reason I am pleased that the Minister for Labour has not fallen for the trick of seeking to abolish the penal provisions. All he has done in respect of a relatively few of the penal provisions is to remove the threat of imprisonment; and with that we have no objection at all.

Another matter which is of interest is equal pay for the sexes. I think members will recognise that when we were the Government we made some moves along the path of granting equal pay for work of equal value. Administratively, with respect to the teaching profession and other Government employees where the area was appropriate, we started to move along the line of granting equal pay. In fact, we did amend the Industrial Arbitration Act to provide that in the circumstances where the Industrial Commission determined there was a warrant for equal pay we would lay down a scale of increments which would gradually bring the female rate up to the male rate. We did that, and the period has now passed.

Mr. T. D. Evans: You did not think that was a serious intrusion into the affairs of the Industrial Commission?

Mr. O'NEIL: No.

Mr. T. D. Evans: You and the member for Floreat had better have a talk together about this.

Mr. O'NEIL: I wish the Attorney-General would leave the comments to the Minister for Labour who is in charge of the legislation. We said that where the Industrial Commission determined there was a warrant for the granting of equal pay then purely as a matter of economics we would move slowly along the line. In fact the present Government cut back the period by one year in respect of the teaching profession.

Mr. T. D. Evans: I am not disagreeing with the principle.

Mr. O'NEIL: That phasing out period has now passed, and there is an amendment in the Bill to remove the phasing out provision; and with this we agree. Last year an amendment was moved by the Minister for Labour, and this sought to delete a provision which was said to inhibit the application of equal pay to women. I have forgotten the exact provision but it related to the work normally done by males.

The Council for Equal Pay and Opportunity made an approach to me prior to the change of Government, and I said I would list the matter for consideration at a conference of Labour Ministers. However, there was a change of Government, and subsequently my successor introduced a Bill to remove this provision. He stated that this had been the decision of the Labour Ministers' Conference and it had been adopted as a policy. I fell for the trick and voted for the Bill; but later I found out that the advice was wrong. Be that as it may, that particular inhibition has been removed.

However, a provision in respect of equal pay still remains in the Act, and we will deal with that in the Committee stage. It is now said that the range and volume of that provision inhibit the determination of equal pay. I do not believe they do. If we delete the provision the Industrial Commission would still have a responsibility to determine the range, the volume, etc. of the work performed. If the commission has to have some guidelines and they are not contained in the Act, then the commission will make those guidelines and they will become the precedent for further determinations. This, to me, seems to be a rather ridiculous move.

There is considerable confusion on the question of equal pay for work of equal value. Firstly, there is the point of equal pay *per se*. That means everyone gets equal pay whether the work is that of a carpenter, a bricklayer, a milk carter, or anybody else; or whether the worker be a man, a woman, a boy, or a girl. I do not think anyone accepts that as a basic concept. There must be reward for skill and training, and there must be reward for the quantum of production; so, we cannot talk about equal pay as such. Similarly, we cannot talk about equal pay for the sexes, because once again the intrusion of different grades of work, different degrees of training, and the like have to be taken into account. So the only thing we can talk about is equal pay for work of equal value, and that is the concept which is currently in the industrial law.

On many occasions the Council for Equal Pay and Opportunity has discussed this very problem with me. It constantly referred to the situation in the U.S.A. which is said to have ratified an International Labour Organisation convention, the number of which I have forgotten, and which provides that there shall be equal pay for work of equal value without discrimination in respect of the sexes. It was said that

that country had signed on the dotted line. This is the proud nation to which female workers were looking.

I have said this before, but let me repeat that equal pay for work of equal value does not mean equal pay for men and women in the U.S.A. That country has adopted a complicated system of job evaluation. In a factory there may be two workers working side by side, one being a male and the other a female. The productivity of these two workers is measured, and if it is determined that the woman produces 80 per cent. of the production of the male worker, then she receives 80 per cent. of his pay. That is the basis on which the U.S.A. signed the I.L.O. convention of equal pay for work of equal value.

In my view the Industrial Commission in Western Australia is not inhibited in the circumstances where it deems fit to determine that equal pay shall be applied to work of equal value. However, the Bill contains an amendment to delete the provision setting out the guidelines for making that determination. The removal of the guidelines will not improve the situation. The Minister has said this will help the women to obtain an increase in pay. I am certain he said "will". I doubt whether he is right if the guidelines are removed from the Statute. If they are removed then when the commission makes its first determination—because this will be the precedent—it will set down the terms and conditions. Unless I am sadly mistaken precisely the same terms and conditions which the Government now seeks to remove from the Act will be laid down.

There is only one other matter of general interest which I wish to raise. This is, of course, not a hardy annual, but almost a hardy quarterly. I refer to the restoration of the automatic quarterly adjustments to the basic wage. This matter has been a bone of contention over a long period of time between the two sides represented in this Parliament. In fact, I noticed with some interest that the Federal industrial authority—although it has the power—determined that it should not restore the quarterly adjustments as per the Consumer Price Index during the last national wage case.

I am aware that when we became the Government quarterly adjustments were in operation. If the Treasurer of the State takes a look at the papers dealing with this matter he will find that a considerable amount of research was carried out as to whether this, in fact, was of advantage to the worker either directly in the return he receives in his pay packet, or indirectly in relation to the financial position of the State; and he will also find that the Government's advisers came down very strongly on the line that quarterly adjustments were certainly not in the best interests of the worker, the State, or the national economy.

I do not think any argument I can raise will change the minds of members opposite; nor perhaps any argument which they can raise will change the minds of members on this side. This seems to be a matter on which we must agree to disagree. It may well be that from time to time conditions will change. I think that within the Industrial Arbitration Act there is at the present time a power for the commission to review the basic wage in special circumstances if it deems fit to do so. Currently a review is to be held not more frequently than once in every 12 months, but the Act contains provision for emergency reviews of the basic wage, and the like.

Quarterly automatic adjustments are usually based on distortion, in any case. If one looks at the quarterly Consumer Price Index, one finds that the cause for the rise in one quarter may be the price of potatoes; in another quarter the price of meat; and in another quarter the price of something else. However, if one balances out the increases for the year one would find that the adjustments were not due to a general increase in the price of goods and services, but of rises in specific commodities which are subject to seasonal variations.

Mr. Hartrey: But they have added to the average cost of living, just the same.

Mr. O'NEIL: Yes. It seems to me that workers are prepared to demand the quarterly adjustments based on the increased cost of living while wages are rising. I am sure that if wages were falling the argument would be on the other foot. It depends on the state of the economy, and it is an academic argument. I do not think that such adjustments prove to be of any real value or to be an economic advantage to the worker. This is one of the areas where we must agree to disagree.

The only other issue which was listed for consideration was the provision in which adjusments to industrial awards could be given some degree of retrospectivity. This is a very arguable point. I am prepared to admit that the Public Service Act contains a provision whereby retrospectivity, or retroactivity as it is sometimes called, may be granted, but certainly not before the time when the matter came before the cognisance of the authority. It is not retrospectivity beyond the point where the authority has cognisance of the dispute.

One way of overcoming the problem of limited retrospectivity is to ensure that the disputes are brought before the authority as quickly as possible, so that the period between the lodging of the notice of the dispute and the determination is short. If that is the case then retroactivity does not mean much.

However, the very fact that there is power to grant retrospectivity could, in fact, prolong the dispute. At the moment

it is in the interests of the parties to get a dispute resolved as quickly as possible, especially in regard to a pay rise, so that the worker does not lose too much.

Mr. Jones: Is this always possible?

Mr. O'NEIL: I have made the point. If that is not so then we do not object to the appointment of additional conciliation commissioners to make sure that all unions have immediate access to the commission.

Mr. Jones: You think that is the immediate answer to the problem?

Mr. O'NEIL: I think the provision for the granting of partial retrospectivity could, in fact, prolong a dispute. In other words, if there is a major dispute or strike it could go on and on; because whatever be the decision it will be backdated. So there is no reason in respect of any party to a dispute to get on with the job of resolving it.

Mr. Jones: What about a State award that is awaiting a Federal determination?

Mr. O'NEIL: Does the honourable member refer to a decision which has not been brought down in the State field?

Mr. Jones: Take the engine drivers' dispute in 1968 where they were waiting for a Federal determination. The determination by the State industrial authority was held up pending the Federal decision. The Federal decision granted retrospectivity, but the same could not be granted in this State, and in that case the Minister for Railways of your Government intervened.

Mr. O'NEIL: That was a case which was referred to the commission under section 173 of the Industrial Arbitration Act, and retrospectivity could be granted.

Mr. Jones: It was a case where pressure had to be applied.

Mr. O'NEIL: That was a reference under section 173 of the Act which we will deal with because the Government is seeking to repeal it. Under these circumstances the Industrial Commission, acting as an adjudicator in such a case, can do anything. They did grant retrospectivity, but this Bill repeals that provision.

Mr. Jones: On that occasion it was on the recommendation of the Minister for Railways.

Mr. O'NEIL: I do not know. I happened to be the Minister for Labour. That does not matter, the point I am making is that there is provision in the industrial law, at the moment, under section 173 where a commissioner, under certain circumstances, can grant retrospectivity but the present Bill will repeal that.

Mr. Jones: I am not arguing about it; you are.

Mr. O'NEIL: I am simply saying that the general policy—and let me make the point—is not to grant unlimited retrospectivity as some people would have the workers believe. It is limited to taking effect from the time when the matter comes to the cognisance of the authority. I do not think the general rank and file workers realise that provision is there.

Mr. Jones: We will have mediators.

Mr. O'NEIL: The mediators will just add another fortnight into the block. That is not conciliation.

It is a pity I have not covered some of the points in the Bill with which we agree but I feel my purpose tonight was, to a degree, to let people other than the Government know the attitude of the Opposition to this legislation. Of course, they could have found out our attitude by reading the notice paper and observing the amendments.

There are many matters which we will discusss during Committee and which will, in fact, assist the unions to operate more efficiently. Those provisions will cut out a lot of red tape to which the unions are subjected at the moment—a certifying solicitor being one. Those members who were here in 1963 can remember the great kerfuffle raised about certifying solicitors. We agree to eliminating a considerable number of the red tape provisions in respect of maintaining rolls of membership, and so on.

We also agree to eliminating the necessity for returns to the commission, and some things in respect of the transference of powers from the present Court of Industrial Appeal back to the commission, and so on. We agree to many matters which will, in fact, assist quite considerably in making sure that conciliation is given greater stress, and that unions are not inhibited by a lot of red tape. I make that point quite clearly.

Under the present system which the Government considers to be inefficient 90 per cent. of industrial disputes are resolved by conciliation and 10 per cent. by arbitration. If by adding more commissioners we will speed up the time when matters can be brought before the commission for consideration we will be perfectly happy with that. However, I doubt very much whether the stage can be reached where more than 90 per cent. of cases are solved by conciliation and less than 10 per cent. are solved by arbitration. Those percentages are admitted. If we can get to a figure of 95 per cent. solved by conciliation and five per cent. by arbitration that would be an improvement, but I cannot conceive that we would ever reach that stage.

There must be some point at which the person who is the arbitrator makes a decision, and even if there is only 1 per cent. against, it must be there.

The present proposal will also make arbitration voluntary. I think there must be a point in time, when all else fails, when there must be some way of having an expert arbitrator appointed to look at the dispute and make a decision. We know full well that when an arbitrator makes a decision he satisfies only one party; he cannot satisfy both parties. If that was not so the matter would not have gone to arbitration.

Mr. Jones: What about your views on the reinstatements provision?

Mr. O'NEIL: I indicated that many of these things would, in fact, be discussed in Committee. My few comments have concerned the subjects of principal concern to at least one section of the trade union movement.

Mr. Jones: Reinstatement is a serious matter. Would you indicate your attitude?

Mr. O'NEIL: I will oppose giving the Industrial Commission the right to order the reinstatement of a worker. There are provisions where the commission can recommend it where it considers dismissal unwarranted, or where a worker is unfairly treated. I indicated quite clearly I was talking about the general and main principles in the legislation. This measure will take a considerable time in Committee and we will deal with the appropriate clauses at that stage.

MR. THOMPSON (Darling Range) [9.50 p.m.]: I would like to congratulate the Deputy Leader of the Opposition for a very sound contribution to the debate in the Chamber tonight. It is with a little humility that I follow such a competent spokesman for our party on industrial matters. I would go so far as to say that the Deputy Leader of the Opposition is, without question, the most knowledgeable person in the House on industrial matters.

Mr. Hartrey: On your side.

Mr. THOMPSON: He is most knowledgeable on industrial relations, and I suggest that members from both sides have gained a little more knowledge tonight.

Sir Charles Court: I think the Deputy Leader of the Opposition disclosed the weaknesses of the other side tonight from their interjections.

Mr. THOMPSON: Hear, hear! I note with interest that the galleries are full and it is quite pleasing to see that people are prepared to come along and listen to parliamentary debates.

Mr. Hartrey: You are out of order, you know.

Mr. THOMPSON: I suppose it is fortuitous that the galleries happen to be full at the time this legislation comes before the House. We had a case last year where some orchardists were very interested in a certain piece of legislation and they sat here for three days waiting to hear that measure dealt with. A little earlier last year we had the case of a number of women who were interested in the contraceptives Bill. They came back day after day and, indeed, on one occasion when the Bill came up very late one evening the House adjourned after only one speech. Those people were very disgruntled and, I believe, justifiably so in view of the time they spent here waiting to hear the Bill debated.

Of course, there is also the case of the scientologists who came here every day week after week. They could not get any degree of co-operation from the Government so I suppose those in the gallery tonight are fortunate indeed.

Mr. T. D. Evans: The scientologists did not get much support from the Opposition side either.

Mr. THOMPSON: We were not handling the business of the House.

Mr. May: Thank goodness for that.

Mr. THOMPSON: Those in the gallery are rather fortunate in that they will hear quite a lot before they go home tonight.

Mr. Bickerton: You are fortunate to have someone to talk to for a change.

Mr. THOMPSON: I may be a little fortunate, but I can usually manage a few comments from the other side. It is also a change to see so many back-bench members from the Government side in their seats.

Mr. T. D. Evans: You are being insidious.

Sir Charles Court: Just noting facts.

The SPEAKER: Order!

Mr. THOMPSON: Another observation I have made is that although this Parliament has now been in existence for in excess of two years the legislation is before us now virtually in the dying hours of this part of the session. I also think it is rather interesting to note that this industrial legislation which appears to be so obnoxious to a number of people in the trade union movement was not considered quite so obnoxious by the Government that it was amended immediately the new Government was elected. I suggest that the industrial measures introduced by the Brand Government a few years ago have proved to be highly successful, and have served this State well.

Mr. Jones: You ask the unions.

Mr. THOMPSON: I pose a question: Why has it taken the Government more than two years to introduce this Bill?

Mr. Bryce: Because we are striving for perfection.

The SPEAKER: Order!

Mr. THOMPSON: The Bill which has come to the House is not one which has resulted from any great desire on the part

of the Government, but indeed from a great desire on the part of those who dictate to the Government in office.

Mr. Jones: You will be calling us communists next.

Mr. THOMPSON: I believe what I have said is quite clear because the very timing of this measure indicates that what I have said is indeed true.

Mr. May: Is there any chance of your talking about the Bill?

Sir Charles Court: He is talking about the very pertinent background to the Bill.

Mr. T. D. Evans: Can you say which clause?

Mr. THOMPSON: I can understand why the Minister for Mines is touchy on this point. Clearly, he would understand the reasons I make these statements.

Mr. May: I do not know your reasons.

Mr. THOMPSON: I think the Minister does know my reasons. When my deputy leader spoke earlier tonight he indicated clearly that over 90 per cent.—indeed, 93 per cent.—of all disputes are settled under the provisions of the present system through conciliation. Fewer than 10 per cent. of disputes have had to go to compulsory arbitration, and that points to the success of the present system.

I go further and say it would not matter which system we had, there are some sections of the trade union movement which would never be satisfied unless, of course, they were able to completely dictate their own terms from go to whoa. No community could stand for that situation. The rights of all parties to a dispute have to be considered.

Mr. May: That would apply to the Employers Federation, as well?

Mr. THOMPSON: That is right.

Sir Charles Court: They happen to be the people who always conform to the law.

Mr. May: How naive can one be; what a ridiculous reply.

Sir Charles Court: It is easy to enforce the law against the employers.

The SPEAKER: Order!

Mr. THOMPSON: This Bill now comes before us to satisfy the minority in the trade union movement.

As my deputy leader indicated there are some provisions in this Bill which we are prepared to support, but there are many which we are not prepared to support. My deputy leader went on to deal with those matters which were not acceptable to Opposition.

Under the provisions of this measure it is proposed to reverse completely the situation which pertains with regard to strikes. Under the present provisions it is illegal to strike unless, of course, a dispute goes to the commission and it is declared legal for a strike to continue.

The measure proposes completely to reverse this situation and to say that all strikes are legal until they are declared illegal. I suppose that sounds good, but it encompasses many features which, I suggest, are not in the interests of members of trade unions. I believe I can speak with some authority because I have been a member of a trade union.

(Interruption from the gallery.)

The SPEAKER: Order! The member for Darling Range will be seated. If people in the gallery cannot keep order I will have to act as I said before—I will have the gallery cleared. I am giving the gallery a fair go and I expect people to honour that. Keep order, otherwise I will have to clear the gallery.

Mr. THOMPSON: Thank you, Mr. Speaker. I was saying that I have been a member of a trade union and I sincerely support the principle of the trade union movement. I believe every section of our community ought to have a voice; it ought to have a body or group of persons to represent it. I also believe that the average member of a trade union today would not go along with some of the provisions which are contained in this measure.

Mr. J. T. Tonkin: Such as?

Mr. THOMPSON: I have spoken to a number of people in connection with the measure. I will refer particularly to making strikes legal. A number of unions within our State are moderate unions and go about their business of looking after the interests of their members. They try to ensure that just and equitable conditions apply and they try, legally, to improve those conditions. There are other trade unions which go about trying to extract, outside the orderly system, conditions for their members. They also seek to disrupt the community by indulging in political strikes. Political strikes and the like are not in the interests of the working man. Such unions do not seek to extract from employers improved conditions or salaries for their members; they do not seek generally to improve their lot. Some sections of the trade union movement seek to disrupt the community for political reasons.

I say that the average trade union worker does not support that sort of action. If we have the situation where strikes become legal, political strikes could be called—they would be legal. Consequently people who did not want to become involved in such a strike would be caught up in it.

The situation now is that some moderate unions have within their membership some militant people who agitate for strike action. However, the moderate members of the union are able to say, "We will not be a party to striking because that is

illegal; instead, we will go through the legal channels." Moderates within the trade union movement will not have any sway if this measure becomes law because the militants will say, "Here is the legislation; it is not illegal to strike." I suggest that the interests of the moderate trade union member would not be served by this provision in the measure before us.

When we see the word "mediation" written into the Bill it sounds extremely good. It sounds as though there will be some expedient way of solving the problem. However, as my deputy leader pointed out, it will introduce another tier which will do nothing other than to prolong a disputation.

I suggest it is merely a word which has been introduced to try to engender some respectability to what is, in some respects, an otherwise obnoxious measure. There is provision in American industrial relations for mediation to be introduced. This is done from time to time but at such a level that it is the President himself who appoints a mediator. This is done only in extremely serious circumstances when the country is being held to ransom by a very small section. It will be seen from that example that mediation is a last-ditch stand and a peculiar system indeed exists in America to solve rather awkward situations.

Another provision in the measure proposes to change the definition of "worker". In the last few months I have been involved with a number of people who would be directly affected by this provision. Further, I suggest that the subcontractor situation, in recent months, has motivated this particular provision.

Mr. Hartrey: Of course it has.

Mr. THOMPSON: Let us examine the reasons for the subcontract situation developing.

Mr. Hartrey: Scabbing on the workers.

Mr. THOMPSON: We hear from members on the other side of the House that it is some devious means on the part of the employers to downgrade and tread on the average worker. At the present time the housing industry is well served by the subcontract system.

Mr. Hartrey: The bosses are.

Mr. THOMPSON: Not the bosses. I suggest all persons are well served by the subcontract system. I am familiar with a particular case whereby a young fellow is building his own house by subcontract. I have taken the trouble to talk to every one of the subcontractors who come onto the job and I have asked them what they earn a year and what their conditions are. They are doing exceptionally well under the subcontract system. If they were to be brought into the dragnet of the trade union movement I suggest that their situation could be jeopardised. They realise this and do not want to be involved.

In some other respects I suggest the trade union movement is back in the days of the Industrial Revolution. It is talking in terms of boys working in coalmines. While the trade union movement thinks in those terms there is no hope for it. I sincerely hope there will be a changed attitude on the part of some trade unions so that they come into line with the thinking of workers today.

The reason people go into the subcontract system is that they are not satisfied with the situation which pertains. I suggest they will continue to go into the subcontract system and it is because of the erosion to the trade union movement that the measure has been brought before the House. The trade union movement wants to bring these people into line, not for the benefit of the subcontractors but so that it will have control over that section of industry. In some cases I suggest it is for political reasons and it is certainly not to serve the interests of the people the trade union movement is trying to drag into the system.

A few years ago I can recall that the proprietor of the Midland Brick Company challenged the Transport Workers' Union over its refusal to cart fuel oil to the Midland Brick Company. I can also recall that the same gentleman initiated proceedings in the civil court which resulted in the Transport Workers' Union very smartly deciding that it would supply fuel oil to that establishment.

We had a situation fairly recently whereby a number of subcontractors were being intimidated by the Transport Workers' Union. I refer to some people in Busselton and Bunbury. They were acting quite within their rights as they were not required, by law, to be members of the Transport Workers' Union and they were standing aloof from that union. They were intimidated by the union to the extent that they took legal action. The union could not back off smartly enough after that happened. The provision in the measure to eliminate access to trade unions in the civil court has been precipitated by this sort of action. Some trade unions want to disrupt industry and the community and not be liable in the civil courts.

Mr. Jones: Talk some sense.

Mr. THOMPSON: I am.

Mr. McIver: Talk with balance.

Mr. THOMPSON: Perhaps a few of the back-benchers on the Government side of the House will make a rare contribution and speak to this measure.

Mr. O'Neil: They make their speeches sitting down.

Mr. THOMPSON: After all is said and done, a number of people present tonight would, I suppose, sit on the committee

selecting candidates for the parliamentary Labor Party. Members opposite may want to impress them as to what sort of job they do in this place.

Mr. Jones: At least you know who they are.

Mr. THOMPSON: It will be a rare experience for some of the Government back-benchers to get up and speak in the House.

Mr. O'Connor: People in the gallery will know they are sitting members!

Mr. THOMPSON: The member for Boulder-Dundas referred to the penal provisions. The former member for Bunbury (Mr. Williams) took a great interest in industrial matters.

Mr. Jones: The workers would have been in shackles if he had had his way.

Mr. THOMPSON: The former member for Bunbury once referred me to statistics he had taken out on penal provisions. It is quite clear that penal provisions in industrial legislation are used far more frequently by unions against their own members than they are sought to be used by employers against unions.

My deputy leader covered a fair amount of the legislation and I am sure other members are keen to speak to the measure. Consequently I will say very little more to the Bill.

Mr. Hartrey: Hear, hear!

Mr. THOMPSON: I am glad I please somebody. I would like to make reference to something which has taken place as a result of the introduction of this and other measures. A campaign is being waged by the Trades and Labor Council to attract public attention to the measures before the House. I do not blame the T.L.C., Mr. Speaker, because it is a pressure group and is lobbying just as many other sections of the community lobbies.

However, I hope it does not degenerate into a situation similar to that which applied in the Federal House fairly recently whereby the Postal Workers Union resolved not to deliver mail to Liberal and Country Party senators. That was direct intimidation and, indeed, I suggest a severe breach of parliamentary privilege.

Mr. Mensaros: So it was.

Mr. THOMPSON: The first shot fired by the Trades and Labor Council was the "May Day" paper which it issued. I suggest this was a total flop. Of course it went over extremely well with the converted because they all giggled and thought it was very good.

Mr. Bryce: All members of the Opposition read it.

Mr. THOMPSON: We read it, but I was particularly interested as we went out to afternoon tea one day to hear the comments of some of the members who sit opposite. This document did not impress them. Did it impress the member for Ascot?

Mr. Bryce: It impressed you, because you read it.

Mr. I. W. Manning: Did it impress the member for Ascot?

Mr. R. L. Young: The member for Ascot read the back page.

Mr. THOMPSON: It was also interesting to hear the comments of two of the Ministers in another place. They were not impressed at all and they are on record in the Press as having given their reactions in another place.

As part of the campaign a document called "The Campaign in Support of Industrial Legislation" was produced. How members of the Opposition ever got a copy of it I do not know. However we do have a copy and it makes interesting reading.

Mr. Hartrey: Did you Watergate it?

Mr. O'Neil: We got it before the Labor Party.

Sir Charles Court: We were inundated with copies.

Mr. THOMPSON: The opening paragraph is headed "Newspaper Production" and reads, in part—

> A newspaper will be produced for distribution in the week of the 30th April. A team of people, mainly professionals have been engaged in the production of this newspaper. The object of the newspaper is to influence people to support the legislation and to bring pressure to bear upon their parliamentary representatives and also to give support to the measures which are proposed.

This publication had a great impact on the trade union movement. So great was the impact that the only copy I had was one handed to me by a colleague. As I moved around my electorate I watched very closely to see how widely the publication was distributed. It did not go very far. I believe the intention was to circulate it with the country editions of the *Sunday Independent*. I also believe that it was so poorly received the *Sunday Independent* would not include it in its publication. I will quote the closing sentence of the paragraph dealing with newspaper production—

> The newspaper will be an attractive publication, and because of that, many people will I am sure, be prepared to engage in its distribution.

I do not know who was prepared to gallop around distributing the publication, but it did not receive a very wide distribution.

I would like to quote briefly from page 6 of these notes. This is a very interesting part, and I believe it has serious overtones. The whole article outlines the manner in which the campaign is to be fought and

how particular trade unions will be asked to look after certain Liberal and Country Party members of Parliament. These are the closing paragraphs—

> This allocation is made so that each Union has responsibility for a particular member.
>
> Unions will need to make contact with the member interview him, discuss the features of the respective Bills, find out his opinions and the way to influence him if he is opposed.
>
> It will be necessary to direct information to him as propaganda is produced, this should be forwarded. Also organise people to write to him.
>
> It is vitally important that before anything is done that we make ourselves familiar with the member as a person, what he did before he became a member, his hobbies interests etc., any background information will be useful
>
> Please report back on any contacts made and reactions.

Mr. Bickerton: It sounds like an article from the *Farmers' Weekly*.

Mr. O'Neil: Drought relief!

Mr. Hutchinson: The seed fell on barren earth.

Mr. THOMPSON: I do not know how this type of campaigning is received by members of the Government. It does not sound very good and it does not become the responsible members of trade union organisations. The trade union assigned to look after me has not yet made contact with me. I have not received one letter—

Mr. Rushton: Perhaps you are beyond redemption.

Mr. THOMPSON: —from people who were supposed to write to me.

Sir Charles Court: Tell us which union you have?

Mr. O'Neil: Who is your liaison officer?

Mr. THOMPSON: I have been allocated to the Electrical Trades Union of Workers of Australia. That is a very appropriate selection because I was a member of that union at one time. I know many of its members and, because I was allocated to that particular union, I made contact with a number of my friends and acquaintances. I knew more about the matter than they did.

Mr. May: Did you get a shock?

Mr. THOMPSON: I did not get a shock; the union members did! I took the trouble to discuss the matter with some of my friends who are still members of that union. After I had put forward my point of view, we still had certain areas of dissension. The campaign which is supposed to be waged by the Trades and Labor Council may mean something in days to come, but certainly it has been a fizzog to date.

I have said all I wish to say on this matter. I will resume my seat to make way for other members who wish to contribute to the debate.

MR. HARTREY (Boulder-Dundas) [10.20 p.m.]: Mr. Speaker—

Mr. O'Neil: You want to watch the interjections from the member for Collie.

Mr. HARTREY: —in the second reading debate it is customary to address oneself to the outstanding principles of the proposed legislation and to attempt to show its objects and expected results in general outline. However, this debate tonight has taken a somewhat different turn in that the Deputy Leader of the Opposition adverted particularly to special clauses. I hope I may do the same.

Mr. O'Neil: I referred to one clause only.

Mr. HARTREY: To begin with, I support the Bill wholeheartedly because I believe it is a progressive attempt to advance a solution for industrial problems which always beset capitalist states and must necessarily do so.

Sir Charles Court: They do not accept strikes in communist countries, of course, because they do not tolerate unions.

Mr. HARTREY: We are going back quietly to a concept the last speaker seemed to think outrageous; that is, we are going to say that a man has a right to strike. That is no different from saying a free man has the right to choose for whom he works and when. That is one of the characteristics of a free society. A slave is bound to serve and a man in gaol is condemned to penal servitude. Apart from those unfortunate people, anyone else has the right to sell his labour, and he is entitled to say to whom he will sell it, and in so far as he can, at what price.

Mr. Rushton: And what he wants to join.

Mr. HARTREY: When a bank raises its rate of interest, we do not say the bank is on strike. However, the bank is refusing to lend money at the same rate of interest as it was previously. The Opposition says that is perfectly laudable, because the bank, or the depositors, own the money. The idea that an arbitration court should determine how much interest a bank may charge would be highly revolting to members of the Opposition. However, the idea that a man should be allowed to say he will work for Boans or for some factory in Melbourne at a wage that he and his fellow workers may decide upon, has become unfamiliar to people's minds.

We now propose to make strikes legal, and so we should. If a man has nothing to sell but his labour, nothing to maintain his wife and his children with except the price he gets for his labour, it is nothing short of tyranny to say he shall work at a

price fixed by some individual, however exalted that individual's authority. Under no circumstances should we, even in this Parliament, erode a person's right to a fair price for his labour.

That sort of argument does not impress me and I repudiate it. I congratulate not only the framers of this Bill but also the Minister who introduced it to this House and those who espouse it, because it is a progressive step forward as things are at present, but, in actual fact, it is also a step backwards to earlier times, when personal liberty was of more importance than it is today.

Reference has been made to a proposed new definition of a "worker", and here I pay a sincere and genuine tribute to the Deputy Leader of the Opposition, because he was quite right when he told us that he was the one who framed this definition. He framed it not for this legislation but for the purposes of another Act. He said he did it in good faith and out of sympathetic consideration for an injured worker and I believe him. On previous occasions I have praised that honourable gentleman by saying that he made many useful reforms in the workers' compensation legislation, and this was one of them. I repeat my praises in all sincerity.

That definition, however, is also very apt to cover a situation we are now trying to remedy under the Industrial Arbitration Act. The definition in the Workers' Compensation Act has been extended by the following provision appearing in the measure before us—

> (c) a person working for anotner person for the purpose of the other person's trade or business under a contract for service, the remuneration of the person so working being in substance a return for manual labour bestowed by him upon the work in which he is engaged, where an award or industrial agreement in force applies to that work when it is performed by a person engaged under a contract of service,

I do not want to confuse the House by going into elaborate details to explain the difference between a contract of service and a contract for service, because in many instances there is a very intricate distinction, but in general the test of whether a person is working under a contract of service—that is to say a worker in the ordinary sense of the word as defined in an industrial award—or is a person working under contract for services and is not working under the conditions of any industrial award, is the question of whether the employer has control over his direction.

For instance, if I engaged a master painter to paint my house and he quoted me a price, I could tell him what colours I wanted and the rooms I wanted painted, but I would not be in a position to tell him that he should start at 10.30 a.m. and finish at 5.30 p.m., because his hours of work would be within his own discretion Such a man is not a "worker"; he is fulfilling a contract for services. That is a subterfuge which has been widely resorted to, especially in the building trades to which reference was made a while ago, in order to reduce the general standard of living of men who have only their labour to sell. It is a means by which people can work 12 hours a day instead of eight, 7½, or whatever number of hours is prescribed for work within a particular industry, and where the employer can pay a flat rate of remuneration per hour instead of paying overtime as prescribed by industrial awards or, in other words, can undercut the conditions of people who work in accordance with awards.

That is what the industrial unions are opposed to and are hostile to, and that is precisely what I am opposed to. No matter what situation they may be placed in I hate to see men scab on the industrial conditions set down in a particular award, and therefore I will be pleased if this Bill passes through the Parliament. If it is not passed by those in another place they will be responsible to the electors and, in due course, will meet their Waterloo. This legislation is well worthy of support, because it will have the effect of putting an end to or go a long way towards putting an end to, the erosion of working-class conditions which have been built up time after time by the very arbitration court which our friends opposite are so anxious to support when it is against the interests of the workers, and which they so often deprecate when it makes decisions the other way.

Sir Charles Court: That does not happent to be right.

Mr. HARTREY: I have never said anything in the House that was right so far as the Leader of the Opposition was concerned.

Sir Charles Court: This is purely left wing stuff to undermine the industrial arbitration system.

Mr. HARTREY: I am not ashamed of supporting the left wing. I would be ashamed if I did not support it.

Mr. Brady: The Leader of the Opposition belongs to the right wing of his organisation.

Sir Charles Court: He adopts a sensible attitude, and there are more people on our side over this legislation than you think.

Mr. HARTREY: We are criticised because we are legalising strikes, which seems to be a shocking thing to some people; and we are also criticised because we propose to legalise something else.

Mr. Rushton: Not what is going on at Kalgoorlie.

Mr. HARTREY: I am sorry the honourable member is unable to keep his mind above that level in dealing with this subject. I now turn to clause 79 which seeks to insert a new provision, section 179A. It provides in plain language what the British Parliament provided in the days of Queen Victoria. It was a Liberal Government, and not a Labour Government, which introduced that provision in the British Parliament. How shocking is it that we in Western Australia should be introducing it in 1973—a protection to unionists engaged in industrial conflict. This was provided by a Liberal Government as far back as the days of Queen Victoria.

Sir Charles Court: They never had an Act such as the Act we have in this State.

Mr. HARTREY: I have much more for which to thank the Deputy Leader of the Opposition than the Leader of the Opposition. Recently I thanked the Deputy Leader for having introduced in 1970 an amendment to the Workers' Compensation Act, which had been introduced by a Liberal Government in Britain in 1906. That provision is, of course, that where a person would have been debarred from workers' compensation by reason of having caused his injury through serious and wilful misconduct, he would still receive compensation for an injury resulting in death or serious and permanent disablement. That provision was brought into force in England in 1906, but it was in 1970 that it was introduced in Western Australia.

The provision in clause 79 was introduced in Britain before 1900, so now in 1973 it is a little overdue in Western Australia. I congratulate the Labor Party for having got this far in 1973, and I deplore the fact that this legislation should be opposed by the Opposition, especially as it is about 80 years overdue.

As for retrospectivity, that seems to be a perfectly reasonable amendment; and the lack of retrospectivity at the present time is helping to prolong industrial disputes. The introduction of the right to make a wages determination retrospective will have the effect of giving an incentive to the parties concerned to have the matter cleared up quickly. So, I support that amendment also.

The hour is late, and I am told there are urgent and earnest supporters of this Bill on the Opposition side who wish to speak! For that reason I shall not trespass any longer on the patience of the House. I conclude by saying that the Bill is a forward step in the history of industrial relations in Western Australia. We are not a reactionary State as a whole, but in some aspects of legislation we are definitely backward. At least, we are making a step in the right direction in proposing this Bill. Of course, it will be passed by a majority in this House.

I am not one who will go on his knees to lobby members in another place. They can pass the Bill or do what they will with it at their peril; but it is the will of the people of Western Australia to have it passed, and the people of Western Australia are becoming increasingly tired of having their will thwarted by an element—

(Applause from the gallery.)

Sir Charles Court: We would love to have an election tomorrow.

Mr. HARTREY: I am sure you would! When we do it is no certainty that you will be leading the Opposition.

(Interjections from the gallery.)

Sir Charles Court: The best answer we can give you is that we would love to have an election tomorrow.

Mr. HARTREY: It is suitable at this juncture for me to conclude with a hearty commendation of the Bill, and a hearty assertion of the right to strike. That is the only right which a person who sells his labour has, unless he be a slave. I also extend a hearty commendation of the new definition of "worker" which cannot have other than the effect of stopping certain people from scabbing on the working classes, and diminishing the wellbeing, the conditions, the wages, and the entitlements of those who have to work for a living; because these people do not get their income like those who control banks and insurance companies, and other swindlers do.

Sir Charles Court: That is good soap box stuff. I will get you one for Christmas!

(Applause from the gallery.)

MR. R. L. YOUNG (Wembley) [10.36 p.m.]: In my opinion the contribution of the member for Boulder-Dundas hardly did him credit for a number of reasons. One is that he said on many occasions how wonderful the legislation was, when what he should have said was how wonderful it might have been if it had not been subject to the sort of pressures which were brought to bear on the framing of it.

I do agree with one thing he said; that is, the right of certain persons to strike in certain circumstances, but he did not qualify his statement. He simply said they had a right to strike.

In my view a person has the right to strike under certain circumstances, and he has an absolute obligation to strike under circumstances that are valid; for instance in regard to safety conditions, and other aspects of his employment. If he cannot get satisfaction, and he knows in his own heart that the lack of satisfaction he and his union are getting is based on hypocrisy, or the disinclination of the employer to do the right thing, then not

only has he the right to strike but also an absolute obligation to strike on behalf of himself and his fellow workers.

However, the Bill before us does not talk about that. It talks about certain rights to strike, and the right of the Industrial Commission to declare strikes to be illegal, accepting the fact that all strikes are legal *ab initio* until declared illegal by the commission. It specifically excludes certain types of strikes.

The type of strike to which I draw the attention of the member for Boulder-Dundas is the one mentioned by the Deputy Leader of the Opposition tonight where the workers say, "We are going on strike, just to see what these people will do about this Bill." That type of strike is not and cannot be declared illegal under the Act, nor can the sort of strike where somebody at the whim of a union official or some person in control—such as the Secretary of the T.L.C. or the Secretary of the A.C.T.U.—decides that a certain matter is to be made a political issue at a particular time, be declared illegal under the Act. No provision in the Bill before us can cause that type of strike to be declared illegal.

Mr. Hartrey: Why should it be?

(Interjection from the gallery.)

Mr. R. L. YOUNG: I do not mind answering interjections made by members on the opposite side of the House because they are known to me, but I object to having to attempt to answer interjections from the gallery.

(Interjection from the gallery.)

Mr. R. L. YOUNG: Mr. Speaker, was that an interjection from the gallery?

Mr. SPEAKER: Order! This will be the last warning I shall give to the visitors in the gallery. If they cannot keep order I will definitely clear the gallery and they will be deprived of the opportunity to hear the debate. I put visitors in the gallery on their honour to keep order. I am keeping order in the Chamber, and similarly I expect them to keep order in the gallery.

Mr. R. L. YOUNG: On many occasions I have confronted groups of people comprising 200 to 300 individuals at a time outside this Chamber, and I am quite happy to talk to anyone outside the Chamber *en masse* or individually. Let me tell the visitors in the gallery that I am not frightened of them or of the trade union movement. I think the Government is aware that I am not afraid to debate any issue. However, I would like to know the person to whom I am speaking.

I have referred to many sorts of strikes but it is this scope of strike which invariably causes the great problems. At one time on the question of strikes, I was confronted at the university by a person who said that a particular disaster in the industrial history of this country occurred despite the warnings of those in the trade union movement involved in the particular industry.

I agreed entirely that the disaster might have been avoided had the people taken sufficient action at the time. Strangely enough the members of the union at that time had not taken sufficient action to point out what was wrong.

There are many political strikes. We can go back to 1971 and recollect the fiasco in regard to the Springbok tour and how far that situation could have gone in this country because of a few people kicking a football around the field. Just imagine what that could have done to the economy of the country if it had been allowed to continue.

I would point out before I start speaking specifically to the clauses of the Bill—and I will not go into them in great detail, but will deal with only two or three of them—that we are a nation. Despite the fact that there has been talk of seccession —and I have mentioned this before on other Bills—we are a nation, and the only thing we will get out of the nation is what we put into it. Too often we hear about the workers having the right to strike and also having the right to receive all sorts of benefits; but with no thought of what is being put back into the country.

Mr. Hartrey: The workers put everything back into the country.

Mr. R. L. YOUNG: The workers do not put back everything into the country at all. Quite often after paying huge slabs of taxation businesses create great economic advantages to the country and the people who live in it. I admit quite readily that the worker plays a great part in the contribution of those businesses, but management and capital also contribute a great deal, and invariably the managements contribute as much as they possibly can.

When someone raised a point in regard to lockouts, interjections were made from the other side regarding employers who broke industrial regulations. I would like to hear some specific comments from the other side about the number of times employers have breached, and continued to breach, rules laid down by the Industrial Commission.

Mr. McIver: What about Bell Bros. when the commission ordered them to reinstate a driver, and they refused to do so? That is one.

Government members: Hear, hear!

Mr. R. L. YOUNG: That is a reasonable comment from the member for Northam and it is the only case of which I have heard; but that is only one specific case—

Mr. McIver: There are many others.

Mr. R. L. YOUNG: —compared with the dozens of illegal strikes which have taken place in the nation over the last couple of years. It is hardly any sort of comparison.

Some time ago a debate was held between the President of the A.C.T.U. (Mr. Hawke) and the Leader of the Opposition (Sir Charles Court) and continually throughout that debate Mr. Hawke made the point that the worker was the most important cog in the industrial machine. He spent a solid hour trying to convince the people of Australia that the only single and important cog in the industrial machine was the worker. He concluded the debate by stating that of 30 western countries Australia was the 24th, as far as the standard of living and the gross national product *per capita* were concerned. However he failed to point out that the Australian gross product at that particular time was increasing at the rate of 1 per cent. while wages were increasing at the rate of 13 per cent. So, on the one hand, we are told that the worker is the most important cog in the industrial machine, but, on the other hand, we find that the worker contributes an increase of only 1 per cent. in the gross national product while he receives a 13 per cent. increase in salary. The question I would have liked to ask Mr. Hawke is: Whose fault was it that Australia was 24th out of 30?

Mr. Hartrey: The national productivity is measured in goods; wages are measured in inflated money, which is only a fraud.

Mr. R. L. YOUNG: I thank the honourable member for filling in time while I was finding my notes!

I congratulate the Minister on his promotion, and I think he knows that is a genuine congratulation. It has been said he will be very happy to relinquish this particular portfolio. I think he is probably beginning to enjoy it to a certain degree because it is one of the few he can get his teeth into. However, the Minister must surely be getting sick and tired of the type of legislation he has to handle in this place.

Mr. Taylor: Very true! He should not have to!

Mr. R. L. YOUNG: I agree. If I had to handle the sort of legislation he has been handed, I would be sick and tired of it. I agree completely that he should not have to do it because I think he is a reasonable sort of fellow, and his mind must be exercised a great deal in an effort to find a way to justify some of the provisions in these Bills.

The member for Darling Range referred to the publication *The New Deal* which he described as a flop. I will not use any other headline-grabbing adjectives, but it was a complete and absolute failure because it did not get over any points at all. The way in which it was presented was absolutely substandard and it did not have any message with which to convince anyone above third-standard intelligence that the trade union movement had a case worth listening to.

One of the most incredible statements I have read is to be found in another pamphlet referred to by the member for Darling Range, and called *The Campaign in Support of Industrial Legislation*. I have no doubt from where we obtained copies of the publication because certain members of the Government quite readily let us have them.

Mr. Hartrey: Quite right.

Mr. R. L. YOUNG: That is fair enough, and it is an example of the camaraderie, of which many are not aware, which exists between members of this House once we are outside the Chamber.

Mr. Jones: We might even talk you around later tonight.

Mr. R. L. YOUNG: I think that would be pretty difficult even for the member for Collie.

One of the items which we find most offensive in the publication to which I have referred is a statement which can be described only as a straightout lie. In an effort to support its case, the publication stated that three women's groups believed the legislation was an advancement for their interests. The three women's groups referred to are the Women's Electoral Lobby, the Women's Lib Movement, and the Council for Equal Pay and Opportunity. I cannot say anything about the Council for Equal Pay and Opportunity and I do not know whether there is an official organ of the Women's Lib Movement, but I know for certain that no-one in the Women's Electoral Lobby gave anyone permission to include its name in that publication. No decision was taken in regard to the subject and no-one, even if she were the wife of someone associated with the document, had the right to say it did. That is just one point.

The member for Darling Range referred to a few other apparently reasonably inoffensive items which could have been read out at a Sunday school picnic with no offence being taken. Anyone with any knowledge of political activities in the trade union movement would be aware of what the publication was trying to convey; but in respect of the publication I say two things: no-one on this side of the House—and this certainly applies to me—will be influenced by anything in it or will be influenced by any member of any trade union who tries to approach him. Certainly I will not be influenced by any such person who approaches me to find out my interests or hobbies—and some of them are pretty interesting—and no-one can influence me in regard to this legislation other than by a reasonable and logical case being submitted to Parliament.

I went down to Trades Hall and met the secretary of the union allocated to me, which was the Municipal Employees, Union. I chose to go because I know how busy those fellows are and they would have no time to do all the document requires of them. The secretary was a very nice fellow and we had a long chat.

Mr. Jones: That is a change of attitude on that side, for you to say a union secretary is a nice chap.

Mr. R. L. YOUNG: Not at all.

Sir Charles Court: A lot of them are.

Mr. R. L. YOUNG: We readily admit that 70 to 75 per cent. of trade union secretaries and members are easy to deal with, and that is what keeps the country going. About 25 to 30 per cent. of them would rather see this country on its knees than progress. Perhaps the union I was allocated was a reasonable union as was the secretary. Perhaps I could have been allocated one of the ratbag types who contribute to some of the other pamphlets we see. Members oppose cannot deny they exist.

Mr. Jones: They are responsible people and they have families to support.

Mr. R. L. YOUNG: I know the member for Collie is responsible to unions and has to say that sort of thing. Some actions are not necessary. I would like to point out that the conversation we had was most enlightening inasmuch as some unionists were prepared to say that certain principles cannot be accepted.

My grandfather was a member of the Municipal Employees' Union and he dug ditches for most of his life while working for the South Perth Road Board. My father was a member of three unions during his life, and I am particularly proud that my father, despite the fact that he was a member of three unions, always expressed the view that if one puts something in one gets something out; if one puts in an honest day's work one gets an honest day's pay. I do not think there is anything funny about doing an honest day's work for an honest day's pay. If that is considered to be humourous by members opposite it illustrates their attitude. I am proud of my father's attitude.

I point out to the Government that nobody on the other side of the House, and nobody in the Chamber—whether or not they think we are fools—will take any notice of the document which has been published. That document of persuasion might just as well go into the bin, and save an awful lot of time which the persons concerned can devote to other things.

In regard to the Bill, I would like to make a few comments.

Mr. May: That is a point.

Mr. R. L. YOUNG: The Deputy Leader of the Opposition dealt, very well, with the question of mediation. He pointed out that the system of conciliation and arbitration would become three tiered, and I did not hear anybody disagree, with the exception of the member for Boulder-Dundas who brought in a pertinent but irrelevant point to the principal argument. I did not hear anybody introduce any opposition to the suggestion that it is highly unlikely that a mediator who was acceptable to both parties to a dispute could be obtained from a panel.

I think I would prefer to see the mediation clause left in the Act so that if agreement on a mediator is not reached within a certain time the process of conciliation can take over. It has also been pointed out that 93 per cent. of disputes are handled by conciliation, at the present time, and only 7 per cent. have had to go the full course of arbitration. So, for the reasons I have stated, the system of mediation will not work. I have no objection to it; I simply think it will be totally impracticable.

As far as shop stewards are concerned, the Deputy Leader of the Opposition pointed out the problem of having a shop steward who was an employee being able to become an officer of the union and being able to spend his entire day paid by the employer but doing union business—untouched by the employer. The only contribution was from someone above me in the gallery who said, "Do you think we are all bloody fools?" That point was not argued, and I make the comment with due respect to the Deputy Speaker because he did not hear the comment. However, it was the only comment I heard.

I believe that what the Deputy Leader of the Opposition has said is true, and I think that every member of the Government knows it is true.

Concerning domestic employees, the Deputy Leader of the Opposition pointed out to the Government what might happen to people who do not wish to be regarded as employees under some sort of award, and work under a master-servant relationship. They do not want to work under payroll conditions where tax has to be deducted from their wages. I want to make it quite clear that I do not condone —and I cannot condone—neither as a member of Parliament nor as a previous chartered accountant, people who do not pay their due and reasonable taxes. However, I want members on the other side of the House to say that they do want these people, who seek a few hours' work a week to be subjected to those conditions. Those people only want to earn a few dollars along the line but the Government desires to have them in the situation where they cannot collect their old age pension or their widows' pensions. That is what will

happen if the Bill is supported. Members opposite know that and I would like them to stand up and say so.

In regard to the legislation of strikes, I have been into that aspect to some degree. I would love to see the situation come about where some reasonable attitude to legalised strikes could be achieved by reasonable legislation not forced on us by the pressure which obviously comes from those people who are interested in strikes purely for political reasons, if only for the purposes of stopping the situation which occurs whenever there is a strike at present. A wildcat strike can be called for any number of reasons and suddenly as many as 400 fellows find themselves at Perth Oval supposedly voting in favour of the strike. However, usually about 90 per cent. of them do not know what they are voting for. The person responsible will usually get up and put his case and then say, "We will have a vote." He usually says, "I want all the scabs against what I have said to put up their hands first."

Mr. Jones: You are misinformed.

Mr. R. L. YOUNG: Let me say one does not have to be a fly on the wall because one can go in and see it, as I have.

Mr. Jones: Give the trade union movement more credit than that.

Mr. R. L. YOUNG: I could give less credit. Everyone on the other side of the House knows it happens but they have to defend the people concerned and support them. It does happen.

I would like strike action to be made legal if only for the purposes of building in a system of a secret ballot so that the 70 per cent. of the people who do not want to go on strike can cast their votes and get back to work to earn a full week's wages. A strike of one week a year can cost a man almost everything he gets out of that strike. If he stays out for two weeks he is usually behind for two years. Tragically enough, strikes are allowed to go on because they are rarely organised by the hard workers. People such as Paddy O'Shea who tied up the Mt. Isa mines for about six months had never been down a mine in his life. He is the sort of fellow who wants to make a name for himself out of a strike movement. They are the people to whom I object.

For that reason—and that reason alone—I would not mind some legislation of strikes but not under the terms and conditions of this measure.

I would like to make one comment in regard to the penultimate clause which is concerned with the exemption of unionists and unions from civil actions for tort. Unionists and unions would be liable if it were not for this provision. I can envisage all sorts of things happening if this provision remains in the Bill. Doubtless members on the opposite side of the House can also envisage the sorts of things which could happen in this regard. There is absolutely no doubt in the minds of members of the Opposition as to what could happen.

With all due deference to the Minister for Labour, I say that he has had the misfortune of having to introduce yet another obnoxious measure into this place. For the reasons I have stated I oppose the Bill. The best course of action would be for the Government to go and have another look at this measure.

Debate adjourned, on motion by Mr. Moiler.

BILLS (2): RETURNED

1. Legal Contribution Trust Act Amendment Bill.
2. Sale of Land Act Amendment Bill.

Bills returned from the Council without amendment.

SALES BY AUCTION ACT AMENDMENT BILL

Council's Message

Message from the Council received and read notifying that it had disagreed with amendment No. 1 made by the Assembly, and had agreed to No. 2, subject to a further amendment.

House adjourned at 11.03 p.m.

Legislative Council

Wednesday, the 16th May, 1973

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

QUESTIONS (21): ON NOTICE

1. EXOTIC BIRDS

Banning

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

With reference to recent publicity concerning the banning of exotic birds—

(1) Has a list of birds to be banned been compiled and published?

(2) If the answer to (1) is "Yes" are the provisions contained in the published list being enforced?

(3) If the answer to (1) is "No" what is the current situation in regard to the proposed banning of exotic birds?

The Hon. J. DOLAN replied:

(1) No.

(2) Answered by (1).