Legislative Council

Wednesday, the 27th November, 1963

CONTENTS

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

BILLS (5): ASSENT

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

1. Bread Act Amendment Bill.
2. Police Act Amendment Bill.
3. Parks and Reserves Act Amendment Bill.
4. Bulk Handling Act Amendment Bill.
5. Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill.

QUESTIONS ON NOTICE

ESPERANCE-RAVENSTHORPE ROAD

Bituminised Extension to Lake Grace-Newdegate Road

1. The Hon. J. J. GARRIGAN asked the Minister for Mines:

   Regarding the Esperance-Ravensthorpe road—

   (a) How many more miles of bituminising are necessary before this road links up with the Lake Grace-Newdegate road; and

   (b) when is it anticipated that this will take place?

   The Hon. A. F. GRIFFITH replied:

   (a) 50 miles.

   (b) The unsealed section of this road will be progressively improved to the sealed stage as finance can be made available for the work and in relation to the priorities determined for other works in the area.

DRIVER'S LICENSES

Suspensions

2. The Hon J. D. TEAHAN asked the Minister for Mines:

   (1) How many motor vehicle drivers had license suspensions imposed on them for traffic offences during the year ended the 30th June, 1963?

Restorations

   (2) In how many of these instances were the suspensions subsequently lifted in part or in whole?

   The Hon. A. F. GRIFFITH replied:

   (1) 4,627.

   (2) 164.

ALSATIAN DOG ACT

Disallowance of Regulations: Motion

THE HON. J. DOLAN (West) [4.35 p.m.]: I move—

> That the regulations made pursuant to the Alsatian Dog Act, 1962, as published in the *Government Gazette* on the 5th November, 1963, and laid upon the Table of the House on the 6th November, 1963, be and are hereby disallowed.

In moving the above motion I would like to say, at the outset, that the regulations are not only discriminatory, but they are also based on prejudice. I have made careful inquiries from every source I possibly could to glean some information, and I find the answers I got do not constitute any evidence whatever against these animals. I have heard statements that they are a menace to stock—sheep in particular—that they are a danger to human beings; and that they mate with dingoes. Yet not one scrap of evidence, or truthful statement, has ever been produced to convince anybody that discrimination is not being shown against these dogs.

I suppose there is not a member who, at some time or other, has not read something about these animals. Personally I do not think there is any dog of any type anywhere, which is more intelligent. I remember when I was a lad watching Rin Tin Tin on the movies. It will be found that in Germany, and in other European countries, these dogs are in great demand for army work, for rescue work, and for tracking. In Sydney two of these Alsatian dogs are particularly famous.

There seems to be a prejudice against them so far as stock is concerned. Might I say that the evidence I have found tells me that there are farmers in Western Australia still using these dogs for their main purpose; for shepherding sheep. I can give the names of two such farmers. Members will shake their heads in disagreement, and disbelief. One such farmer is Mr. Stanley Atkinson of the Merredin district. He has worked sheep with his German shepherd dog, or Alsatian, for many years, and is prepared at any time to give the people who are unconvinced of their value a demonstration to show how valuable these dogs are at this type of work. Doug Helliwell of Maya is also prepared to do the same thing.

The regulations discriminate against the owners of these dogs in these ways: One of the first things necessary is that such dogs must be kept on a leash, or in an escape-proof enclosure. How could any farmer using a dog of this type for the work to which it is suited abide by either of those conditions, and still go about his work? He could not work sheep if he kept the dog on a leash; and I doubt whether there would be an escape-proof farm fence anywhere in Western Australia.

So straight away people who have legitimate reasons for keeping the dogs are discriminated against. Other regulations insist that the dogs must be sterilised. Other dogs cannot be brought into Western Australia unless that operation is carried out before they come here. It is necessary for the owners of such dogs to pay extra license fees; and I cannot see why the owners of such dogs should be compelled to pay extra license fees. I could name dogs which are just as big and as fierce as the Alsatian, and which probably have a reputation for being as big a menace to human beings. Members will know the type of dog to which I refer.

Within my memory I only know of two cases in the metropolitan area where sheep have been viciously attacked by dogs. One such case was at the University where these animal lawn mowers—if I might use that expression—were attacked; and the other case occurred quite recently at the W.A.C.A., where the sheep there were attacked by stray dogs of various sizes and breeds. But there was no Alsatian amongst them.

Reports have appeared in the Press of Alsatians attacking children; and yet when those reports have been investigated it has been found there has been no truth in them whatever. When asked about cases of this nature, and about complaints in connection with these dogs, the Minister said there was no file on them at all, and so far as he was concerned there was no truth in these allegations.

I ask members to tackle this problem fairly and squarely. If the opinions on these dogs are based purely on prejudice, and on something which has been heard and which cannot be proven, I ask in common justice that members should see that the regulations are not promulgated. It seems to me to be a very poor state of affairs when we, as legislators, are prepared to discriminate against this particular breed of dog, and against the owners of such dogs, without having some proof for our actions.

These dogs are controlled by people who belong to the German Shepherd Dog Association. They are not irrresponsible people; they are not people who allow such dogs to become strays. They make a serious and real attempt to train such dogs. They train them in obedience; they train them as tracking dogs, and they train them as dogs to help people. So I feel that members should be able to give some real evidence for refusing to accept this motion, which will do justice to people who honestly feel that they are being discriminated against.

The Hon. A. L. Loton: Have you a copy of the regulations.

The Hon. J. DOLAN: I could get a copy. But I have read these regulations and the Dog Act from go to wo, and I do not think I should waste the time of the House by reading through them again. Suffice it to say that I found the Dog Act contained sufficient provision to ensure that the greatest care is exercised in relation to such dogs, without the necessity to discriminate against the particular type. There are regulations about their straying, attacking people, attacking stock, and so on; and I see no necessity for regulations of this nature to be brought in against one particular breed of animal.

Debate adjourned, on motion by The Hon. L. A. Logan (Minister for Local Government).

AGRICULTURAL PRODUCTS ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.45 p.m.]: I move—

That the Bill be now read a second time.

It is required under the parent Act that marks, brands or labels of wool bales or packages must indicate clearly the identity of the producer of the wool contained in the parcel. One of the objects of this Bill is to render it an offence for a person to consign or remove wool or cause this to be done if it has been sold or is available for sale, unless the identity of the wool producer is clearly stated on the container in which it is packed.

The Act already provides a penalty of £20 for a similar offence committed in relation to other products. When bales of wool are forwarded to agents for sale at auctions, it is usual for them to be marked as required by the Act.

On the other hand, they are not always marked in this manner when sold to private buyers. Sometimes they are not marked at all. These irregularities assist in the prevention of the detection of stolen wool or wool which has been sold illegally. There is this further advantage in the proper marking of bales and packages, that it assists in their recovery in the event of their becoming detached from a consignment when in transit. The amendment which will make it an offence for persons to handle bales and packages not marked in accordance with the provisions of the Act is supported by the Farmers' Union and all others connected with the wool industry.

This measure also proposes an amendment which is designed to extend for a further two years, that is, until the 31st December, 1965, the legislation passed last year amending the parent Act. That amendment, which was introduced at the request of the Western Australian Fruit Growers' Association provided for the setting up of a committee known as the Apple Sales Advisory Committee. One of the main functions of the committee is to determine the size and quality of specified varieties of apples to be sold on the local market. The object of this classification was the control of the sale of apples in order that prices would not descend to glut levels through the sale of inferior fruit.

As the time limit on the efficacy of this amendment expires on the 31st December next, consideration has been given to its extension. The committee, having completed a trial period of operation and gained experience necessary for the assembling of factual information required in the determination as to whether or not a marketing system is necessary, has operated successfully. Returns to growers for good quality fruit have much improved during the past year and it may be recalled that 1962 returned quite a heavy crop.

The Western Australian Fruit Growers' Association requests that the operations of the Apple Sales Advisory Committee be continued until the end of December, 1965, and the appropriate amendment in this Bill is introduced accordingly.

In regard to the first amendment, I think members will recall that Mr. Syd Thompson asked a question about this in the House some time ago. When we made an investigation we found there was no regulation or Act which covered the branding of wool bales. Regarding the Fruit Advisory Committee, the Minister for Agriculture went to the markets this morning, and I saw in the late Press that 300 cases of apples were downgraded and would be taken off the market. So apparently the advisory committee is doing some good in keeping understandard apples off the market.

THE HON. S. T. J. THOMPSON (South) [4.48 p.m.]: There is not a great deal I can say about this matter. However, my attention was drawn to the fact that a considerable quantity of wool was being sent from various goodsheds in my area without any brand appearing on the bales or bags. The Minister did ascertain that there were no regulations which governed the position; and, as a result, the Government decided to bring down this measure which, I feel, will be of considerable help in controlling and policing the position in respect of wool which, at various times, seems to be stolen from agricultural properties.

It will also help those farmers in the vicinity of towns where there is a native reserve. Down my way the dead sheep are not cold before natives have taken the wool off them; and under this regulation the local woolbuyer will not be able to buy wool from a native unless that wool is branded with the grower's brand. In

addition, we will not have these natives roaming over our properties as in the past. With those brief remarks, I support the Bill.

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. L. A. Logan (Minister for Local Government), and passed.

WHEAT INDUSTRY STABILISATION BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [4.53 p.m.]: I move—

That the Bill be now read a second time.

The wheat industry ranks second only to wool as a source of export income to Australia. Because of this fact and because of the nature of the industry, marketing stability is essential.

The wheat stabilisation scheme has undoubtedly operated to the benefit of the industry in overcoming to the greatest extent possible seasonal uncertainties and tremendous forces which affect the world markets in wheat. Now at the conclusion of a 15-year period of operation, the scheme is firmly and satisfactorily established. It enjoys the full support of the wheatgrowers of this State, and the purpose of this Bill is to enable these operations to continue for a further five years, which is complementary to the Commonwealth Wheat Stabilisation Act of 1963, just recently passed by the Federal Parliament.

The Bill now brought to this Chamber is substantially the same as the Wheat Stabilisation Act, which has been in force in this State since 1958. There are, however, important aspects of the plan which have necessitated modifications apparent in this legislation as compared with previous legislation directed towards the stabilisation of the industry.

Resulting from an economic survey of the industry, the cost of production price incorporated in this measure has been fixed at 14s. 5d. per bushel f.o.r. export ports as compared with 15s. 10d. previously. This new production price, which is assessed at 14s. 5d. per bushel, is the new price to be payable to growers for the amount of wheat used for local consumption and also for a stipulated quantity of wheat exported overseas. As a consequence, the home consumption price of wheat will be lower. Furthermore, the cost of production price previously applicable in respect of a total of 100,000,000 bushels of wheat exported overseas will be applied to a total amount of 150,000,000 bushels exported overseas.

Up to the present, an additional 3d. per bushel has been paid to growers in Western Australia on account of the savings in freight from Western Australia to overseas ports. With the development of our northern markets, there are new circumstances, particularly in relation to the amount of wheat being sent to Japan and China, which point to the desirability of such allowance being reduced to the actual savings incurred. The maximum amount payable will, nevertheless, under the new arrangement, be permissible up to 3d. per bushel as previously.

This legislation will apply initially to wheat harvested in the season which commenced on the 1st October last, because the Wheat Stabilisation Act of 1958 ceased to have effect on wheat harvested after the 30th September last. As previously mentioned, the Bill is complementary to the Commonwealth legislation passed this year, and there is general satisfaction in the unanimous agreement of all States and the Commonwealth to continue for a further five years the stabilisation plan for this major industry.

THE HON. A. R. JONES (Midland) [5.56 p.m.]: As one of the producers' representatives I might briefly tell the House that this legislation is complementary to the Commonwealth legislation so that the wheat agreement, as arrived at in recent times, can be put into effect.

As the Minister explained, the price for home consumption wheat will come down 1s. 5d. per bushel which, of course, will mean a great saving to the general public of the State. I hope the cost of bread will come down as a consequence. The reduction in the price of wheat is brought about by virtue of the fact that farmers have been most diligent, and conscious of the fact that they must produce the most they can from an acre of land. As a result, the number of bushels per acre has improved to such an extent that this action has become necessary.

There is no need for me to labour the point. The Bill is complementary to the Commonwealth legislation and is one that we should support.

Debate adjourned, on motion by The Hon. H. C. Strickland.

STAMP ACT AMENDMENT BILL (No. 3)

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [4.54 p.m.]: I move—

That the Bill be now read a second time.

This Bill comes about as a result of inquiries made at the Stamp Office by a solicitor seeking information on correct procedures required to be followed in the case of an appeal against an assessment under the Stamp Act.

As a consequence of that inquiry, certain deficiencies in the Act became evident. While the Act provides that any person who is dissatisfied with any determination or decision of the Commissioner of Stamps may appeal to the Supreme Court, it makes no provision for the formulation and promulgation of rules for the conduct of such appeals. This aspect of the Act has been made the subject of adverse comment by a judge before whom an appeal was held.

Again, the Act requires the commissioner to supply to the appellant a written case giving details of his assessment, but it does not stipulate that the commissioner is to be notified of an appeal. Further, no time limit is set within which the case must be set down for hearing in the Supreme Court and, indeed, there is no duty imposed on the appellant to set down the case at all.

The right of appeal in such matters in all other States depends upon payment of duty in conformity with the assessment made. As a result, when an appellant genuinely doubts the reliability of the assessment, he loses no time in setting down the case for hearing because he has paid the duty. The deficiencies which have become apparent in our Act have been investigated by officers of the Crown Law Department, and as a result this Bill was drafted, and it is supported by the recommendation of the Crown Solicitor and endorsed by the Master of the Supreme Court.

In order to remove the weaknesses in the Act which have become apparent, the Bill provides that the right of appeal to the Supreme Court may be exercised after the payment of duty as assessed, and further requires the appellant to notify the commissioner within a specified time when requiring him to state a case.

A time limit also is set for setting down a case for hearing in the Supreme Court. The measure also includes a clause authorising the promulgation of rules for the conduct of appeals.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

BILLS (2): RECEIPT AND FIRST READING

1. Beef Cattle Industry Compensation Bill.

   Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

2. Stamp Act Amendment Bill (No. 4).

   Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

BILLS (3): RETURNED

1. Local Government Act Amendment Bill (No. 2).
2. Constitution Acts Amendment and Revision Bill.
3. Constitution Act Amendment Bill.

Bills returned from the Assembly without amendment.

DENTISTS ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 1, 2, and 4 made by the Council and had agreed to No. 3 subject to a further amendment.

STATE FORESTS

Revocation of Dedication: Assembly's Resolution

Message from the Assembly received and read requesting the Council's concurrence in the following resolution:—

That the proposal for the partial revocation of the State Forests Nos. 4, 14, 22, 23, 29, 38, 49, 51 and 65 laid on the Table of the Legislative Assembly by command of His Excellency the Governor on the 7th November, 1963, be carried out.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.5 p.m.]: I move—

That the resolution be agreed to.

It would indeed be unusual if a Parliamentary session were to pass without members being requested to approve of some revocations of land from our State forests.

As evidence of the protection given to our forest areas, it is incumbent upon the Government, when a measure is brought forward to remove lands from State forests, to recommend to His Excellency that he arrange to be laid on the Table of each House of Parliament, a proposal for such

revocation. In accordance with the accepted procedure under section 21 of the Forests Act, the Governor, after such proposal has been laid before Parliament, and on resolutions being passed by both Houses that such proposal be carried out, shall, by Order-in-Council, revoke the appropriate dedication. Upon its revocation the land becomes Crown Land within the meaning of the Land Act.

This motion deals with proposed excisions comprising nine areas of our State forests totalling 477 acres. Nine separate State forests are affected. One of the areas referred to is in two parts and is identified as 5A and 5B.

The first area consists of approximately 30 acres comprising a 3 chain strip of land lying about 3 miles east of Collie. The strip of land is required for a deviation of the Collie-Narrogin Railway.

The next area comprises approximately 156 acres and is in 3 parts, situated about 2, 4, and 5 miles south of North Dandalup respectively. This is mostly scrubby marri country containing some steep rocky slopes and carrying a small quantity of jarrah. The land has been applied for by an adjoining landholder and its excision from the State forest would enable a better boundary with fences, firelines and tracks to be constructed between his property and the State forest.

Area No. 3 is described as a lot of approximately 19 acres of poor forest country situated about 1 mile south-east of North Dandalup. This land is the subject of an application by an adjoining landholder.

The fourth excision contains 46 acres of dieback country applied for by an adjoining landholder. This portion of forest land is in an area about 3 miles west of Dwellingup.

The next area comes in two parts, one lying 3 miles north-east of Kirup and the other about one mile south-east of Kirup. The first portion approximates 57 acres of good agricultural gully land. The land carries no marketable jarrah and is desired together with the area south-east of Kirup for a land exchange with a nearby landholder. Such an exchange would consolidate the areas proposed for a pine plantation near Kirup, as well as benefiting the landholder.

The other part comprises 38 acres of dieback country applied for in respect of a land exchange in connection with the proposed pine plantation near Kirup. This land also comprises gully land containing good agricultural soils.

About 9 miles south-east of Manjimup there is an area of 38 acres of land comprising portion of a disused tramway strip, which is no longer required by the Government for access to the State forest. This is listed as area No. 6, and upon its revocation will become Crown land within the meaning of the Land Act.

The seventh area consists of 18 acres lying about 2 miles east of Kirup. This land is carrying a very small quantity of timber. Its excision from the State forests is desired for exchange with an adjoining landholder for approximately 16 acres of undeveloped country. This latter area will be used for the purpose of consolidating the areas proposed for pine planting near Kirup. This proposal will also permit the adjoining landholder to extend his orchard.

There is in the Narrogin district an area of approximately 68 acres of poorly stocked forest carrying a few stunted wandoo and marri with a small pocket of jam trees. This land has been applied for by adjoining landholders farming about 10 miles north-east of Narrogin.

Finally, area No. 9, which is situated about 4 miles north-east of Wanneroo and comprises 14 acres isolated by a recent deviation of Neaves Road, has been applied for by an adjoining landholder.

The foregoing description covers the items contained in this proposal for partial revocation of State forests, which is supported by appropriate diagrams of the areas involved, and it is recommended that the excisions be carried out.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

FRUIT CASES ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.12 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains an amendment which is consequential to amending legislation affecting the Agricultural Products Act by extending the activities of the Apple Sales Advisory Committee for a further two years.

This comes about because the section of the Fruit Cases Act amended in 1962 defined a direct buyer of apples and provides for their registration. The registration enables information to be obtained of the wholesalers and retailers who buy direct. This ensures that the grades of apples prescribed under the Agricultural Products Act can be checked effectively, so avoiding the growers who sell through normal channels being placed at a disadvantage.

The Western Australian Fruit Growers' Association, which supports the extension provided in the Agricultural Products Act, also desires an appropriate amendment to the Fruit Cases Act to have complementary application.

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. L. A. Logan (Minister for Local Government), and passed.

TOTALISATOR AGENCY BOARD BETTING ACT AMENDMENT BILL (No. 4)

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.15 p.m.]: I move—

That the Bill be now read a second time.

Horse racing and trotting dividends which remain unclaimed for a period of a month are required by the Act to be paid by the Totalisator Agency Board into a special banking account. Such funds remain in that account for a further period of six months, and during that time may be claimed by any person entitled thereto. If not claimed at the end of that period, the funds pass to the board to be available, together with other funds, for distribution to racing and trotting clubs.

The Deputy Leader of the Opposition in another place proposed last session that unclaimed dividends should be diverted from the Totalisator Agency Board and applied to a specific purpose.

The Government was not, at the time, willing to accede to this request because, at that early stage, in the development of the board's activities, the funds were needed by racing and trotting bodies.

It may be recalled that the changeover to the revised system of off-course betting had been in operation since the beginning of the previous year only, so it was too early to contemplate the variation proposed in the existing financial arrangements.

The situation has changed during the past year. There has been a substantial increase in the amount of money distributed by the board to the clubs. The amount distributed in respect of the year ended the 31st July last, totalled £366,000, for instance, in comparison with £224,000 for the previous year.

Furthermore, the benefit to the clubs, resulting from the changeover to off-course totalisator betting, may be readily appreciated if a comparison is given of present returns to racing and trotting bodies with those received in the heyday of off-course betting with bookmakers.

While the clubs received £366,000 in respect of the 12 months ended the 31st July last, the highest annual return to them from their share of betting taxes under the previous system was £151,000. It has been estimated that had that system continued to the present day, the return would have been no greater.

The Consolidated Revenue Fund has benefited substantially from the change. It is unlikely that revenue derived by the Treasury from off-course betting transactions, had the bookmakers been retained, would have exceeded the best result of £665,000 obtained for a 12 months' period, and that figure is less by more than £200,000 than the actual amount received for the year ended the 31st July last.

From the foregoing explanation, it will be apparent that both the Treasury and the clubs are better off to the extent of more than £200,000 per annum through the change to the present system of off-course betting.

An increasing burden is being placed on the Consolidated Revenue Fund, however, by the support being given by the Government to a large number of charitable and public bodies. As a consequence, although the original suggestion by the Deputy Leader of the Opposition was for unclaimed moneys to be applied to a specific purpose, the Government is not disposed to treat any specific good work any differently from similar work carried out by a different body. There was a suggestion that 50 per cent. of the proceeds from unclaimed betting dividends be granted to a particular body; but while there are other bodies equally as worthy, and heavily dependent on grants from the Consolidated Revenue, such action is not considered justified.

Financial assistance was granted last year from Consolidated Revenue to numerous charitable and public bodies to the extent of £625,000. In the current year the cost is estimated at £662,000. Additionally, capital grants from the General Loan Fund totalled £75,000 in 1962-63, and a further sum of £53,000 will be spent this year.

Were one organisation given the right to receive specified moneys paid into Consolidated Revenue from a particular source, others would be quite justified in claiming similar treatment. We would then be in the position, with respect to our grants for charitable works, of some organisations being entitled to claim the proceeds of a tax, or other source of State revenue, while others would need to state a case for a grant from Consolidated Revenue.

Were the practice introduced of earmarking specific funds for certain organisations, it would inevitably lead to a complete lack of flexibility in the treatment of the needs of the many bodies engaged in social welfare work and, as a consequence, some could well receive more than they were entitled to, whilst others went short.

Twelve months have now elapsed since the proposal was initially made, and this has enabled the Government to establish that in present circumstances the transfer to Consolidated Revenue of unclaimed dividends estimated at £20,000 for this year, and £40,000 in a full year, should not be a serious loss to the clubs.

Some loss would be felt, but, notwithstanding it, the clubs from the 1st January next may anticipate receiving £24,000 more this year than last. That is based on the extent of present day betting activities.

Therefore, in view of the pressures on the Consolidated Revenue Fund for the financing of the many essential services provided by the State—and these include the support of a large number of charitable and public bodies to the extent previously mentioned—it is now proposed to transfer unclaimed dividends to Consolidated Revenue. As indicated, the Government has given a great deal of consideration to the matter, and has concluded this to be the logical course, so enabling the current practice of assisting charitable and public bodies with grants from Consolidated Revenue to continue at the level desired.

The amounts currently being distributed to racing bodies are reaching a satisfactory level and, as it is obvious that the proceeds of unclaimed betting dividends would assist in providing finance for a variety of good works, this Bill was drafted for introduction to Parliament.

The Bill provides simply for unclaimed dividends, which now form part of the funds of the Totalisator Agency Board, to be taken into the Consolidated Revenue Fund from the 1st January next.

Debate adjourned, on motion by The Hon. W. F. Willesee.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed, from the 21st November, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [5.22 p.m.]: This is a Bill which, if passed by this Parliament, will be one of the most regrettable mistakes of a lifetime.

One of the greatest contributing factors to the prosperity of any country, or any nation, is peace in industry and harmony in industrial relations between employer and employee. To whatever degree such conditions exist, so is stability and progress maintained. Systems of arbitration have much to do with the situation, and where confidence is reposed in those in whose hands the jurisdiction associated with arbitration methods is placed, and confidence is reflected in such people, there is much contentment in the community; and both Parliaments and Governments should be wary about supporting any change of condition where peace in industry has continued for a long period to be the order of the day.

We should be most reluctant to change the form of jurisdiction conferred by a Parliament if that form of jurisdiction has been ably handled and amply supported by those who present cases for and against, and judgments have been adequate and unchallenged, and unchallengable, and have meant peace, progress, and prosperity in the community. I say that where a system of industrial arbitration has been established, and it has assisted in providing peace, harmony, and stability in industry, such system should be jealously guarded by Parliament and by Government. We should be very careful of a change in system unless a case has been presented and proved against the existing system. Such is not the position at this point and with this Bill.

In this State we have been favoured by skilled and not intolerant advocates on both sides, one presenting a case and the other opposing some aspects of it. Cases have been presented to courts of skilled men under a system which, although it may require buttressing, certainly does not require altering in principle.

We are dealing with a Bill which proposes violently to change the type of tribunal, and no convincing reason—no reason at all—has been given for such a change. We have had signs, both in the Press and in the speeches made in support of the Bill, of certain whims and prejudices; but there has been no argument or substance to support the change.

The Bill has created an uprising of dissatisfaction based on a knowledge of its contents, its effects, and its objectives, and not on any misunderstandings as some statements have alleged; not on any preconceived ideas of what it might do; but on a complete understanding of the court and its functions, and the alterations to such functions that this legislation will bring about if it is passed.

The pattern of the history of legislation in Western Australia has been reasonably simple and straightforward. Some Bills which have been introduced since the very early days of responsible Government have contained much contentious matter—such as some tax Bills—and they have been vigorously debated by both sides in Parliament. According to which party was in power, so has the Press taken sides, but not always in a partisan fashion.

However, despite sharply differing political viewpoints, no legislation has engendered such deep personal bitterness as this Bill has done. It has brought about

between various people in Parliament, and people of standing in the community, deep and intensive bitterness which cannot be healed for a generation at least. In many people this Bill has destroyed mutual trust between men of high standing, and for that very reason alone it warrants extra special examination. In some cases it has left no basis for mutual trust either in or outside Parliament, and some groups of people are already in conflict over the measure. Surely there must be reasons for that, and very serious reasons. I shall analyse some of those reasons as I proceed.

Of this most contentious, provocative, and unnecessary Bill—which adjectives I shall justify—the Premier said publicly, "What is all the fuss about?" The Premier is not a stupid person, and he must not rank other people as being stupid or narrowminded, any more than must the Minister for Labour brand people who are to be harmed by this legislation as agitators and misguided individuals. The Minister for Labour has made that statement, and the Press has reported it as being his statement.

What the Minister for Labour has said does not represent the true situation at all. I repeat that those who are to be affected by this Bill know much more about it, and its effects, than does the Minister who introduced the measure; yet the Minister avers from his own lips that he created the Bill. I shall analyse that aspect a little later on.

Quite apart from the contents of the Bill, which I shall deal with at length, and which are very objectionable, there are many unusual features about its presentation and origin; and we should have a very close look at them. Abnormalities which are always regarded and considered with a great deal of care and caution exist in any sphere. What is abnormal and unusual about this Bill? The first thing that is unusual and abnormal is this: For a subject of such importance as industrial arbitration, normality would be for such a change to be forecast in one or other of the policy speeches of this Government. The people would then have an opportunity to know the intentions of the Government in this particular; but nothing was mentioned.

The second normal thing which could have been done was for such a change to be mentioned in the Governor's Speech; but there was no such mention. The third, and most important, normal thing to have done was to have had consultations with experts and with people involved in these matters before violent alterations were made to a law of such moment; but there was no consultation with the people in this State who are most experienced in the subject, and to whom I shall refer in a moment.

The Minister for Labour claimed that he, with the assistance of one officer of his department, was the author of this Bill. He was proud he had had no other consultation with other parties, and he was proud that it was the best kept secret in Parliament for many years. That is something to be ashamed of, not something to be proud of; that is something to be regarded with very deep concern. It was something conceived in secrecy and darkness, and something conceived in an atmosphere, I say, of conspiracy, with no concern at all for the effect of the new system in Western Australia, irrespective of the effect on the systems obtaining without the State.

There was no conferring at any point until the Minister for Labour was forced to confer with the people in this State who are affected by this change. He had to consult them when he was forced to.

Let us consider the important parties which the Minister, from his own lips, advised Parliament he did not consult. He did not consult at any point these people in the drafting of the legislation: the President of the Arbitration Court, who is a judge of the Supreme Court, and is second to none in his sphere in this country. The Minister did not consult either of the other two members of the Arbitration Court—men who have had 14 years' association with that court, and a lifetime experience in arbitration matters. He did not consult the registrar of industrial unions; he did not consult the Conciliation Commission; he did not consult any officer of the Employers Federation; he did not consult any officer of any other organisation of employers; he did not consult any officers of the Trades and Labor Council; he did not consult any officers of the Chamber of Manufactures or of the Chamber of Commerce; he did not consult any officers of the Liberal Party, nor did he consult any officers of the Australian Labor Party.

The Minister has admitted that he did not consult any person associated with any of those bodies, which have a vital interest in the composition and construction of a Bill such as this. They were the only people in Western Australia who could give the Minister a lead as to the advantages or disadvantages from the upheaval that this Bill would cause; and as to whether it would prejudice, as surely it will, the common men and women of this State, and industry itself, as well as the employers, if it is proceeded with.

This Bill will become one of the saddest blots on the Liberal Party for its attack upon the conditions which the Labor Party has obtained. There was no consultation; and as an addendum to his admission of not having consulted the people to be affected, the Minister for Labour made this remark—

> Information in connection with the new legislation was collated during visits to the Eastern States by myself, accompanied by an officer of the Department of Labour.

That developed in secrecy—without consultation and, I say, based on misconception, prejudice and bias—into a well kept secret. There is nothing to be proud of in doing that. This Bill which this Parliament is asked to pass was produced under those conditions. The Minister should be ashamed of his action, and he will certainly be blamed for the consequences if the Bill passes in its present form. The Bill which resulted from his action has caused resentment, bitterness, and hostility of a kind not to be forgotten for a generation or two.

I concede that in an emergency, and when a country is in dire need of a change, the law may have to be amended without notice or consultation, and Governments may have to depart from the usual practice; that is only right. But the situation in Western Australia is not of that kind; it is a very different situation from that. Governments in the handling of a Bill of this sort have an obligation to show that the Bill has a background which inspires confidence, even if it is brought to Parliament when the opposing forces are strongly opposed to it. If the Bill has been produced from discussions around the table there will emerge a measure of fairness, because nothing unfair can creep into a Bill after discussions are held around the table, even though opinions may differ very greatly.

The Hon. A. R. Jones: The Bill provides for such discussion.

The Hon. F. J. S. WISE: I cannot imagine the honourable member supporting the action of the Minister. I would indeed be amazed to hear him support the principles, because I am sure that as an employer he will not sustain them for a moment.

The Hon. A. R. Jones: I support the principle of holding discussions around the table.

The Hon. F. J. S. WISE: Of course the honourable member does, and he always has.

The Hon. A. R. Jones: That is what the Bill provides for.

The Hon. F. J. S. WISE: The Bill does nothing of the sort; it takes away that right. This is a case in which a need exists, as the Minister indicated when he introduced the measure, to overcome delays which occur in the hearing of cases before the Arbitration Court; but a much simpler way than that proposed in the Bill could be devised to meet this need—not by devising revolutionary changes to the existing peaceful means, but by adopting practices which have operated, and have been honoured and respected in this State, and which affect the lives and conduct of many thousands of people. The many thousands of people who are to be affected by the Bill know very well what the requisite alterations will mean to them. They know the law very well, and they know how dearly the conditions now enjoyed by the man in ordinary employment have been won; they also realise how few are the extremists in our community who are still anxious to whittle away some of those conditions.

This Bill and the manner of its creation have been, and still are, the cause of widespread unrest. It has a bad background, and it is not fitting to be applied to a subject as vital as arbitration. The Minister has not conferred with tolerant people, even if they be of strongly opposite views; he has conferred with someone in the background—someone who may have declared himself in the Press of yesterday or today to be an agitator so far to the right that he has not been able to see the centre for years. That is the sort of adviser who stood in the background, and who has been divorced from the activities I referred to; that is the type of person from whom the Minister sought any advice at all.

The leading article of *The West Australian* of the 22nd November may have misled some people. I fear the inference could have been left that the various objections of those who are to be affected have been met. I shall read what that newspaper had to say. The extract is lifted from context, but it is relevant only to the exact point I mentioned. It states—

> The Arbitration Bill, with amendments to meet some valid objections by Labor, now seems likely to become law. There is no good reason to suppose that the new industrial system is intended to, or will, bring about any decline in Western Australian wages or working conditions. The public conscience is dead against such an interruption of progress and no Government would dare attempt it.

Now, with due respect to the leader writer of *The West Australian*, I would not like either the leader writer or the public which read that statement to assume that all the objections of the Trades and Labor Council were met by the Minister. Those amendments made were merely of a face-saving nature and were ones which he could not avoid making. They were only a few of very many, and he would have been ridiculed had he not accepted them.

But what of those he refused? No publicity was given to them. Those are the ones to which I wish *The West Australian* would give some publicity, if it knows of them.

Let me instance some of those the Minister refused. The Trades and Labor Council saw the Minister alone on one occasion, when he agreed to look at many of their representations. The result was that some amendments were introduced and made in another place. Later members of the Trades and Labor Council saw him on the 14th November with Messrs.

Kelly and Reeve of the Department of Labour, but that conference produced no result at all.

Many of the requests made to the Minister were of a general nature, because time did not permit many provisions to be singled out. Of course, among those strongly objected to was the changing nature of the court itself. Another was the interference, under clause 55, with the five-day week. The five-day week, as it is now known, is really to be destroyed, in spite of the Minister's kindly words in his speech, with which I will deal later.

Under clauses 61 and 64 the Minister has the right to intervene. This is a very real attack and is intended to break down standards and conditions as they now exist. I will analyse them when I am dealing with the Bill later on.

The Hon. G. C. MacKinnon: He could interfere to build them up.

The Hon. F. J. S. WISE: The very nature of the Bill suggests that there will be no building up. The provisions have been included for the very purpose of enabling the Minister to intervene. If the honourable member moved to insert the word "interfere" in lieu of the word "intervene" he would get the right interpretation.

The Hon. R. F. Hutchison: We are not so naive.

The Hon. F. J. S. WISE: The council also objected to clause 56 under which pockets of white ants are being prepared by virtue of these conscientious objectors. Conscientious objection arose during wartime whereby people of truly religious convictions did not have to serve. This did not apply, of course, if their conscience permitted them to manufacture guns to sell at a great profit to friend or foe.

The regulations concerning conscientious objection in wartime originated in America, went to England, and then came here. But the provision has no place in this sort of legislation. I acknowledge that it is contained in the New South Wales legislation, but it has no place at all in an arbitration Act. I will deal with that matter when I am speaking on clause 56 a little later. The Trades and Labor Council raised several objections to clause 56, but they fell on deaf ears.

The council also raised objections in conection with the 12 month limit to be applied in connection with the payment of back wages. In other words, when an unscrupulous employer has filched wages from employees—wages which are lawfully and rightfully due to the employees—that employer will have to pay back an amount covering only 12 months instead of six years, which has applied up to date.

The Hon. H. K. Watson: Through an abnormality in the Act.

The Hon. F. J. S. WISE: The abnormality may suit an individual company, but in another context the Statute of Limitations protects other people in another fashion; but it is not intended to apply when it is a valid, just due belonging to the person who has earned it with the sweat of his brow. This provision has been inserted in the Bill to limit the payment to 12 months so that an honest employee can be robbed by a dishonest employer.

Another clause to which the council objected was that dealing with the abolition of the common rule. That was not mentioned. The Minister proposed to make an amendment to the clause dealing with apprentices, but he did not fulfil his promise.

The Hon. G. C. MacKinnon: That was amended.

The Hon. F. J. S. WISE: The principle was not amended! The honourable member is interjecting when he does not know what he is talking about.

The Hon. G. C. MacKinnon interjected.

The Hon. F. J. S. WISE: The honourable member does not know what he is talking about. He can come in when the clause is being dealt with. The alteration was promised, but was not made. If the honourable member wants a first-class fight about it he can have it when that clause is dealt with. I repeat: The Minister promised an alteration but it was not made. Deny it again!

The Hon. R. F. Hutchison: That's not unusual.

The Hon. F. J. S. WISE: Nothing was done by the Minister in another place in that connection. Many other matters were presented to the officers and the Minister —matters which are causing a disturbance in the minds of those people who are prejudicially affected in every possible way.

There is not one clause in this Bill which is accommodating in regard to the unions or which acts in any protective way for the working people—not one! The question of arbitration and conciliation has not been considered. The Bill represents the filching and giving away of conditions which, for a long time, have been acknowledged.

The Bill has been written in employers' terms. It has been built at their dictates by the Minister and senior advocates. Is that good enough? That is how this Bill was constructed, on the Minister's own admission—by the Minister himself and a senior advocate. I think that one day, and before very long, retribution will overtake the authors of it and those who support its passing in this form.

The strife and bitterness which this Bill has already created is not a question of misunderstanding. Do not let us be passive about that one. There is not any quality

in that sort of expression. It is not a case of misunderstanding. It is a case of understanding far too well; and the hurts are very deep and will be very lasting.

I referred to the leading article in *The West Australian*. Perhaps now I may refer to one or two of the special articles written by newspaper men on the subject. I would have liked them to be in the gallery, but I think they are not. I much prefer speaking about people in their presence.

The Hon. R. F. Hutchison: Perhaps they do not want to hear.

The Hon. F. J. S. WISE: There was an article in last Thursday's *The West Australian* written by a Mr. Don Smith. The heading in very deep type was "Changes Proposed in the Arbitration Bill", and the first sentence reads—

> The foundations of the Arbitration system are basically unchanged by the Bill before the State Parliament.

Let us just hover around that sentence for a few minutes. Actually they are radically changed. An industrial commissioner sitting alone will hear the cases. They will not be heard before the tribunal as we now know it. The Arbitration Court as it exists will be abolished. A judge of the Supreme Court with Supreme Court qualifications will not be on the Court at all. The employers' representative and the employees' representative will not be there. An industrial commissioner sitting alone will hear the cases. That, I suggest, is a radical change.

An appeal on industrial grounds will go to a bench of commissioners. In neither case will the arbitral functions be assisted, as at present, by the views of the special representative of the employees or the special representative of the employers. Appeals will be heard by the components of the bench as constituted as the appeal court under this Bill. That is a violent change.

At present employers have to seek leave of the court to apply for changes in awards, and this can only be done at 12-monthly intervals; but under this Bill an employer can apply at any time without having to get leave. I suggest that is not basically unchanged. That is a serious change—a very serious change.

In addition, under the Act the Minister can intervene only where State enterprises are involved, or by special leave of the Court. Under the Bill the Government may intervene whenever it wishes to do so. That is a violent alteration.

The Hon. C. R. Abbey: In the public interest.

The Hon. F. J. S. WISE: Who is to judge the public interest? A Minister who is involved in the case himself! That is not a very appropriate set-up. It is a stupid, unfair set-up! A little later on I hope to be so provocative that I will get one or two of these people to their feet, because it will be something new.

The Hon. H. K. Watson: You are doing very well.

The Hon. F. J. S. WISE: I hope so. It will be something new, because we have 156 clauses to discuss in Committee, and I will be prepared to debate any of them with any member. That is a kindly invitation. By eight o'clock I hope to be provocative enough to get a few members on their feet.

A member interjected.

The Hon. F. J. S. WISE: It is no good coming in with a half-witted interjection unless the interjector has studied the Bill. The reinstatement of a worker is now at the complete discretion of the Arbitration Court. Under the Bill, reinstatement may be ordered only if an employer is taking part in a lock-out or a union is being victimised. Any person who can prove sufficient interest may move for disallowance of union rules—anybody.

The Hon. F. R. H. Lavery: It does not have to be a union or a member of a union.

The Hon. F. J. S. WISE: Employers, or workers, in a proposed new union will be able to object to this form of registration.

I suggest that those are violent changes, not basically the same; and it is certainly misleading to assert that discretion to grant preference to unionists is unchanged. The existing power to grant preference is seriously interfered with.

I could go on, but I have so much material that I wish to deal with—and I hope there will be many opportunities to deal with it between now and the end of next week, or the week after—that perhaps I had better curtail some of the references.

Let us have a look at parts of the Bill itself and compare them with the Act as it is written. I hope members have in front of them a copy of the Bill and a copy of the Act. I also hope they have a copy of the Queensland and New South Wales Statutes, because they, too, are relevant. Naturally it is my intention to leave the examination of many of the clauses to some of my colleagues, but I shall deal with, perhaps, six, eight, or ten of them.

Let us deal first with clause 37, which repeals section 44; and the next three clauses repeal sections 45, 46 and 47 of the parent Act, and those sections create the Court of Arbitration. Section 44 reads—

> There shall be one Court of Arbitration for the whole State with the jurisdiction and authority conferred by this Act.

Section 45 provides—

> The Court shall consist of three members appointed by the Governor. One member shall be appointed on the recommendation of the industrial unions of employers and one on the recommendation of the industrial unions of workers, as provided by section forty-seven, and the third member shall be a person qualified to be appointed a Judge of the Supreme Court, appointed as hereinafter provided by the Governor to act in that behalf. Such third member shall be the President of the Court.

That, as we well know, is the set-up obtaining as the constituted Arbitration Court. A few years ago a Conciliation Commissioner was appointed to assist because of the many cases that were being brought before the court, not merely in the creation, interpretation, and approval of awards, but in many other matters which the court from time to time was considering. Were it not for the background which has been pushed upon the Minister, and therefore upon the Government, in regard to this Bill, the simple remedy to solve the problem of what has been described as congestion would have been the appointment of another Conciliation Commissioner or, indeed, two, if necessary, and there would have been no need to cause all this disruption; unless there is something behind it all which has not yet been disclosed.

The Hon. F. R. H. Lavery: That is true, too.

The Hon. F. J. S. WISE: There has not been a case made out for the abolition of the Arbitration Court as such. Why abolish it? The Arbitration Court is a system suited to the needs—and has been so proven—of Western Australia. It has become an entity respected by employer and employee. It belongs to a class of arbitral system which is envied by many people. It is respected by those who present their case, irrespective of the judgment of the court.

It is obvious that the man in charge of the court—he is qualified to be a judge of the Supreme Court—will be the person, if the Bill passes, who is not to be associated with arbitration matters in the future. That is my forecast. I think the Government might have said a lot more on the point if it wished to be respected in this move; but it has been quite dumb on the subject. I ask again: Why change the present circumstances and set-up of the Arbitration Court?

The Hon. F. R. H. Lavery: You will not get an answer.

The Hon. F. J. S. WISE: The opening sentences of the Minister's speech are entirely unsatisfactory—both the first one and the next one. They give no satisfactory answer to that question. What the Commonwealth, New South Wales, and Queensland, when there was a Liberal Government there, have done has no bearing on the case as far as I am concerned—not the slightest. Many things that New South Wales has done in other spheres—many obnoxious things that I could mention—have no appeal at all to Western Australia.

We have something which has brought about the admiration of overseas people and which has inspired them to come to this State as a place of stability; of enterprise; of where industrial matters are on an even keel; and of where people associated with arbitration are respected.

Sitting suspended from 6.8 to 7.30 p.m.

The Hon. F. J. S. WISE: Not being in very good voice, I think I will refrain from carrying out my threat to read at some length, after all. Nevertheless, I will make some observations on some important clauses of the Bill. I have referred to that one which deals, in particular, with the abolition of the Arbitration Court. This is clause 37 which seeks to repeal section 44 of the Act. I do not think any one of us in this Chamber ever imagined we would live to see the abolition of the Arbitration Court in Western Australia as it is now known, not merely as an institution, but as a place. We can recall the historic attachment to the very name. It is a building which has such associations that people almost regard it with reverence. It is a structure which, at all costs, must be preserved as a place. It is the first court of Western Australia—the Arbitration Court.

I have referred to the people who constitute the court as such. There is the judge himself, respected as a man with extremely high qualifications. He is a man qualified to be a judge of the Supreme Court. He is a man whose legal ability has been the strength and the guide to many advocates, and to many connected with the drafting of awards and the amendments to them. The abolition of the court will take him away, I feel quite sure, from the realm of arbitration in this State. Unfortunately, I consider that this is one of the purposes of the Bill.

The next clause I wish to refer to in particular is clause 55, which seeks to repeal section 61 of the Act. Members should note the important difference between the provisions of this clause—its authority as well as its intention—and the provisions in the Act itself. If members have an annotated copy of the Industrial Arbitration Act which contains the references known as the Burt annotations, they will find much of value in connection with this provision. It refers to the important differences that would be brought about by the repeal of section 61 and the insertion of the principles contained in proposed new section 61.

At present the Arbitration Court has power to act on its own motion. That authority will be lacking in the proposed industrial commission. That is a very serious difference. At present the Arbitration Court has power to call in awards and industrial agreements when acting on its own motion and this has expedited the determination of agreements following the decisions of the Commonwealth commission which was intended to have national application. Such matters as have been attended to by the Arbitration Court on its own motion have been the annual leave provisions and the annual leave judgments. By this Bill each union will now have to make a separate application for each of the awards that require to be amended, thereby causing much more delay. This will eventually create a great deal of industrial unrest.

When this Bill becomes law there will be many more particulars in which a great many more delays will occur than now obtain. If members look at pages 78, 79, and 80 of the Industrial Arbitration Act and read the Burt annotations on this subject, they will find variations in the court's jurisdiction on this matter. In this instance, Mr. Burt points out—

> The Court's jurisdiction is not limited to disputes but extends to "all industrial matters". In this respect the State Court's jurisdiction is far wider than that of the Commonwealth Court. It would appear that this Act does, while the Commonwealth Act does not, permit the parties to say to the Court, "Here is an industrial problem. We are not in dispute about it, but we ask you to find a solution and put the solution into an award."

Many actions have been taken which have been the prerogative, the right, the responsibility implicit, in the jurisdiction of the present tribunal. They have been creative acts which are not written into the present law, but they have prompted peace and harmony and have been the cause of considerable satisfaction in many aspects involved in the relationships between employer and employee in industry.

I would next refer to another aspect in clause 55 which is designed to prevent the proposed industrial commission from prohibiting the prescribing of days and hours, and has particular reference to the baking award, as we will discover when this Bill becomes law. We will find that the hours which have been prescribed in the award covering the bread baking industry will, under the authority of this clause, be substantially altered. I say this because this award was evolved and determined, and it provoked considerable objection among some interests which, in my view—and in the view of many people—is one of the principal reasons why this Bill is before us. I do not think there is any doubt about that.

In looking at clause 56, one will readily realise that this is the clause that will permit of the bodies of the white ants. This is the clause dealing with conscientious beliefs, which has no place whatsoever, in my view, in an arbitration law. The clause seeks to amend the principal Act by adding a new section to read as follows:—

> 61B. (1) For the purposes of this section "conscientious belief" includes a conscientious belief whether the grounds for the belief are or are not of a religious character and whether the belief is or is not part of the doctrine of any religion.
>
> (2) A person who—
>
> (a) objects on the grounds of conscientious belief to being a member of a union;
>
> (b) applies in the manner prescribed to the Registrar for a certificate of exemption from membership of any such union; and

so on. That is to say, if we interpolate in that "provided a person is a member of the Liberal Party and objects to being a member of a union," despite all the rights and privileges which that union has created on his behalf, he may refuse to join.

The Hon. R. F. Hutchison: We have another name for them, you know.

The Hon. F. J. S. WISE: I mentioned earlier that a conscientious objector with a religious belief is a person who, as a matter of conscience, requires to be absolved from something which his religious doctrine makes abhorrent to him. As always, security regulations have given such persons that right; namely, enabled them to be absolved from military responsibilities of an active kind. As I said earlier in the evening, that was brought about to cover those persons whose consciences would not prevent them from making substantial profits from the sales of arms to friends and foes—either, or both—but their consciences were far too much for them when it came to taking an active part in world warfare as individuals.

But this clause, in my view, has no place in our legislation, even although it is in the New South Wales Act. This is a provision which will not only create small pockets of people who will—to use the term I used before—be able to undermine and white-ant the beliefs of people who appreciate what has been done for them and the privileges that have been obtained for them, but will destroy many of the benefits which unions have created for the betterment of man. Indeed, in some cases it will assist in destroying a union itself. That is why, I think, the clause is in the Bill. It is a bad clause, and I think we should have none of it. If people are conscientious objectors for spiritual reasons, that is an entirely different matter.

Let the registrar, as is done now, arrange for the person to be issued with a certificate. It will be noted that these fees are to go into Consolidated Revenue—the fees from every conscientious objector are to be paid into Consolidated Revenue. It will encourage many a person who used to have the responsibility of appreciating where his duty lay, and of showing some appreciation for what was done for him.

I wonder how such a person would stand in the strong unions of the world—unions such as the B.M.A.; the professional organisations? Heavens above! This sort of thing is only possible where the rights, privileges, and conditions of men have to be fought for before an independent authority—a tribunal of arbitration; where the case has to be stated pro and con; where judgment has to be given according to argument; where many months of preparation are involved in the stating of a case. Yet here we are to have a person who is nothing but a political objector. That is what the provision is there for.

The Hon. F. R. H. Lavery: Ask Mr. Sawyer.

The Hon. F. J. S. WISE: This is to be done because it is in the New South Wales law; and that is the only law in which I can find it is incorporated. I have studied the works of great writers like Webb of England on this subject, and they consider such an action unconscionable—that a conscientious objector should be permitted to be absolved from responsibility; that he should take the benefits without paying a premium for them.

Unions which function in the interests of their members are, I think, entitled to some consideration in such a matter. That is one point to which I would draw the attention of *The West Australian;* one of the many on which the Minister refused the Trades and Labor Council any option. Let us consider clause 57. If the inspectors involved and mentioned in clause 57 had done their duty, I doubt if there would have been a strike at the Alcoa works; a strike which involved a rigger, a person who would not have been permitted, and who should not have been permitted initially, to do what he did. He should have been reported and prevented from doing certain work; but he was not prevented from doing it and, as a result, there was a flare up when the employer was brought into the picture.

I wonder why there has not been, in the past, much more action in regular and periodical visits by the people who are specified in this clause; because a great deal can be done in connection with those referred to in the particular clause. The honourable member is absent who objected to my mentioning before the tea suspension the very serious matter of Ministerial interference. If members will look at clauses 61 and 64 they will find something, particularly in the latter clause, which is very obnoxious indeed. Proposed new subsection 4 (a) in clause 61 suggests that the Minister is to be advised of all agreements for certification by the commission. But there appears to be no provision elsewhere for the Minister to be so advised. Generally, any action by a Minister, in so far as a judicial body is concerned, is most repugnant. In the opinion of all courts in all places, the judges are those who act in the best interest, and they are the best judges of what is in the best interest.

The principle of intervention by a Minister should be permitted only when a State industry is involved, or is expected to be involved, or is likely to be affected. Otherwise, any intervention at all is against the best principles of the action of any judicial body; and many references will be found in the annotations of many authorities in industrial arbitration law. Reference will be found in the works on common law as to how repugnant it is for a governmental entity—for any component of a Government, including the Minister—to interfere with any judicial entity in the discharge of its duties; and that is what that means.

One clause which the Trades and Labor Council endeavoured to have the Minister alter was that which affects the common rule. This is a very serious matter. It is contained in clause 82, which should not be tolerated. In the repeal of the existing section 86, a very serious situation is brought about. Persons by non-application to the court can stand aside, and the common rule will not apply. We will find that if notices are not to be served on certain people in the same sort of industry, and if the common rule is not to apply, many people in small or large industries will be avoiding responsibilities and requiring separate awards for similar circumstances.

There will be not only confusion existing, but a tremendous volume of additional work will be entailed in the many more applications which the circumstances will warrant. I do not wish at this point to deal with any more clauses, as some of my colleagues will be dealing with them seriatim at a later stage. In Commttee we will deal with them as they come.

But I wish to deal with one more clause at this stage, and that is clause 97, which imposes the limit to a period of 12 months for the recovery of wages short paid. Members may know of a case which has been referred to as the Murray case; a case well known to the carpenters' union in this State. If members are sufficiently interested they will find the references to it in annotations on pages 112 and 201 of the existing Act. It has been held that it is proposed in some instances to secure back payment up to six years; and this clause is designed to absolve bad employers

who have been robbing good employees of the wages to which they are entitled, but which are not to be recoverable from this court after a period of 12 months. I ask members: Are we going to stand for that provision when the Bill reaches the Committee stage?

Having spoken at some length I do not wish to continue in such detail. But I do wish to draw the attention of the House to one or two more matters of great relevance, which are of particular importance —they are important in a particular as well as in a general way. I initially mentioned how vital it is to the well-being of any State, that the soundness, efficiency, and respect of any arbitration system should be upheld in the country and in the community. There should be respect as well as stability; respect within a community, and stability in its industries. The system of arbitration should have the respect of all peoples. It encourages people from all parts of the world to various countries of the world.

I have in my hand a report by Mr. J. O. Knowles, M.A., M.I.E.E., who headed a team of nine British industrialists from widely separated districts in the United Kingdom; people who represented a diversity of interests. This report was written by the team, and published by the Government of Western Australia, and sold at one guinea a copy. The report is entitled, "Opportunities for Industrial Investment in Western Australia."

As I have said this is a report of nine British industrialists who visited Western Australia at the invitation of the State Government. The objectives of the visit were to investigate opportunities to establish new industrial capacity and, generally, to stimulate wider interests in the United Kingdom in the development of secondary industries in Western Australia. In an appendix devoted to labour, much is said of labour conditions in Western Australia. This is the sort of thing the team wrote of this State at page 22 of the appendix to the report—

> Wages in Australia have been determined for over 60 years by a system of compulsory arbitration which originated in the States of Victoria and South Australia. Western Australia in 1900 adopted procedures similar to those in force in Victoria and South Australia, but with more reliance on conciliation. In 1912 existing legislation was amended to place greater emphasis on arbitration. Several subsequent amendments have extended the authority of the Industrial Court and simplified the procedure.

A little later on the team said this—

> In recent years there has been a great improvement in industrial relations throughout Australia and we came to the conclusion that relations between management and employees in Western Australia were excellent. In 1959 the number of man days lost through disputes in Western Australia was less than 1 per cent. of the total days lost for all Australia.
>
> Industrial disputes are generally settled through the arbitration courts and we believe, on the basis of the information furnished to us by various officials, and after discussions with industrialists, that the system works well and to the satisfaction of all parties. Relations with Trade Unions also appear to be good.

Mr. President, the system that exists works well. That is the report of the team of British industrialists invited here to inspect and review all of the possibilities and opportunities in this State.

They were impressed with our industrial conditions and the industrial peace obtaining. I am afraid that during the last month this bomb that has been dropped with such repercussions to so many thousands in our community will continue to have such an effect, because of the many pernicious things that remain in the Bill; because of the unsavoury and unsatisfactory background of the Bill; because of its —to use a colloquialism—benefit to country members; and because of its short pedigree. It is, as it were, ill-bred.

It has never been examined by persons of note or of consequence; it has been evolved in the mind of a Minister and an advocate of the department. It has never been referred to the President of the Court or the members of it. It has never been seen, according to the Minister, by those who matter most—the Employers Federation, or the council of trade unions. It has never been seen by the people most involved—the Chamber of Commerce and the Chamber of Manufactures. It has never been seen by any of them. It is ill-considered; immature; improperly before us.

There never has been in my long experience in the Parliament of this State such immaturity on such a subject presented to this Parliament. As I look around this chamber I see some of the men who, in their day, have challenged Bills of much lesser importance, and who have saved this State, irrespective of Government, from many a mistake because of their courage in the challenge they exerted in expressing the rights of this Chamber in regard to the proper examination of legislation of this kind; an examination which cannot be made in the fashion we are making it. This measure will exterminate a system which has proved so valuable.

We are going to turn the place upside down and cause dissatisfaction, disharmony, and disunity amongst thousands; and the evidence that I read just a few moments ago cannot be written again for many years to come if this Bill passes. I oppose it most strenuously.

THE HON. W. F. WILLESEE (North) [8.5 p.m.]: I begin my criticism of this Bill by mentioning the opening of Parliament when we had read to us the Speech of His Excellency, the Lieutenant-Governor. In that Speech it has always been considered that the right and proper thing to do is to inform the members of the House on both sides of the foreshadowed legislation of the Government that would be coming forward during the forthcoming session of Parliament. It is traditional at that time to mention the most important measures so that not only members can be advised of what will be coming forward, but so that the public and people interested in particular legislation may be given the opportunity, by way of anticipation, to study it, and, where necessary, to take an active interest in it.

On this occasion we were not given any notification whatsoever that a Bill so important as this measure was to be introduced during this session of Parliament. Indeed, we were told of an amendment to the Milk Act, an amendment to the Married Persons Summary Relief Act, an amendment to the Licensing Act and to the Companies Act; and I would suggest that not one of those in any degree whatsoever equals the importance of this particular piece of legislation which, in itself, looks after the industrial welfare of the people of this State.

The Minister in another place has been quoted as saying that this has been a well kept secret for some two years. If that be true, why did he not take his colleagues into his confidence and give them the opportunity of foreshadowing this legislation by mentioning it in the Lieutenant-Governor's Speech at the opening of Parliament? Could it be that he kept the situation so secret that his fellow members would not know about it? If that be the case, I suggest it is a deplorable state of affairs.

The Hon. H. C. Strickland: That makes the Minister smile.

The Hon. W. F. WILLESEE: It would be a deplorable situation if that were the case. Cabinet has a responsibility not only to Parliament, but to the people of Western Australia; and, if Cabinet knew of this legislation, I feel sure it would have been foreshadowed. If, however, Cabinet did not know what was happening, and was not in a position to acquaint the people of Western Australia of the situation, then this legislation has been rushed and has not been given the consideration that it should have been given by virtue of its place on the Statute book and of its relative importance to the working people and the employer-section of Western Australia.

In view of the Minister's statement, there seems to be little doubt in my mind that Cabinet did not know what was developing in the Minister's mind at the time Parliament was opened this year. Had they known, surely they would have conferred with the people who have controlled arbitration in this State for many years—the only people who could give objective thought to, and valuable decisions on, any amendments that might be contemplated. It would appear to me that they have been deliberately ignored in the presentation of this Bill.

It is a violent departure from the present Act, because in effect if it becomes law it will abolish the existing court. In the Minister's notes he explained the new situation and said this:

> The industrial commission will consist of four commissioners, one of whom will be the chief industrial commissioner. Each commissioner will sit alone, as the Conciliation Commissioner does now.
>
> There will be an appeal from the decisions or awards of any one commissioner to the other three commissioners who, when sitting together, will constitute the commission in court session. This appeal system should assist considerably in maintaining reasonable consistency between the decisions of the individual commissioners, thereby ensuring the establishment of principles which both sides can apply with a substantial degree of certainty. In this matter, this legislation is superior to that of Queensland—in that State there is no appeal from a decision of a single commissioner on arbitral decisions.
>
> The principal functions of the industrial commission will be—
>
> - The making, amendment, and interpretation of awards.
> - The settlement of industrial disputes by conciliation and arbitration.
> - The registration of unions.
> - The fixation and adjustment of the basic wage.
> - The making of orders directed to the prevention of contraventions of the Act and of awards.
>
> The industrial appeal court will consist of three judges of the Supreme Court nominated by the Chief Justice of Western Australia. One of those judges will be nominated by the Chief Justice to be the president of the industrial appeal court. The industrial appeal court will—
>
> - Hear appeals from the commission on questions of law and jurisdiction.
> - Hear appeals from the certifying solicitor on questions of law arising out of union rules.

Hear appeals from industrial magistrates relating to contraventions of the Act and of awards.

Hear appeals from the Industrial Registrar relating to the exemption of "conscientious objectors" from union membership.

Deal with all offences under the Act for which a maximum penalty in excess of £100 is provided.

Deal with applications for the disallowance of unlawful or oppressive union rules.

That complicated procedure supersedes the very simple situation which applies under the present law. When there is an appeal from the Conciliation Commissioner to the Arbitration Court, the decision of that court is final. That has been accepted as a principle over the past 60 years. Surely there must not be a continuation of further appeals in respect of a legal issue on the one side, and some technicality on the other. When we had the basic principle of an advocate from the employer and an advocate from the employee giving their points of view and giving the best advice they could to an administrative judge, he made his decision which was final; and those decisions have been acceptable to the people involved in this type of litigation in Western Australia for many years.

If we can believe what has been told to us, there was no objection to, or any recommendation to alter, the present system by the Employers Federation. Also, there was no objection raised by the trade union movement, or any recommendation made to alter the arbitration system. So why was there any need to alter the situation so suddenly and drastically? I submit that if there was a question of a backlog of work being built up, then the obvious answer was to appoint a further one or two conciliation commissioners, and not to destroy the very basis of litigation which exists within the State.

The Trades and Labor Council objects to the whole of the provisions contained in the Bill; because the Bill, in effect, seeks to replace the present Arbitration Court with a four-man commission; and it introduces an appeal court from within the Supreme Court. The Trades and Labor Council wishes the present system to carry on; and it appears to me that there has been no good reason put forward why this should not be the case.

Let us take the introduction of a certifying solicitor. Why should that be? Why should it be necessary for a union to go to a person appointed by the Government? The Government should remain apart from industrial litigation, if possible; but apparently it will nominate a certifying solicitor and will force all unions to take their material to him and to be subject to his determination as to whether the material should be placed before the court.

Why should not any lawyer be able to take up such a brief? It is my belief that most union secretaries in the larger unions are more than capable of putting forward claims; and they would be just as capable as any certifying solicitor. It seems to me that this will be a very comfortable and easy brief for some nominated person.

A further clause in the Bill which gives one considerable food for reflection—and one wonders why it should have been introduced—contains a provision which will prevent the commission from prohibiting work on weekends. If the commission cannot stipulate the days on which work will be performed in connection with any industry, does it not lead us to the logical conclusion that the Monday to Friday working week is in jeopardy?

The Hon. F. J. S. Wise: Of course it does!

The Hon. W. F. WILLESEE: It leads us to the conclusion that the commission is so restricted in its right of determination that it cannot stipulate the days and the hours of shift work which would apply to a variety of industries. One wonders whether this led to the decision to give the bakers a five-day week. If so, I have heard no outcry on an industrial basis. Yet it would appear that action is being contemplated, as a result of an amendment to the Act, to prohibit any further action in that direction.

That particular situation is being taken away from the scope of the present Industrial Arbitration Act. The provision regarding exemption from union membership on conscientious grounds has already been dealt with at great length by my leader. Suffice to say it will widen the scope for an excuse not to join the union. It could very definitely affect the principle of compulsory unionism. It could be an attempt to hit at the base of unionism; and, as such, it is an extraordinary departure from the situation which has applied under the present system.

Is that not a breaking-down of conditions on the part of a section of litigants under arbitration; and is there any wonder that there is deep dissatisfaction over the proposals of the Bill? Is it any wonder that people who have spent a lifetime supporting principles—supporting the very principle that I believe in; namely, a fair day's work for a fair day's pay—are now finding that all the things they have worked for can be destroyed by an Act of Parliament—as simply as that?

A further provision gives the Government the right to intervene in any proceedings before the commission, and to appeal against decisions which it considers are adverse to the public interest. The

Government—be it a Government of any political colour—is merely a section of the whole of Parliament. I cannot see how it could intervene in such situations and say that it represents public opinion. It could only represent a portion of public opinion, and, as such, it would not have the right to interfere in matters of arbitration, because such matters are limited solely to the basis of an employer-employee situation and are dealt with by arbitration.

How presumptuous it would be for a Minister to say, "I intervene at this particular point because it is an issue which I consider to be adverse to the public interest." He would have to say, "It is an issue which I consider to be adverse to the public interest." It would be an issue in respect of which he would say, "I do not think this should be done; and, because of the powers contained in the Act, it will not be done."

The Hon. F. R. H. Lavery: That's right.

The Hon. W. F. WILLESEE: Intervention under those circumstances could only lead to trouble; trouble which we have avoided for so long in the history of our State; and trouble which could only be precipitated by a Government which interfered in something which did not come within its orbit. By writing such a provision into the Act, we place upon the Statute book the possibility of future problems and future troubles in connection with the Arbitration Court which should never be envisaged. Such troubles should never be allowed.

Let us consider this: A Liberal Government may not always be in power and it could be equally possible for a Minister of a Labor Government to make a mistake. We would have both sides of Parliament, in their turn, intervening in a situation which should be sacrosanct and entirely outside the orbit of the parties concerned.

We did not create an industrial Arbitration Court for the purpose of having interference by Parliament. It was created in order that there might be litigation between the parties concerned and that industrial disputes might be dealt with without any interference from any section of Parliament or from any Minister of the Crown.

This is a most invidious situation which this Bill puts forward—to think that there will be powers of intervention at any given time at the whim of a particular Minister!

It is also disappointing to read the provision that the proposed commission will not be able to limit working hours in the agricultural and pastoral industries. This will virtually mean an open go. We should bear in mind that when we write these things into the Act—

The Hon. H. K. Watson: They are already in the Act.

The Hon. W. F. WILLESEE: That is so; but not necessarily in this form; and, furthermore, it is not right that they should continue to be written into the Act, because the time must come when employees in country areas must be given equal rights with employees in the metropolitan area. It is disappointing that we are not taking cognisance of this particular situation.

There are some people who do the right thing. Some employers probably do more than is written into an award. But there are others who would gleefully accept the fact that they could go on *ad infinitum*. My leader dealt with the matter of back wages for six years being reduced to 12 months. I can only say, in support of his remarks—

The Hon. H. K. Watson: What does section 180 say?

The Hon. W. F. WILLESEE: —that this is a custom which has been accepted for a long time; and the period is now to be reduced to 12 months.

The Hon. R. Thompson: What does it say?

The Hon. H. K. Watson: Twelve months.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. W. F. WILLESEE: I would hope that a man who had worked faithfully for his employer for many years—not necessarily for six years—should be given the benefits of any disability that he might suffer by way of entitlement to wages. This is another provision of the Bill that we must put up with and adhere to.

The Hon. A. R. Jones: Can you envisage any man waiting three of four years for wages?

The Hon. W. F. WILLESEE: It would not happen in my case and it would not happen in the honourable member's case. But some people do get cheated. I would not work for the honourable member for five minutes if I did not get paid.

The Hon. A. R. Jones: You would not be expected to.

The Hon. W. F. WILLESEE: I am not so sure.

The PRESIDENT (The Hon. L. C. Diver): Order! The honourable member will address the Chair.

The Hon. W. F. WILLESEE: I will endeavour to do so. I will gladly address the Chair. At this stage I would like to draw attention to the constitution of the proposed commission. This has been something of a mystery, and the Government has been very silent about whom it will appoint to the various positions.

The Hon. R. Thompson: But we all know them.

The Hon. W. F. WILLESEE: It is true the Government made a statement about Mr. Schnaars quite early in the piece, but from then on the situation has given cause for much concern. Obviously if the appointments of conciliation commissioners are loaded one way or the other, the commission will be loaded for a future period of time in Western Australia. So it was somewhat of a pleasure for me to read on Sunday morning that a plum of £4,000 a year was being offered to the unionists in connection with the appointment of these commissioners. The article reads—

> Two union leaders have been named as possible £4,000-a-year members of the proposed Industrial Commission.
>
> Others being considered are an Employers' Federation official, the State R.S.L. president, and a Department of Labour official.
>
> They are—
>
> Mr. J. Pereira, Police Union secretary and Trades and Labor Council president.
>
> Mr. H. Barry, Australian Workers' Union organiser.
>
> Mr. D. Cort, Employers' Federation advocate.

Mr. Cort's name is spelt differently to the Minister's.

The Hon. A. F. Griffith: Are you giving the Government or the *Sunday Times* credit for this article?

The Hon. W. F. WILLESEE: I will share it with the Minister 50/50.

The Hon. A. F. Griffith: I don't want any part of it.

The Hon. W. F. WILLESEE: The article continues—

> Mr. W. S. Lonnie, top civil servant and R.S.L. president.
>
> Mr. E. Kelly, senior Department of Labour officer.
>
> Mr. Kelly has been mentioned as the chief architect of the legislation proposing the Industrial Commission.

The Hon. R. Thompson: They will cut his head off after this Bill.

The Hon. W. F. WILLESEE: The person who wrote the article must have had some knowledge of what he was saying. How much of it is right and how much is wrong I do not know, but the writer of it must have had some knowledge, and the information has emanated from somewhere —from some responsible individual in my opinion. The article continues—

> The two union officials have been prominent as opponents to its passage through Parliament.
>
> The State Government will not make an announcement of commissioners until the legislation finally passes the Legislative Council this week.

The Hon. F. J. S. Wise: This week!

The Hon. W. F. WILLESEE: It continues—

> It provides for a chief industrial commissioner and three other commissioners.

The Hon. A. F. Griffith: Perhaps you would like to think I wrote it.

The Hon. F. J. S. Wise: This week, did he say?

The Hon. A. F. Griffith: I did not say anything. None of those are my words.

The Hon. W. F. WILLESEE: The article continues—

> The chief commissioner will be Mr. S. F. Schnaars, conciliation commissioner of the State Arbitration Court. The president of the court, Mr. Justice Nevile, will join the Supreme Court bench.
>
> Delegates to the Trades and Labor Council are concerned that Mr. Pereira's name should be mentioned as a commissioner.
>
> Its executive discussed the position at a special meeting on Wednesday.
>
> Mr. Pereira was told the council viewed seriously suggestions that he had allowed his name to be mentioned as a commissioner, particularly as he had been one of the chief opponents of the Government's proposals.
>
> The council said it would not officially discuss the offer.
>
> Mr. Pereira's only comment was: "There has been an unofficial approach about the job."

I thought at last we were getting somewhere, and it would be some solace to the employee organisations when they knew that one of their stalwarts was about to be appointed. We must bear in mind that in my view there should be an equal distribution of these appointments, and they should not be on a three-to-one basis, or a four-to-nil basis. In *The West Australian* last Tuesday appeared the following letter, emanating from Mr. Pereira, the President of the Trades and Labor Council:—

> I wish to make it known that there has not been any approach made to me in regard to the appointment of commissioners under the arbitration legislation now before Parliament.
>
> The only knowledge I have about the commissioners who may be appointed was given to me by Labour Minister Wild when a deputation from the Trades and Labor Council consisting of Messrs. J. Coleman and J. Mutton and myself met the Minister.
>
> He told us that it was his intention to appoint Mr. F. Schnaars Chief Commissioner. He went on to say that he had no preconceived ideas as to the other commissioners and that he

was going to look around for people with industrial experience, including members of the Trades Hall.

There was no special meeting called on November 20 to discuss any connection between myself and the position of commissioner.

At the mass demonstration held at Parliament House that day I publicly advised the meeting that I had not been approached officially or unofficially in regard to a position as a commissioner under this legislation. I told the meeting this because of the rumours I had heard circulating.

I have never told anybody that there has been an unofficial approach about the subject. There has never been any official or unofficial approach to me.

The Hon. A. F. Griffith: How can you reconcile that statement with what appeared in the *Sunday Times*?

The Hon. W. F. WILLESEE: I think somebody gave them a bull story.

The Hon. A. F. Griffith: You do?

The Hon. W. F. WILLESEE: Yes.

The Hon. A. F. Griffith: Even Mr. Pereira says it is not true.

The Hon. W. F. WILLESEE: What I am saying is that the article was put up as an Aunt Sally. It was obviously cooked up, as one can see by virtue of the letter that Mr. Pereira wrote to the Press.

The Hon. A. F. Griffith: Goodness gracious me!

The Hon. W. F. WILLESEE: When I first saw the *Sunday Times* I was quite happy about it.

The Hon. A. F. Griffith: You are usually a more fair-minded person, but your imagination has run riot.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. W. F. WILLESEE: Mr. President, this little fellow bugs me! There is a definite doubt in my mind as to whether the selection of the people for this commission will give complete satisfaction to both parties that are engaged in this type of litigation within the State. These appointments will be the most important appointments that could be made, because so much depends on them having a complete balance. I do not like even to think there will be a risk of their being out of balance; I prefer to think the legislation might still be defeated. If there is an appeal from the decision of one commissioner, it has to be made, first of all, to the three commissioners, and they would give a decision which would be either two to one or three to nil. If there are two men who have a certain background and the third man has a different background, obviously the two men with the same background will have a similarity of views, and they will tend always to override the views of the third man, particularly if the commission is so weighted that there are three men with one view and the other man with a different view.

I believe there is not much point in endlessly talking on this issue. If the legislation is not defeated in this House it will obviously become law, and if it acts adversely to either the employer organisations, or the employee organisations, I believe it will give the Australian Labor Party the right to go to the electors in 1965 and ask them for a mandate to reintroduce the Arbitration Court as it exists today. This court has existed for many years, and it has been eminently successful during that time. So far as I am concerned, at this point of time the present satisfactory set-up is being thrown away without reason.

THE HON. G. C. MacKINNON (South-West) [8.40 p.m.]: Industrial arbitration is a method of fixing wages and conditions for men employed in various trades and callings. It is not, of course, the only method of fixing wages; and wage-fixing methods vary from country to country. Virtually all such methods have been evolved over periods of time from the original basic contractual agreement with individual employees making an arrangement with an employer, up to the highly-organised systems which have developed in the more advanced countries.

Even these systems differ markedly from country to country. There is a different system in America to that which holds in Australia; because, irrespective of the various Acts which operate in Australia, the basic principle of the fixation of wages and conditions is the same; namely, that of arbitration and conciliation as distinct from the principle of contractual arrangements between a union, or a group of unions, and an employer, or a group of employers, without the intervention of a court of any type.

Like all other systems, the system within this country has evolved and will continue to evolve. We are at a stage in the development of the system of arbitration within the State, and there is nothing out of the way about that. This Bill is quite properly before the House; this matter has been handled within the competence of the Government to handle any legislation; and it has been brought down within the powers and rights and any other privileges that this Parliament and the Government have.

The Hon. R. F. Hutchison: Because you are all-powerful here.

The Hon. G. C. MacKINNON: No Government is all-powerful.

The Hon. R. F. Hutchison: Yes it is.

The Hon. G. C. MacKINNON: Because if a thing is obviously unreasonable, reasonable men will not agree to it; and there are sufficient reasonable men in both parties in this House who will not agree to anything which is completely unreasonable; and this is a reasonable Bill.

The Hon. R. F. Hutchison: Unreasonable.

The Hon. G. C. MacKINNON: Let me say at this early stage in my remarks that Mr. Wise was quite right when he said that the clause to which he was referring was not amended. I made a very natural error, because the amendment had been fully agreed to. However, because of the tactics used, and time being talked out, the amendment, which was completely acceptable, was never actually put.

The Hon. R. Thompson: There were three not put.

The Hon. G. C. MacKINNON: Mr. Wise was quite right, and it was not the fault of the Government that they were not agreed to.

The Hon. R. Thompson: Hooey!

The Hon. G. C. MacKINNON: The Assembly never got to it because of the tactics used.

The Hon. R. Thompson: There were three amendments.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. G. C. MacKINNON: Over this Bill, which is only printed words on paper, there has been a tremendous lot of bad feeling engendered. Strangely enough, within all the words that have been spoken, my greatest disappointment is the complete lack of basic factual and reasonable consideration given to the measure clause by clause; because it is a Committee Bill, and there are certain clauses which should be considered carefully and explained in detail.

I went through the Bill and marked the provisions which are related to the amendments appearing on the notice paper. In my opinion there are only four amendments which are valid, and which I would expect any Opposition to put forward. The rest are designed to accomplish what should rightly be accomplished during the second reading or third reading of the Bill; that is, the destruction of the Bill by deleting one or another clause.

The Hon. R. Thompson: There are many other deletions which do not appear on the notice paper.

The Hon. G. C. MacKINNON: There are four amendments which affect the provisions on pages 11, 28, 49 and 52 of the Bill. These are perfectly valid amendments put up by the Opposition, and it is their duty to do so. Some of the amendments can be discussed for a week without agreement being reached, and these are amendments relating to policy and fundamental differences. This Bill does not cut across the policy of the Labor Party in any shape or form as a basic method for the fixation of wages.

The Hon. R. Thompson: You mean it does not cut across the Liberal Party policy—not the Labor Party.

The Hon. G. C. MacKINNON: There are clauses which cut across Labor policy, but as machinery for the determination of wages this is acceptable machinery.

The Hon. F. R. H. Lavery: Acceptable to whom?

The Hon. R. Thompson: You knew nothing about the Bill until two months ago.

The Hon. G. C. MacKINNON: An attempt is made to destroy it, because it is a good Bill. Far from influencing voters against our cause, because the Bill is a good one there is a possibility it will attract voters to our cause.

The Hon. R. Thompson: Tell us something about clause 12.

The Hon. G. C. MacKINNON: This Bill should be dealt with in some detail in the Committee stage, rather than on the second reading.

The Hon. R. Thompson: I want to know if you know something about it.

The Hon. G. C. MacKINNON: I shall deal with the clause I wish to deal with at this stage. I represent a province in which there are strong pockets of industry, and in which there are a number of trade unions and industrial establishments. A certain amount of activity has been going on there, and naturally a number of questions have had to be answered. Over the last few weeks a fear complex has been worked up against certain clauses of the Bill. At present the fear is of proposed new section 61 (2), which I shall read. It is as follows:—

> The Commission in the exercise of the jurisdiction conferred on it by this Act shall not by any order or award—
>
> (a) except as provided by section sixty-one C of this Act prohibit the employment of workers on any day of the week or restrict in any other way the number of days or hours in the week during which any operation may be carried on in any industry or by any employer but nothing in this paragraph prevents the exercise by the Commission of its powers under paragraph (d) of subsection (1) of this section;

Let me refer to section 61C which is mentioned in the provision I have just read. It is as follows:—

> The Commission shall, upon application made to it by any party to an award or industrial dispute, fix rates

of wages and conditions of employment or service to apply to shift work in the industry to which the award or industrial dispute relates and may fix different rates and conditions for different work.

Proposed new section 61 (2) (a) concludes as follows:—

but nothing in this paragraph prevents the exercise by the commission of its powers under paragraph (d) of subsection (1) of this section.

Paragraph (d) is as follows:—

(d) fixing the rates for overtime work on holidays, shift work, week-end work and other special work, including allowances as compensation for overtime or any of such work referred to in this paragraph.

Despite those words, which are crystal clear, it has been hammered into some workers that they can be ordered to work their 40 hours of the week over any days of the week, and that they will not be paid overtime but only the standard rates when they work on Saturdays and Sundays. These people are genuinely worried.

The Hon. J. J. Garrigan: Told by whom?

The Hon. G. C. MacKINNON: Apparently the people from the Trades and Labor Council.

The Hon. R. F. Hutchison: Name them.

The Hon. G. C. MacKINNON: Members opposite know the names of the people I am referring to—Coleman, Mutton, Pereira. They would not know any more about this Bill than I would, because I am able to interpret words. The workers are having fears put into them. I think that is being done deliberately, because the clause I have just referred to, and the whole Bill, will not, in any way, affect the five-day week.

The Hon. R. Thompson: Can't you read?

The Hon. G. C. MacKINNON: I can read and interpret words just as well as anybody else. An employer should be able to continue giving overtime to his workers if they want to work on Saturdays. The court should not be able to say to the employers, "You are not to employ your workers on overtime rates on Saturdays." All that the Bill seeks to do is to prevent the court from including in an industrial award or agreement a provision that workers in, say, the building trades will only be able to work from Mondays to Fridays, and on no other days of the week.

If the Laporte Company wants to build its plant and is prepared to pay penalty rates for working on weekends, as well as site allowance and other allowances, and if the men are agreeable to work on those days, then they should be permitted to do so. If this Bill is passed, the court will not be able to provide that the men shall work from Mondays to Fridays each week, and on no other days.

Probably about 95 per cent. of the workers in this State work a five-day week, and of that 95 per cent. probably 5 per cent. are engaged in essential services.

Point of Order

The Hon. J. G. HISLOP: I find it very difficult to listen to this speech as well as to others which are going on in this Chamber.

The PRESIDENT (The Hon. L. C. Diver): I would ask members not to interject. They will have an opportunity to speak in this debate at a later stage.

Debate (on motion) Resumed

The Hon. G. C. MacKINNON: Of the 95 per cent. I mentioned, about 5 per cent. are probably engaged in essential services —in hospitals, in the Police Department, and in the S.E.C.—and work a five-day week staggered over the various days. They may work from Monday to Friday, or from Wednesday to Monday inclusive. Although it is a five-day week in both cases, a person working from Wednesday to Monday inclusive receives a higher pay packet than the one who works from Monday to Friday inclusive, because under the industrial award there is provision for penalty rates to cover the disability of working over the weekend. Those who work over the weekend get Monday and Tuesday off. We say this situation should continue, and provision has been made in the Bill to ensure that it will continue.

The Hon. A. F. Griffith: Seventy five per cent. of awards are framed in that way.

The Hon. G. C. MacKINNON: We say that situation should continue. One member referred to the position under the Bread Act.

The Hon. R. Thompson: I did not refer to that.

The Hon. G. C. MacKINNON: I think Mr. Wise and Mr. Willesee mentioned the position of the bakers. That situation will not be extended to any other industry. Let us examine the position when the Minister intervenes. The provision is contained on page 33 of the Bill, and is as follows:—

(4) Where, in the opinion of the Minister, the terms of any such agreement adversely affect the interest of the public or are likely to do so he may—

(a) intervene in any proceedings before the Commission prior to the Commission certifying the memorandum as referred to in subsection (2) of this section; or

(b) if the agreement has been so certified by the Commission appeal to the Commission in

Court Session against the certification of the memorandum by the Commission,

and make such representations as may be thought necessary in order to safeguard the public interest.

I ask members to cast their minds back to what was said in this Chamber tonight, and to what has been said outside. I may be a little over-suspicious, but I got the impression from what was said that the Minister could order the commission to discontinue what it was doing, and to reverse its decision, and so alter an industrial award or agreement at the whim of the Minister.

The Hon. R. Thompson: Have you read clauses 64 and 110? The Minister may intervene.

The Hon. G. C. MacKINNON: That is not so.

The PRESIDENT (The Hon. L. C. Diver): I suggest the honourable member address the Chair.

The Hon. G. C. MacKINNON: Again in proposed new section 68 the Minister may intervene in any proceedings before the court or the commission to safeguard the public interest. They are representations and not instructions.

The Hon. R. Thompson: That squashes your argument.

The Hon. G. C. MacKINNON: When this Bill becomes law—and a very good law it will be—there will be in the course of time Liberal Ministers and Labor Ministers who will be empowered to intervene. There is no need to say that such power is for, or is against, the ordinary working man. I can visualise a situation when it will be quite possible for the Government of the day to intervene, and to place evidence before the court which will be of great value to the general run of the workers employed by the various employers.

This is a fair enough clause. As a matter of fact, the honourable member said that the only right the Minister had today was to interfere in matters concerning State trading enterprises. A legal interpretation of the section has shown it to be very wide indeed. It is so wide that virtually anything which might be purchased, made, or used in any way in any State instrumentality or industry brings it within its scope; and that has been shown to be extremely wide indeed.

A great deal has been said, not only here but in other places, about the indignation which followed the introduction of this Bill. These days it is extremely difficult to assess any sort of feeling, whether it be of approbation or indignation.

How many of us, I wonder, have met pople—and I should say that practically all of us in this Chamber have; all Government members, anyway—who have said to us, "What is this about? What is this objection about?" Fellows who have been out on strike have come to me and asked me, "What is the matter? What is wrong with this Bill? Will you tell me something about it? Will you explain it to me?"

What chance has there been for anyone to understand it when hour after hour has been spent on an amendment to delete the word "now", or some such amendment? Has there been a genuine approach, really, to obtain an explanation of this Bill? Certainly some representatives came to see Mr. Williams and me and we saw them in Bunbury. I believe Mr. Coleman made some reference to this at a meeting there at a later date. I was told he commented on the fact that they had received co-operation and had had their questions answered.

The Hon. R. F. Hutchison: I bet you heard some home truths.

The Hon. G. C. MacKINNON: Certainly. Does any politician object to that? If he does he should get out of the business. One person tried to talk politics, and I told him we were there to talk about the Bill. We could talk politics all night to no avail. They were there to ask Mr. Williams and me questions, and through no fault of their own at that stage they were not prepared to ask the necessary questions. A man I have known as a resident of Bunbury is now in Perth and he asked me questions from a prepared sheet, and we answered them, though certainly not to his satisfaction. However, who would expect it to be otherwise? He has been told he must oppose this Bill.

The Hon. R. F. Hutchison: Who told him?

The Hon. G. C. MacKINNON: The T.L.C. They are apparently the big wheel in this matter.

The Hon. R. Thompson: The Liberal Party is the big wheel in this matter!

The PRESIDENT (The Hon. L. C. Diver): Order! Will the honourable member address the Chair instead of inviting interjections?

The Hon. G. C. MacKINNON: My sincere apologies. I find these interjections are thrust at me and I have answered before I realise what I have done. Perhaps I am touching a few sore spots.

Most members here have had an opportunity of studying this Bill extremely carefully in order to answer legitimate queries. A fellow comes up and says, "What does happen under this particular section? What is the position under this Bill?" We have to look it up and study it. Members have heard me discussing this Bill

outside. If I have met reasonable men—not men who have absolutely prejudged the Bill before they have heard what is in it and invariably they go away saying, "It seems pretty good to me." That is the reaction I have encountered from men who I know have never voted for me or anyone from my party.

The Hon. R. F. Hutchison: How would you know that?

The Hon. R. Thompson: You might not have told them the truth about it either.

The Hon. G. C. MacKINNON: Apparently truth has become a matter of considerable variation. I have read out the section and have asked them what they think it means. I have stated what I think it means. I have gone over the words carefully and have allowed these people to make up their own minds. I have invariably been told, "It seems pretty reasonable to me." That is the reaction I have encountered. We had this last major disturbance—a major voluntary uprising it was called.

A Government member: Six to four apparently.

The Hon. G. C. MacKINNON: You can say that again! Girls in shops were asking what they had to go out for. They said they did not know anything about it and were not interested. But they were told they had to go out, and out they went. That is the story that is rife around some of the country areas. Representatives of the unions, under orders from the T.L.C., said to the workers, "Come down off there. You have to knock off. We are on strike." Some fellows refused to come out. In one instance a fellow pushed some bricks off a wall in order to get one man out, but he went on working.

These were all genuine fellows. They pay their union dues; but they were not interested in this. It was no more a voluntary spontaneous objection to this Bill than my name is Anita Eckberg.

A member: You don't look like her.

The Hon. G. C. MacKINNON: No. She has blonde hair. There is a point which seems to be overlooked in a lot of these discussions in this country. It is unfortunate, but the fact is that the bulk of the unions have a political affiliation, and this makes a world of difference.

The Hon. J. J. Garrigan: It is unfortunate, do you think?

The Hon. G. C. MacKINNON: Personally, I do.

The Hon. R. F. Hutchison: Of course, you would!

The Hon. G. C. MacKINNON: We can argue that point until death do us part. However, from the point of view of fairness, it makes for certain difficulties. Over and over again during the last three weeks we have heard expressions of fear as to the commission. Will it be loaded? Will it be that way, or this way? What is meant is: Will it be Liberal or Labor?

The Hon. G. Bennetts: What about fifty-fifty?

The Hon. G. C. MacKINNON: If the unions had been non-political, as they are in America, this situation would not have arisen, of course, and a lot of other situations would not have arisen.

The Hon. R. F. Hutchison interjected.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. G. C. MacKINNON: There is one other aspect which comes into the political field very markedly, and I would like to discuss that at the moment. I am referring, of course, to the conscientious objection clause. Frankly, as an individual—and none of us here ever operate, once we enter this place, as complete and utter individuals again; otherwise there would be chaos—I am not terribly keen on a conscientious objection clause. I would much rather have the contracting in and out clause tried for some time in England.

There are some advantages in a conscientious objection clause, and personally I can see none of the difficulties that certain members have stressed. The experience in New South Wales since 1959 has been that they have had 24 conscientious objectors, who could not really bankrupt any union. It was mentioned that the clause has been included to let Liberals out. I was a Liberal whilst an official member of a union. I worked as a tradesman; but I must admit I always objected most strenuously to the payment of a political levy.

The Hon. R. F. Hutchison: Of course, you would.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. G. C. MacKINNON: Fair enough. I had no objection to paying to the union; and, what is more, I attended the union meetings in the Trades Hall.

The Hon. J. J. Garrigan: And had your little say!

The Hon. G. C. MacKINNON: Too right I had my little say! I was practising even then. I intended to finally come here, but not as a Labor member. I had my say; and I had it to the extent that at one time I moved a motion about a political levy. I moved that a ballot paper should be prepared on which the political parties at that time would be entered—the Australian Labor Party, the Liberal Party, and the Country Party.

The PRESIDENT (The Hon. L. C. Diver): Order! Will the honourable member please connect his remarks to the Bill?

The Hon. G. C. MacKINNON: Yes, I will. I am talking about the conscientious objection clause and various methods of

arriving at the same end result as that clause. This ballot paper which I suggested was to be circulated to all the unionists who would put a tick against the party they favoured. The political levy could then be struck and distributed in direct proportion to the political parties as ticked. I would presume at that time 80 per cent. would go to the Labor Party; 15 or 16 per cent. to the Liberal Party; and the balance to the Country Party. That might sound rough on the Country Party, but I would say that is the way it would have gone. That method of obtaining a political levy would obviate a tremendous amount of the agitation over this matter.

The Hon. R. Thompson: It was a good point you raised. It shows that no one wants to give anything to the Communist Party.

The Hon. G. C. MacKINNON: As a matter of fact, I never even thought of it. If it had been a legal party, it would have had to be included. For the general interest of members, I did not even get a seconder to the motion. However, outside on the pavement I did receive a lot of support. I do not blame anyone for that.

The Hon. R. Thompson: Just the same as in this Chamber; we win arguments but not votes.

The Hon. G. C. MacKINNON: You win your fair share in Parliament. With regard to the conscientious objection clause, some people do feel very strongly about it on religious grounds. There is valid and moral reason for a clause like this, but these things can be discussed in the Committee stage.

There are a tremendous number of things about which we could talk here. I noticed, as a matter of interest, that Mr. Willesee was somewhat keen in perpetuating one particular aspect and not another. These sorts of opposite views are apparent at times.

There was a considerable amount of comment made with regard to secrecy and the way this Bill was brought in. That is a matter for Cabinet Ministers to answer. Suffice it to say that so far as I am concerned it was no surprise; and as it was no surprise to me, it could not have been a surprise to any other Government member. The details may have been, but not the principle.

The Hon. A. R. Jones: It was not foreshadowed two years ago, though.

The Hon. G. C. MacKINNON: Does the honourable member mean in the Governor's Speech?

The Hon. A. R. Jones: Yes.

The Hon. G. C. MacKINNON: No; but lots of things come up in a matter of months sometimes. A lot of the important legislation we put through is not foreshadowed in that Speech. That has applied to Labor Governments and to Liberal Governments.

I repeat, that in the main this is a Committee Bill. As it is now, in its entirety, it is a good Bill. It will establish a system of arbitration, the same in principle as the wage-fixing method that applies throughout Australia; that is, arbitration and conciliation. It will set up different and more efficient machinery designed to answer the type of requests which I, as a member, have received from workers at Collie and Bunbury within my province.

I am sure that the problems people have had will be helped by the Bill and that our machinery will prove to be far better than it has been, and that it will again be a model for the rest of Australia. I support the Bill.

THE HON. R. F. HUTCHISON (Suburban) [9.16 p.m.]: I rise to say this is a bad Bill; it is trying to destroy what was fought for in Australia by sweat and tears and even blood. A Government that will take an arbitration system, such as we have in this State, which has served the country well and has kept peace in industry, and a Government which will put the State in chaos as this Government has done in the last week or two, does not deserve the confidence of the people.

I say this, too, in refutation of what Mr. MacKinnon has just said, that he knows quite well there has never been democracy in this Chamber; it has always been a one-sided Government.

The PRESIDENT (The Hon. L. C. Diver): Order! The honourable member will not make reflections on this Chamber.

The Hon. R. F. HUTCHISON: I was only speaking of the personnel of the Chamber. The Labor Party has never had a majority in this House; there has never been a democratic franchise here.

The Hon. A. F. Griffith: Where is this in the Bill?

The Hon. R. F. HUTCHISON: This Chamber has always been loaded against the workers of this country.

The Hon. H. R. Robinson: What clause is this?

The Hon. F. J. S. Wise: It is the grab clause.

The Hon. R. F. HUTCHISON: To say he is glad of such a Bill is wrong. Arbitration in this country has a history; and for those members who probably do not know all about it, I will explain it, because it covers my lifetime; and I know all about arbitration.

In a few minutes I shall read the oration of Mr. Thomas Walker—of past fame in this Legislature—when our industrial arbitration system was first established in 1912. That legislation was fought for over the years from 1890; and the Harvester

award, in 1907, was the first positive act of arbitration and the first positive result of the recognition of the rights of the workers to have enough to live on in comfort and dignity. That did not come about all at once; it was fought for by the unions over the years. For Mr. MacKinnon, or for any other member, to say that people have gone to him asking for this, that, and the other thing, is very hard to believe. He must be living among very anti-Labor people; and, because of where the honourable member lives, I do not believe that, either.

The arbitration system was fought for year by year by the unions, and it was fought for in hardship. Today's generation, I have to admit, has the result of what took place previously, and so things go on more smoothly; and that shows that the arbitration legislation in Western Australia has been very good; that is, because of the way it has maintained stability in industry and peace among the workers.

We have not had the workers running around crying out to alter the industrial arbitration legislation. This Bill was brought down, as our leader says, in secrecy and without consultation with the people who should have been consulted —the trade union movement, for one. The trade union movement, which Mr. MacKinnon said he belonged to—and I would be ashamed to say so if I were Mr. MacKinnon—has a proud record which has been handed down from the early pioneers of England, going right back to the Tolpuddle martyrs.

This is the introductory speech by The Hon. T. Walker on the 6th August, 1912, when he moved the second reading of the Industrial Arbitration Bill—

> In introducing the second reading of this Bill, I feel that the weight of the task I have before me is almost too great for me to do myself justice with. I cannot help but realise that this measure is a mile-stone in the history of the development of the British race. I take that race as an emblem of all that is progressive, all that is humane. Its march through the history of the past has been marked with triumphs of liberty, and equally triumphs of justice, but the distribution of liberty and justice has been only in proportion to the fitness of those upon whom those blessings fell to receive those blessings. In other words, at times only a few, the enlightened, the leisured few, are enabled in their consciousness to appreciate liberty or justice. The area of action of those blessings is exceedingly circumscribed. As time runs on, the circle grows until at length the whole of the people who figure within that race receive these blessings, appreciate them, and exercise them, and if, in tracing that development, I may be allowed to make this introduction to this measure, one cannot but marvel how from time to time history repeats itself. The great upheaval of what, a year or two ago, would have been called the labour classes, which has marked every civilised country in the globe within this last decade, and the development of the human mind among the lower strata, so to speak, seems to come in cycles, and I cannot help but compare for a moment in passing, when I stand introducing this great measure tonight, the movements and agitations of the century in which we live with those equally potent movements of the 14th century. I may be pardoned, before I get into the heart of my speech, and merely by way of introduction, if I read one paragraph from the work of a great historian, who, in these words, speaks all too briefly of the period I am referring to—
>
> > The dreadful pestilence of 1348, by greatly reducing the number of the new class of hired labourers, nearly doubled the value of their labour—to the great loss of those landed proprietors who had commuted the predial services of their tenants. The landlords, with an utter disregard of the rights of the labourers, had recourse to the Statute of 1349, and to a series of similar Statutes between that year and 1368, by which every able-bodied man, not living of his own nor by any trade, was compelled to hire himself to any master who should demand his services, at such wages as were paid three years previously, or for some time preceding. These Statutes, whilst failing in the object which they had in view, as appears by the frequent complaints of the Commons that they were not kept, greatly increased the general discontent of the peasantry. In a great many manors at this period the ancient services still remained due, but the villeins, lured by the prospect of high wages, impatient of the burthens of predial service, and animated by the general democratic spirit which the progress in knowledge and refinement had excited throughout Europe, began to confederate for the purpose of resisting their lords. A Statute of the first year of Richard II, passed "at the grievous complaint of the Lords and Commons of the Realm, as well men of Holy Church, as other," for the punishment of recalcitrant villeins, recites that " villeins and tenants

> of land in villeinage who owe services and customs to their lords, had of late withdrawn their customs and services from them, by comfort and procurement of others their counsellors, maintainers, and abettors, who had taken hire and profit of the said villeins and land tenants; and under colour of exemplifications out of Domesday Book of the manors and villes in which they dwelt, and by wrong interpretation of those exemplifications, claimed to be quit and discharged of all manner of service, either of their body or of their lands, and would suffer no distress or other course of justice to be taken against them; and did menace the servants of their lords with peril to life and limb—

Evidently that was the first strike. To continue—

> —and what is more, did gather together in great routs, and bind themselves mutually by such confederacy that each one should aid the other to resist their lords with the strong hand." It has been suggested, with much probability, that about this period the lords of manors who had commuted the services of their tenants—

The PRESIDENT (The Hon. L. C. Diver): Order! Will the honourable member please connect her speech with the Bill before the House?

The Hon. R. F. HUTCHISON: This is the introduction by Mr. Thomas Walker of the first Industrial Arbitration Bill in 1912.

The PRESIDENT (The Hon. L. C. Diver): That may be so, but I think great leniency was extended to Mr. Thomas Walker when he introduced that Bill. I would like the honourable member to connect her speech to the Bill now before us.

The Hon. R. F. HUTCHISON: How am I to make my speech on the Bill if I cannot read the first speech that was made by the man who introduced the legislation in 1912; and that legislation is the basis of what we are dealing with tonight?

There is some very good stuff in this speech; it fascinated me when I read it. It shows the growth of humanity through the years. Mr. Walker—and he evidently knew his prose and how to speak; and he knew what he was talking about—said this—

> As I speak here tonight, I can hear, in imagination at least, the old Latin poet when he says "Laborare est orare;" and one of the best poets of our race, the last inspirers of the hearts of men, the same theme instils and makes him feel the mover of mankind, when, rising from his poetic seat, he cries, as it were, to the whole human race—
>
> Let them be up and doing,
> With a heart for any fate,
> Still achieving, still pursuing,

That is what we are doing tonight—

> Learn to labour—and to wait.

That is from the Psalm of Life, which everyone knows. The Bill was introduced in 1912, and it contained most of the provisions of the Act as we know it today. If any member wants to read this speech —and I commend it to them—they will find it at page 887 of the 1912 *Hansard*.

I shall now go back to the Harvester award, which is another milestone in industrial arbitration. Back in the 1890's there were strikes and lockouts—the people were locked out from industry and starved into submission. That cannot happen now. Why not? Because the unions have grown strong and solid, and the bulk of the population is behind the unions; and the workers must always be the bulk of the people with power in the land, if they would only wake up and use it. The Labor Government grew out of these trials and tribulations; it grew out of the wrongs inflicted on the people.

Mr. MacKinnon says this should not be a political question; and that nearly stunned me for a minute, because a political party grew out of the wrongs suffered by the people. They came from the unions themselves. The unions at first used to trust the lords of the manors, or those forming the Conservative Party, or what is known as the Liberal Party in this State, to take their causes forward to Parliament.

We made history with the Eureka stockade, and the name of Peter Lalor will forever remain known because it is engraved on the mace used in the Victorian Parliament. At the Eureka stockade they burnt the miners' rights during a revolt against the workers whose rights are covered in bloodshed. The unions have been growing in strength ever since this country has been founded. In the early days, of course, they were not strong enough to enforce their rights. However, in more recent years they have attracted the brains of the country, among whom have been men such as Chifley, Curtin—I nearly said Bruce—

The Hon. R. Thompson: He committed hara kiri, the same as this Government will do.

The Hon. R. F. HUTCHISON: Yes, he committed hara kiri, and be never came back. The unions sent their leaders into Parliament and they did not even get paid in those early days. Therefore, we have started from nothing, but now we can select men from all stratas of life. We

have men of intelligence who have the full confidence of the people. The people elect them to Parliament to stand in defence of the Labor Party.

This Legislative Council in Western Australia is one of the last bastions of privilege. That is not a reflection on this Chamber; it is simply the truth. However, even the winds of change are blowing through this Chamber as a result of the Bill that was introduced last night. I was certainly pleased to see the introduction of that measure.

In regard to conscientious objectors, I will be quite frank and say that I would not allow any consideration to be given to conscientious objectors. A conscientious objector is only a scab, which is the foulest word than one can use in the Labor Party. In my young days on the Murchison, I can recall that Mr. Heitman's uncle was the first Labor member to be put into Parliament from that district. Any man who ratted or scabbed on the union during a strike might just as well have walked out of the country, because no reasonable man would have worked with him. I can give Mr. MacKinnon the answer to that lie. The workers must depend on the unions' solidarity, and one of our mottos is—

> Workers all be workers true,
> Among yourselves united,
> For only by the workers' hands
> Will workers' wrongs be righted.

That covers the men and women of all working classes of this country, and we are all workers, no matter whether we earn what we respectively call a salary, or a weekly wage. When I draw my wages I know that I try to earn them in every way.

This Bill is a wicked piece of legislation. It has been introduced to put an end to the present system of arbitration. Mr. Justice Nevile has been mentioned in another place. He is a man of high repute in this State. He has been a fair man. He is well regarded among the unions of Western Australia and also by parties on the other side. Yet, it has been left to this Government to introduce a Bill to force him to relinquish his position. There was a caption which appeared on the lorries during the Labor Day procession which read—

> Do not be caught and "Brand-ed".

However, we have been both caught and "Brand-ed." We have been caught with this Bill, and it will go through this Chamber. I will bet my salary on that. I can assure the Government that should it pass this Chamber repercussions will follow. I will suggest a caption to the Government. It is, "Hands off the Arbitration Court." If it does not keep its hands off the court the repercussions will be such that the Government will never recover from them.

Not only in the metropolitan area, but also in Bunbury, workers were called in by their employers and warned about what would happen to them if they went on strike. Of course, there are young people who are not knowledgeable and who took notice of such warnings. Have we not encountered them down through the ages? Of course, the employers can punish them now. Whether they will sack them, remains to be seen. That is what we are always fighting. That is why we are always organising unions to protect the interests of the workers.

I am a unionist supporter. It is rather a strange thing that I have never been employed in industry. I was always engaged in my own business when I was rearing my family. However, I am well acquainted with the arbitration system and I know what workers had to put up with in the early days. I have suffered hunger during a strike. I have seen a train turned back when it was bringing a trainload of scabs to the mines during a strike on the Murchison. Mr. Ted Heitman was one of those who walked out to stop this train coming to the Murchison.

This Bill is an imposition. It is nothing else but a big camouflage. It has been camouflaged with soft talk in regard to what will happen. The Government knows what is going to happen. This measure will wreck the arbitration system of Western Australia. The powers that have been given to the judges and the powers that have been given to other people concerning arbitration matters will be wrested from them with this Bill. This will cause a great deal of industrial unrest. The strange part about the whole matter is that if workers were true to their own party, which works for them and which helps to form their unions, we would never be out of Government. It is our own people, as a result of ignorance and prejudice, brought about by rumours that are sent abroad, who let us down.

The young people of this era do not know hardship. Mr. MacKinnon can go anywhere and listen to what he has told this House, but he has not listened with both ears. Even this House has been conditioned by the Press. We have seen such headlines as, "Keep the Legislative Council respectable!" "Do not have any fuss in the Legislative Council! Keep its dignity." What dignity, when it is not even democratic?

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. R. F. HUTCHISON: I am sorry, Mr. President, I did not mean to say that. We will fight this Bill clause by clause. We will do our best and our fight will be recorded. What people have not been able to hear tonight they will be able to read at some future time in *Hansard* and learn what has transpired. I have told the

housewives of this State why this Bill has been introduced. It is because big business has come into Western Australia. Western Australia is expanding rapidly and because of the desire of this Government to support big business interests, it has introduced this Bill. Our population is growing and we have the land available here to open up. When there was more money available in the Eastern States, these big business interests did not worry about Western Australia, but now, with air transport and easier communication, Western Australia must expand and open up. In fact, this State is expanding far and wide, and nobody knows that better than the men of the north-west.

What has this Government done? It has sold our forests, and denied the people of Western Australia all the rights they have inherited.

The PRESIDENT (The Hon. L. C. Diver): Order! Will the honourable member please connect her remarks with the Bill?

The Hon. R. F. HUTCHISON: What I am saying is connected with the Bill. The Government wants to destroy the Arbitration Court and to destroy this State. When I think of what this Government has done to this State I nearly go mad. It has sold our brickworks and many of our other assets which have been established and built up by Labor Governments. The only industry the Government has not been game to touch is the Wundowie charcoal iron industry, etsablished by The Hon. A. R. G. Hawke, a former Labor Premier.

I am not making any apologies for speaking against this Bill. It is designed to whittle away the rights of the people of Western Australia, and to impose upon them shackles they will never throw off. It will cause the greatest industrial unrest this State has ever known.

The Hon. A. R. Jones: Tell us why?

The Hon. R. F. HUTCHISON: It will destroy the five-day week for a start. Men will be made to work on any day and on any shift. Some members apparently do not know what the Bill is all about. If they want some instruction on it, Mr. Wise will give it to them. This Bill represents the heavy hand of might against right. This Bill is dangerous. A lot of authority is a wrecker, and this Bill will wreck Western Australia. Such things have been attempted before. One knows from history what has occurred in the past, and we know the repercussions and the misery that has been caused among the workers.

We fought for the benefits of social services and we have got them. However, there is something that is camouflaged by the Government in office at present and by the anti-Labor forces. The position is that people do not starve now and go out on the streets begging for food; they get sufficient social service benefits on which to starve respectably. There are many people at present who can't obtain work. Every day I am called upon to interview men who are unable to sell their services; and this in a country which is well able to give a man the right to earn his living with his hands. A man has no access to great pieces of machinery with which to earn a living and earn all the money he requires. A country that cannot give a living to a man who is anxious and willing to offer his services, does not deserve to be recognised as a democratic country.

The PRESIDENT (The Hon. L. C. Diver): Order! Will the honourable member please connect her remarks with the Bill?

The Hon. R. F. HUTCHISON: Mr. Chifley, a Labor Prime Minister, showed that Australia is capable of granting full employment to all workers. It is not only possible, but it is also desirable, and it is the right of the people. The secrecy that has surrounded the introduction of this Bill has stunned everyone connected with the Labor Party. It is a terrible thing for a Minister to admit that he formed his own secret service when compiling this Bill, and did not even tell his own colleagues or workmates what was going on. He said that himself. If people say he did not do that, I will accuse them of telling a lie.

We will fight the clauses of this Bill all the way in this House. There have been many words spoken about it, and the matter has been discussed fully in another place. So most people have heard a great deal about it.

I would like to finish on this note: I would tell the younger people that, whenever they can, they should study the history of industrial arbitration; they should become knowledgeable in this matter. This is something for which our party has been fighting for a long time. The television stations would be doing the people a far greater service if they provided programmes which helped educate the young people, rather than show some of the nonsense they import from America.

When I was in America two years ago, an American told me that the people over there would give their ears to have our arbitration system. The position there has developed into a free-for-all, and, as a result, there is more poverty and degradation in America than there is in some other parts of the world. After my visit to America I was glad to come back to Australia, and I was certainly proud to be an Australian.

I think this Bill before the House is a complete negation of democracy; it is an insult to the rank and file of the people of Western Australia, and it will certainly be a curse, because of the tremendous amount of trouble it will cause, particularly in relation to the preference-to-unionist clause. The unionists and the

unions should say, "Hands off the Industrial Arbitration Act"; because the clause dealing with preference to unionists was fought for and won with blood, tears, and sweat, in both Australia and Western Australia.

I well remember one great strike that occurred in the history of Australia. I refer to the strike in connection with the Great Fingal Mine. I am sure that if this clause in the Bill dealing with preference to unionists is introduced, men all over Australia will walk off, and come out on strike. If they let this go through, I will be in the forefront fighting it both in and out of Parliament. I oppose the second reading of the Bill.

Sitting suspended from 9.48 to 10.13 p.m.

THE HON. H. K. WATSON (Metropolitan) [10.13 p.m.]: At the outset I would like to thank the Minister for his very clear, comprehensive, and dispassionate speech in which he introduced and moved the second reading of this Bill. The Minister summed up his remarks by saying this—

> The Chamber will realise, after studying the measure, that it is not designed to favour one side or the other—

The Hon. R. Thompson: Not much!

> The Hon. H. K. WATSON: To continue—but to effect a significant improvement in the arbitration machinery of this State in the interests of both sides and of the community as a whole.

I have studied the Bill and I have arrived at just that conclusion; and when I say I studied it, I studied it in the manner suggested by Mr. Wise—that is by giving it an extra special examination.

I was prompted to make this extra special examination because during the past month or so I have read of the words and actions of Mr. Coleman, the Secretary of the Trades and Labor Council and, in common with other members, I have, during the past weeks, seen and heard the goings on in and about the grounds of Parliament by Mr. Troy, Mr. Marks and various other speakers who mounted the soap box. I will have more to say about those people later on. But in view of all their fulminations, I was curious to see just what the Bill contained.

What did I find on studying the Bill? I found this: That despite what Mr. Wise said, this Bill leaves the principles and foundations of industrial arbitration unaltered. I found that it leaves unaltered and unchanged the existing and well-established principles of fixing the basic wage and quarterly adjustments. I found it leaves unaltered and unchanged the well-established principles of applying for awards, of making awards, and of interpreting awards. I also found this: That even the existing position in relation to preference to unionists is left unaltered.

It is left unaltered even though Mr. Wise suggested, to use his own words, that it had been seriously interfered with. He made the assertion that it had been seriously interfered with, but he did not attempt to illustrate the manner in which it had been seriously interfered with; and I challenge him to indicate in any one respect the manner in which this Bill does alter the existing position in respect of preference to unionists.

Therefore, in much the same way as someone once wondered what the laughing hyena had to laugh about, I am beginning to wonder what Mr. Coleman and his friends have to cry about, so far as this Bill is concerned. Mr. Wise mentioned that there were abnormal features about the Bill. I would say that the Bill contains no abnormal features; but there have been quite a few abnormal features in the method and manner in which those who are opposed to the Bill have sought to impose their wills upon the Government, upon Parliament, and upon the community in general.

The main object of the Bill is, as was stated by the Minister, to accelerate and facilitate the settlement of industrial disputes, the determination of industrial matters, and to ensure as far as is humanly possible that justice is done in all industrial causes. The Bill proposes to achieve those very desirable results by improving and reorganising the composition and character of the industrial tribunal; and by simplifying and streamlining its method of operation.

In the proposed reorganisation of the industrial tribunal, and its method of operation, there is nothing new and nothing novel; and certainly there is nothing to give rise to legitimate complaint. Indeed, it is a system under which many industries in Western Australia have been operating since 1956. I would mention, for example, the glass-making industry, the flour-milling industry, the clothing trade, the shoe industry, wool firm employees, linotype operators, newspaper editorial staffs, bank officers, and insurance officers.

All these industries in Western Australia are covered by awards of the Commonwealth Arbitration Commission; and all this Bill does is to adopt, for industries working under State awards, the more modern set-up and the speedier practice which obtains under Commonwealth legislation. There is good reason for it. I will not attempt to follow Mrs. Hutchison's example and go back to 1832, or even to the days of the late Thomas Walker, in 1912, but I would remind you, Sir, that in 1923—that is 40 years ago—this State

had 1,300 factories, compared with 4,500 factories today. There were then 20,000 factory employees compared with 51,000 today. The annual factory wages and salaries bill was then £4,000,000, compared with £46,000,000 today. The annual factory output was then £14,000,000 compared with £243,000,000 today. Those figures give some idea of the expansion which has taken place over the last 40 years; and the economic and industrial expansion in this State during that period—and particularly during the period of the present Government—has rendered changes necessary in almost every direction.

In respect of the administration of State industrial arbitration, changes are necessary if we are to avoid the delays which have occurred in the hearing of matters by the Arbitration Court. Dissatisfaction by employees at these delays has manifested itself in various ways, and generally to the disadvantage of the State and the general public. A comparison between the set-up of the outmoded Arbitration Court, as it has existed for so many years, and the set-up which is now proposed in this measure leaves no room for doubt in my mind as to the advantages of the new proposals both to employers and employees.

Under the present system—under the Arbitration Act as it has existed since 1912; or, at any rate, since 1923—we find that the Arbitration Court consists of three persons. It consists of a president who is required to have the same qualifications as a judge; and over the years we have had a series of very distinguished presidents. We had, for example, Mr. President Dwyer, who was a very able, learned, and experienced gentleman. We then had Mr. President Jackson, and Mr. President Nevile. Those three gentlemen—and any whom I might have forgotten—have rendered great service. As I explained, the president has to have the qualifications of a judge. Mr. President Dwyer was not a judge, but Mr. President Jackson and Mr. President Nevile are judges of the Supreme Court.

Under the present set-up we have two members, an employees' representative and an employers' representative; and those representatives go to the court in that capacity. They are appointed to their positions for five years; their term of appointment is for five years; and they are nominated by their respective sections, although they act collectively.

Human nature being what it is, it could be readily understood that the employers' representative and the employees' representative having such a short term of office—of five years—naturally have kept an eye on their respective interests, and the interests of those on behalf of whom they were appointed, to see that they did not disentitle themselves to reappointment. They have had to run the risk every five years of being renominated by the employers on the one hand and by the unions on the other.

In those circumstances, there have been, in the majority of cases, an absence of a unanimous decision. We have generally found a two-to-one decision. Indeed, one of my first introductions to arbitration many years ago was when I heard some wag describing this system as the employers' representative and the employees' representative trying to put it over each other, and the judge trying to put it over both of them. The position of the court has been hardly conducive to judicial and impartial hearings and decisions.

Let us now have a look at the composition of the proposed new arbitration commission. The Bill proposes that there shall be four commissioners, none of whom shall be appointed to represent either the employers or the employees. I think that is a good thing, for a start. We will lack any sectional interests. We are to appoint men who will not represent either the one side or the other, but will do their jobs fairly and squarely, honestly and fearlessly, as they see fit. In order that they might do that, they will not be appointed for merely five years, with the risk of being tramped at the end of five years; they will receive their appointment virtually for life.

The Hon. G. Bennetts: That is the worst thing you can do.

The Hon. H. K. WATSON: They will be appointed until they are 65, and they will be in the same position as judges, in that they will retire on superannuation. The basis of four commissioners is very different from the present system of having two representatives. Under the present system the president alone is appointed for life. Under the proposed system the four commissioners will have security, will have the independence of a judge, and will be beholden to no-one; and that, I suggest, provides a very different outlook right from the word go.

The Hon. R. F. Hutchison: Would you say that they will be favourable to the workers?

The Hon. H. K. WATSON: I would say that they would not be in favour of anyone. They would do justice. That is what they will be appointed for: to do justice, as they see it.

The Hon. R. F. Hutchison: What is your definition of justice?

The Hon. H. K. WATSON: My definition of justice would be to give Mrs. Hutchison an extra dose of flytox.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. F. R. H. Lavery: The honourable member cannot take it.

The Hon. H. K. WATSON: Another feature of the Bill is that whereas the existing court acts collectively—that is, all three members of the court deal with

every case—under the new proposal, when awards are being applied for and made, they may each be dealt with by one commissioner. We could have four commissioners sitting simultaneously and hearing four separate cases. In my opinion, that set-up certainly makes for speed. One might say that we run the risk of not having the benefit of an extra one or two commissioners. That is provided for. We have the benefit of a single commissioner, knowing that if he is inclined or minded to make a grievous mistake—or even a simple mistake—there is a right of appeal from his decision to the other three members of the commission.

To my mind that is eminently just and fair, and readily workable. In other words, it works much the same way as the Supreme Court and the High Court work. There will be a single commissioner sitting in original jurisdiction, and when there is an appeal, three of the others will hear the appeal from the single commissioner.

The Bill provides for other occasions when there shall be a full commission which acts in connection with the declaration of the basic wage or for an adjustment of it. That is not dealt with by the single commissioner, but by three collectively.

The present Arbitration Court has two functions: it has an administrative function and a judicial function. Those who have studied such a set-up are all agreed that that is undesirable. It does not apply to legislation by Parliament. Parliament, by its legislation, provides that. It provides that if a person commits such and such an act it is an offence and that person shall be penalised. Parliament does not set out to fine a man who breaches the law; that is left to the judiciary. Much the same is provided in this Bill.

At the moment the Arbitration Court makes an award, and if somebody breaches that award the same court proceeds to enforce it. The proposal in the Bill is that the industrial commission will confine itself to administrative matters; to semi-legislative matters, and that the industrial court, consisting entirely of Supreme Court judges, will deal with all judicial questions such as appeals on points of law and appeal from decisions made by industrial magistrates.

When the commissioners are sitting in concert the Bill prescribes that they shall be described as commissioners in court session. I have one criticism in that respect. It is of an artistic nature rather than of having real substance. Yet it is not without some substance. I would have preferred to see some other term used than "commissioners in court session" inasmuch as we are seeking to divorce the commission from any judicial function. I would have liked to see the judicial word "court" taken from the commission title, and have it described as a commission in full session which would serve to define the duties and the nature of the functions of the commission, as distinct from the court.

However, be that as it may, we understand there is that distinction. That is the main purpose of the Bill. The opportunity is also taken in the Bill to clean up a few points in the principal Act which require clarification, or which merit some amendment. In respect of awards, at the moment they may be varied only at the end of twelve months, but the Bill seeks to provide that an application to vary them may be made at any time, either by the employers or by the employees.

The mere fact that an application may be made does not indicate that it will or shall be made; and, moreover, the grounds on which the application can be made are limited and restrictive, and described in the Bill as relating to something which was unforeseen at the time the award was issued.

Then there is the question of the five-day week. Mr. MacKinnon made it very clear that this Bill does not seek to vary the five-day week. It does not propose to alter the working week as it now exists from Monday to Friday. What it does provide is that the court shall not say that a person shall not work on Saturday or Sunday; but the clause is so designed as to make it clear that if a person does work on Saturday or Sunday he shall be entitled to penalty rates.

In respect of the five-day week, I was very surprised to hear Mr. Wise suggest that this clause—and indeed the Bill itself—had been brought into existence and had made its appearance because of the attitude of those in the baking industry to the recent bread baking award. Nothing could be further from the truth. I know that *The West Australian*, in the interests of the general public, complained bitterly at the time the award was issued, and maintained that in the interests of the people the baking of bread should be permitted on Saturdays, no less than on Fridays.

Since Mr. Wise made his imputations earlier in the evening I have taken the precaution to check what I understood was the position in the whole of the industry, and what I knew to be the position in one section of the industry. I found that as late as Tuesday, the 19th November, 1963, the President and the Senior Vice President of the Bread Manufacturers' Association waited on Mr. Hawke—they also waited on Mr. Wild on the same day—and explained in detail the position of those in the bread baking industry and their attitude towards week-end baking.

The position, as they then explained it to Mr. Hawke—I would have thought the information would be passed on to Mr. Wise—was that whilst the bread manufacturers at the time the award was being discussed bitterly fought the institution of

a five-day week, when the award was granted, they accepted it. They not only did that, but also, in the past twelve months they have, by spending hundreds of thousands of pounds on the installation of new equipment to enable them to handle the treble bake, geared up their bakehouses so that they can bake on the basis of a five-day week.

The present position in the bread baking industry is that if bread manufacturers had to revert to a six-day week complete chaos would be created so far as costs are concerned. That is the position, and I refute any suggestion that the bread manufacturers were behind the introduction of this clause, or the Bill itself. They are quite content to work their bakehouses on a five-day week. I know that Mr. Wise would not knowingly make a misstatement, and that he will not repeat the suggestion he made in this House earlier in the evening.

After this Bill had made its appearance in another place, Mr. Coleman and other members of the Trades and Labor Council set out to defeat it. I make no criticism of that, because after all is said and done, there are few Bills that are introduced to this House or to another place which appeal to everybody. Every individual is entitled to set out to defeat a Bill, or to have it amended, if he so desires. The Fluoridation of Public Water Supplies Bill was such a measure, and its opponents, working along usual and legitimate lines, had the satisfaction of seeing that Bill defeated.

But usual and legitimate methods had no appeal to Mr. Coleman and his colleagues, who control the Trades and Labor Council. They organised a series of brief strikes in special industries with a view to intimidating the Government by direct action. Then Mr. Coleman announced that the Trades and Labor Council had been empowered to call a general strike among 60,000 unionists from 83 unions. Empowered by whom, may I inquire?

The Hon. R. F. Hutchison: By unionists.

The Hon. H. K. WATSON: A general strike was organised to be held last Thursday. On the previous Thursday, Mr. Darling of the Employers Federation, and Mr. Coleman had been called into the Chambers of the President of the Arbitration Court (Mr. Justice Nevile) who advised the Trades and Labor Council to tell all of its members, and the members of all unions, not to attend meetings, or not to attend Parliament House during working hours.

That was the advice Mr. Justice Nevile gave to Mr. Coleman, as reported in *The West Australian* of the 15th November, 1963. But did Mr. Coleman comply with that advice? We know he did not. We know he flouted President Nevile's advice and went ahead with his strong-arm methods. So much for Mr. Coleman's regard, respect, and concern for the Arbitration Court which he seeks to preserve. So much for the assertion of Mr. Wise that Mr. Coleman, the others, and the trade union movement in this State, have a great concern and respect for the Arbitration Court.

It is a matter of history that the strike was a wash-out, and for every weak-minded or misguided person who fell for the tyranny of the left-wingers in the Trades and Labor Council, and absented themselves from work, there were hundreds of unionists who rightfully and lawfully disobeyed the edict.

The Hon. R. F. Hutchison: That is not true.

The Hon. H. K. WATSON: Of course it is. Sixty thousand trade unionists were called out, but only a handful turned up. That demonstrated the emergence of a new freedom from fear and tyranny—a freedom of unionists from the fear of their arrogant union bosses and tinpot dictators who would instil in unionists a fear of intimidation and retaliation.

That brings me to the greatest piece of nonsense I have ever read, and it is dangerous nonsense. In *The West Australian* of the 23rd November, 1963, which was two days after the strike, we saw this letter from Mr. Coleman, secretary of the Trades and Labor Council: —

> The great wave of protest stoppages which culminated in Wednesday's vast walk-out represents the biggest mass opposition to proposed legislation in Western Australia's history.
>
> Surely the Government must realise that when tens of thousands of workers are prepared to go to such lengths there exist valid reasons for the fears and opposition to the proposed amendments to the Arbitration Act.

We all know that these unionists, even those who did absent themselves from work for that one day, did so absent themselves not for voluntary reasons, but simply because they were whipped up and instructed by Mr. Coleman and his colleagues. The letter goes on to state—

> It speaks volumes for the state of our society when we see strikes described as outdated, outlawed, ill-advised and illegal. Surely, the working man still has the right to withdraw his labour, or have we reached the police-State stage in W.A.?

The Hon. R. F. Hutchison: That is absolutely right.

The Hon. H. K. WATSON: I would say the letter is signed by Mr. Coleman, but the voice is that of the Communist agitators and the disrupters who call his tune—those few who hate peace in industry, and who never were, and never will be, in favour of arbitration. To them arbitration never was, and never will be, acceptable. In respect of Mr. Coleman's

delightful effusion about strikes being described as outlawed and illegal, and his suggestion that they are nothing of the kind, may I refer to section 132 of the Industrial Arbitration Act which states—

> A person who takes part in a lockout or strike commits an offence against this Act.
>
> Penalty: In the case of an employer or industrial union, five hundred pounds; and in other cases, fifty pounds.

The Hon. R. F. Hutchison: For a strike or for a lockout?

The Hon. H. K. WATSON: For both—a strike or a lockout. I would emphasise that right through the Act the provisions apply equally to an industrial union—whether it be an industrial union of employers, or an industrial union of employees. The Act is uniform right through for both employers and employees; and so is this Bill.

While dealing with section 132 I would point out that it is supplemented by section 141, and the latter section provides—

> Every person who, or union, association, or other body which is directly or indirectly concerned in the commission of any offence against this Act, or takes part in, or encourages the commission of any such offence shall be deemed to have committed that offence, and shall be punishable accordingly.

That includes anyone who aids and abets.

On page 153 of *The Reprinted Acts of Western Australia,* Vol. 10, there is an annotation. I direct attention to the remarks of Mr. President Dwyer in respect of section 132 which makes it an offence to take part in a lockout or strike, which Mr. Coleman says is legal. This was what Mr. President Dwyer, the then President of the Arbitration Court, said in respect of the mining awards of 1934, as reported in 14 *W.A.I.G.*, page 223:—

> It is useless for a body which claims such a privilege (i.e. to strike) outside the law to come to the court for the settlement of conditions to obtain in the industry. A union even apart from the question of legal penalties cannot serve two masters, namely, the law of the land as contained in the Industrial Arbitration Act and the old discarded and now illegal system of force and compulsion. To accept the use of the Court of Arbitration when its judgments are favourable and to ignore it or to rebel against it when unfavourable is a proposition which stands self-condemned and following the same line of reasoning so also is it beyond the pale of reason and justice for either of the two contending parties in the industrial sphere to endeavour by force or threats to impose upon the other new systems of industrial regulation or new industrial conditions against the will of the other. If there is to be industrial arbitration it must be wholly embraced or not at all. It cannot be embraced at will and thrown aside at will.

I think that is a complete and a conclusive answer to Mr. Coleman, and he should be told that he cannot have it both ways.

In respect of those sections I have just mentioned—section 132 and the few succeeding ones—I ask the Minister to inform the House when he replies whether they could be brought more up to date. I think they could be improved, and I may have some amendments to move when the Bill is dealt with in Committee.

I feel that in respect of strikes and lockouts, by the employers on the one hand, and by the unions on the other, the present penalty could well be increased beyond £500; I suggest it be increased to £1,000. I further suggest this: Where officers of a union demand and organise a strike the maximum fine should be £500 against the officers of the union, and not against the union as such, because if it is against the union the penalty would merely deprive the honest unionists of their union funds. I would prefer the penalty to be applied against the union officers concerned.

The Hon. F. R. H. Lavery: But you would not agree to it applying against a man who did not pay the proper wages when I referred to that matter a fortnight ago in this House. You spoke against my proposal, and the amount involved was only 15s.

The Hon. R. F. Hutchison: You are on delicate ground.

The Hon. H. K. WATSON: On the contrary, I am not on delicate ground. Under the Companies Act if a director mismanages a company he is liable to imprisonment and to a fine of £500; therefore, if the officers of a union run amuck and incite members of the union to go on strike, what sense is there in imposing a fine on the union? I would impose the fine on the persons concerned—just as much on the officers of the unions as on the employers.

The Hon. G. Bennetts: The members of a union would have voted on the question.

The Hon. H. K. WATSON: We well know that the average union is run by the few active members on the top.

The Hon. J. J. Garrigan: Evidently you have never been a member of a union.

The Hon. H. K. WATSON: The sections in the Act which I have been discussing should be extended to provide that when any employee is directed, advised, or incited by the officers of any union or association unlawfully to stop work, then that employee should have a right of action, joint and several, against those officers for

the recovery of a sufficient amount to cover the loss of wages and entitlement resulting from a worker absenting himself from work. There is nothing remarkable about such a proposal.

The Hon. H. C. Strickland: You want chain-gang methods to apply!

The Hon. H. K. WATSON: If a doctor, a solicitor, or an accountant advises a client to do something to that client's detriment, then such a person is liable personally. I see no reason why a union official should not also be made liable. Getting back to the letter of Mr. Coleman I go this far with him.

The Hon. R. F. Hutchison interjected.

The PRESIDENT (The Hon. L. C. Diver): I wish the honourable member would cease interjecting.

The Hon. F. R. H. Lavery: She is not the only one who is interjecting. I am interjecting just as much as anybody else.

The PRESIDENT (The Hon. L. C. Diver): I shall make the determination, not the honourable member.

The Hon. F. R. H. Lavery: I am sorry.

The PRESIDENT (The Hon. L. C. Diver): There are too many interjections going on. Mrs. Hutchison has made her speech on this Bill, and I want her to give other members an opportunity to make theirs.

The Hon. H. K. WATSON: I am prepared to go this far with Mr. Coleman: I will concede that it is the right of every man to cut his own throat—if he does the job properly. If he does not, he can be charged with attempted suicide. However, he has the right to do it if he so desires. But who wants to cut his own throat, or do himself out of a job—at the urging of Mr. Coleman, or anyone else? As against the statements of Mr. Coleman in his letter to *The West Australian*, I would like permission to read an extract from my message to the electors on my election to this House in 1948, and which I thought fit to repeat when seeking re-election last year. It is very brief, and is as follows:—

> Employer and employee are alike vitally concerned in the commercial and industrial development of this State. They have both contributed thereto in standing firm for the principle of settling industrial disputes by Arbitration and Conciliation. Next to freedom itself, the welfare and happiness of any community depends in the first instance on the consideration that every member of the community shall have ample opportunity for congenial, profitable, and steady employment.

The Hon. R. Thompson: Except Mr. Coleman.

The Hon. H. K. WATSON: To continue—

> Every move calculated to maintain and expand our secondary industries or to render them more efficient will receive my wholehearted support.

In saying what I say tonight I am not breaking any new ground. Reverting again to Mr. Coleman's letter, it prompts me to offer a few remarks which are elementary, but apparently necessary.

This State works under an intelligent and free system of democracy whereby Parliament controls the executive and the law controls all. The executive consists not of Mr. Coleman and his ten members of the executive of the Trades and Labor Council. It consists of the ten Ministers of Her Majesty's Government in Western Australia. That is the position whether the Government be a Liberal Party and Country Party Government or whether it be a Labor Government. I entertain no doubt that if necessary the Government will make it quite clear that in Western Australia there is no room for mob rule by roughnecks.

I mention this because although Mr. Coleman has not organised any strike since Thursday of last week, I understand that could well be due to the fact that it is reported that Mr. Calwell requested this because he felt a continuance of strikes would not help him at the poll on Saturday next.

The Hon. R. Thompson: Hooey!

The Hon. H. K. WATSON: He requested that the strike business cease at least until after the elections.

The Hon. R. Thompson: That is why the Government is rushing it through this House before Saturday.

The Hon. A. F. Griffith: Rushing it through? A six-day adjournment! Is that rushing it through?

The Hon. H. K. WATSON: In one very material respect I would agree with Mr. Wise, and that is for a period of 50 years Western Australia has had, on the whole, a really excellent and proud record of peace and harmony in industry. This Bill, in my opinion, will greatly improve and speed up our arbitration system and either on a short-term view or a long-term view will thereby promote the best interests of both employees and employers in their joint endeavour to promote industry and maintain full employment and high standards of living conditions. I support the Bill.

THE HON. E. M. HEENAN (North-East) [11.5 p.m.]: This Bill has provoked some very strong opposition and some remarkable support and praise. The last speaker, Mr. Watson, endeavoured to convey the impression that the Bill is perfection, that it is going to supplant something

that is outdated and outmoded, and that the future under this new proposition is going to be a very rosy one indeed. Now, he is quite entitled to hold that view; but I think he, the Minister, Mr. MacKinnon, and others who will no doubt give this Bill enthusiastic support, should also concede the right of those who oppose it to hold far less enthusiastic views concerning it.

The Hon. H. K. Watson: I freely concede you that right.

The Hon. E. M. HEENAN: Mr. Watson concluded his speech by pointing out that Western Australia has a proud record of peace and harmony over the last 50 years or longer; and we all know that is a fact. I think we are all seized with the very important truth that a wise arbitration system is one of the greatest blessings any democracy can possess, because not only employers but also employees, and practically every member of the community, hope and pray for industrial peace, much in the same way as the leaders of the world hold as their highest goal peace among the peoples and nations who populate the world.

So an Industrial Arbitration Act is one of our most important Acts because it directly affects the lives and well-being of vast numbers of our citizens. Practically every citizen is affected either directly or indirectly by the Industrial Arbitration Act. Now we have the position as fairly stated by Mr. Watson and as very strongly pointed out by my leader, Mr. Wise, that here in Western Australia we have a state of affairs which has evoked praise and which has functioned to the satisfaction of just about everyone concerned.

We have had an Act under which the eminent men, again mentioned by Mr. Wise, whom we all remember in our day, have worked. We all remember Mr. President Dwyer who rose up through the ranks of the Labor Party. He was a member of the Assembly, and Labor member for Perth at some stage of his career. He eventually finished up as President of the Arbitration Court and held the scales of justice in such a way that his reputation is held in the highest esteem.

He was followed by Mr. Justice Jackson, now a member of our Supreme Court. Mr. Justice Jackson served for a number of years and left an honourable record behind him. In recent years those two gentlemen were followed by Mr. Justice Nevile who, by common consent, also has acted in the highest standard set by his predecessors.

The Industrial Arbitration Act was first introduced in 1900 and was consolidated and amended substantially in 1912. Has anyone in recent times heard an outcry either from employers or employees to the effect that it should be cast aside or radically overhauled, and the whole system vitally changed? Has any section of employers set up such an outcry? Have any of the unions or any sections of the public raised an outcry? If they have, it is not to my knowledge.

On the goldfields we are also proud of our record of industrial peace. The Chamber of Mines is vitally interested in the Act. The president, in the annual report dated the 28th May, 1963, stated—

> Amicable relations have continued between the companies and the unions and we thank everyone concerned in maintaining this state of affairs. As reported various industrial matters have been competently dealt with by the Employers Federation on behalf of the chamber.

There is nothing in that report complaining about the existing Industrial Arbitration Act or its functioning; and so I feel that the Government and its supporters must not be so sensitive when they are criticised over this radical change which is submitted in the Bill now before us, because, as I say, there has been no agitation for such a measure, and, as Mr. Wise pointed out, if a Government proposes bringing in such an important piece of policy it is usual to announce it in its election policy speech.

But the Government did not do that, and it did not give any indication to Parliament in the Lieutenant-Governor's Speech on opening day this year that it was proposed to make a radical overhaul of the Arbitration Act. Yet here, almost in the last days of Parliament, this far-reaching proposal is submitted to us. As Bills go it contains 156 clauses, and it is a most comprehensive and complex measure. I am sure all members who have been studying the Bill since it came to us a few days ago have had to apply themselves very intensly to a study and an understanding of it. I am sure many members in this Chamber have not completely mastered the contents and implications of the Bill. I frankly admit that I am one of them. So I repeat: The Government surely cannot complain because there has been an outcry against it.

If a lot of unionists and other people have any misconceptions about the proposals in the Bill, surely the Government has some responsibility in that regard; because a far-reaching measure of this description should have been thrown into the ring long before this so that a proper understanding of its contents could have been made, and negotiations could have been carried out. Had that been done the unhappy atmosphere which has disturbed the whole of our State in recent weeks could possibly have been avoided. In my view there was an obligation on the Government to do something like that, especially with an important measure like this which no-one, apparently, expected, no-

one sought, and very few people have had the opportunity fully to study and comprehend.

There are some far-reaching proposals in the measure. It is now proposed that we get away from the system which functioned so well under President Dwyer, Mr. Justice Jackson, and Mr. Justice Nevile. We are proud of our record over the years during the time those gentlemen held the top position, as prescribed in the Act, but now we are going to depart from it. Whether it will be good or bad is by no means certain.

As I read the Bill far-reaching powers are to be bestowed on the four commissioners. But we do not know who they will be. They are going to be appointed for long terms, and whether they will be totally satisfactory remains to be seen. Almost the whole functioning of the measure, as I see it, is to be reposed in their keeping. The industrial appeal court will comprise three judges who are to be nominated by the Chief Justice. Who they will be we do not know but, as I see it, their role will be a rather minor one. Ultimately they will certainly have fairly heavy responsibilties, but as I read the Bill they are not going to take a very active part in the arbitration set-up. Appeals on questions of law, and as to jurisdiction, will be made to that court, but that sort of thing will not arise very often. I think that the former system which has been proved, which we know, and which we have got used to is a better system, and I think it is a good thing to have a judge who is specially experienced in this sort of work, and who is especially adaptable to arbitration matters, at the head of the tribunal in the same way as the three former presidents were. They were chosen because of their special qualities in this regard, and I think it is a good system.

The Federal system has been held up to adulation, but in that sphere the whole time of the judges is spent in dealing with arbitration matters. They are men who have made a special study of industrial arbitration, and they are experienced in that sort of work. Arbitration is their sole jurisdiction, but such a state of affairs will not operate under our proposal. Whether it will work out or not I do not know. I have no intention in the world of criticising the judges who will be nominated in this regard, but they will all be Supreme Court judges, who are busily occupied in their normal sphere as judges of the court. In my view, for them to have this additional jurisdiction may not altogether be a good thing.

The various clauses in the Bill have been debated by other members and I do not propose to traverse them again, but Mr. Watson was critical of suggestions or comments made by our side in connection with the five-day week. However, I feel there is cause for anxiety in that connection because in the Minister's speech he had this to say—

> A clause in the Bill will prevent the commission from prohibiting work on weekends, but I wish to emphasise that this will not prevent the commission from prescribing a 40-hour, five-day week. Nor will it prevent the commission from prescribing a Monday to Friday week. It will, however, prevent the commission from prohibiting an employer from working on his own premises at the weekend.

I understand that in connection with the baking trade now, an employer cannot work on his premises at the weekend and bake bread, but presumably he will be allowed to do so if this Bill passes in its present form. I think that is a true statement of the facts, and if I am incorrect in my conclusions I hope the Minister will rectify them. As I understand the position at the present time, under the award no employer in the baking trade—no master baker—can work at the weekends and bake bread. But presumably he will be allowed to do so under this legislation.

The Hon. N. E. Baxter: What clause is this?

The Hon. F. R. H. Lavery: Clause 55.

The Hon. E. M. HEENAN: I have just about concluded my remarks, but I would like to refer to what Mr. MacKinnon had to say. He thinks this is a very reasonable Bill. That was one of the phrases he used a couple of times during his speech. He also said with emphasis, "It is a good Bill." But I am one of those who do not agree with him. I think the whole circumstances surrounding the birth of this piece of legislation, and its handling from the beginning until the present time, are such as to justify the considerable opposition that has been engendered against it.

For my part I think we should stay with the present Act and make some alterations that might perhaps speed up applications where it is necessary to do so. But we should not make a violent departure like this overnight; particularly when it has caused such great concern.

There are probably a few people who have exploited the situation, but in the main the leaders of the unions in this State are responsible men whose job is to understand these industrial measures and to understand the problems of the unionists whom they represent. This measure has caused them considerable concern and, I think, rightly so. They are concerned with the industrial stability of this State and the maintenance of proper conditions for the men they represent; and yet here, almost overnight, a system which they have been used to for many years, and which has functioned well, and which has won their confidence, is being turned over.

If their reaction is one of suspicion, disappointment, and anger, it is natural in all the circumstances. I therefore propose voting with my colleagues against the second reading of the Bill.

THE HON. J. D. TEAHAN (North-East) [11.33 p.m.]: I intend to voice my opposition to the Bill, and I will give a few reasons for doing so. Like the previous speaker, I feel that the suspicion and anger that has been aroused has been due to the action of the Government, or at least to that of the Minister. Most measures that come before the House are generally referred to the interested parties. We are not told of the minor legislation, perhaps, but we are always given earlier notice in the case of major legislation that is being introduced.

As was mentioned by earlier speakers, we would have at least expected that there would be some mention of this legislation in the Lieutenant-Governor's Speech, if only in a minor way. If we were only given an indication of the Government's intention to take some action in regard to arbitration, it would have been different. But there was no reference to it at all. Accordingly, when the unions of the State are suddenly told there is going to be a change in industrial relations, it is little wonder that they immediately suspect what is going on, and it is not surprising that they should carefully watch the moves of the Minister and the Government.

Why was it necessary to keep the Bill so secret? The Minister claimed he kept it a secret. At times there is perhaps some virtue in such a course, but I cannot see that it was necessary in this case. Other measures with which we have dealt, and which concern wheat marketing, licensing, or taxis, have generally been referred to the interested parties. The galleries are always an indication as to what is happening, because I have noticed, ever since I have been in Parliament, that when some legislation is about to come forward the people in the gallery know about it. I have also noticed since I have been in Parliament, that the ordinary worker or consumer more often than not is not told what is happening, and is therefore absent. There are, however, others who are prominent in the galleries with a view to looking after their particular interests. It is little wonder, therefore, that the unionists suspected the Bill from the start.

There is no doubt at all that the unions should have at least been given some knowledge of what was taking place. Had that been done the Government would have been given more respect. Arbitration is something which affects 90 per cent. of the people of the State; and yet we find that such a vital issue was kept a secret. The unions were not told until the death-knock what was in the mind of the Minister, or what was about to be done.

Let us consider the background of arbitration in this State. The set-up as we know it today did not eventuate overnight. It did not come ino being in weeks or in months. It was not fashioned by people who had no knowledge of what they were doing. Arbitration in this State was born as the result of years of study and experience by men who devoted their entire life to the subject; and I have in mind such men as the late Phil Collier, and the late Alex McCallum. These men probably shortened their lives in the cause of arbitration, as a result of the study they put in to set up this machinery we now know. If the men concerned were alive today they would be proud of what they achieved as a result of the years they devoted to the subject.

I was old enough to know some of the background and history of the set-up we have now. I was old enough to have parents who went through strikes which lasted six months at Broken Hill. I have had recounted to me the untold hardships caused by those strikes. I was old enough to know of the announcements made by various syndicates when they sought to curtail the miners' rights; and when they told the miners that as from next Monday their pay would be reduced from 10s. to 9s. I was also old enough to remember the turmoil and bloodshed that occurred on the wharf in May, 1919, during the war; and to recall the industrial strife which occurred in this State at the close of the first world war.

I saw a big line up of troopers ride down Barrack Street one Monday in preparation for the trouble because of the tearoom employees' strike. I remember the day when I was to start work in Perth as a junior, and when there was trouble with the temporary clerks in Perth. I recall seeing squads of policemen journey to West Perth several times because of what were known as the box factory strikes. I was old enough to witness many of these disturbances. That is the background of our present set-up. That was the result of the knowledge of the men who fashioned and implemented the very basis of our Arbitration Court as we know it today. They would certainly be proud if they could see the fruits of their labours.

In this matter of disturbances, I recall walking home one midday and seeing a band of goldfields miners walk up Barrack Street and over the bridge to the courts, because of the trial which was taking place in the Supreme Court as a result of trouble on the goldfields generally, and on the Golden Mile in particular. There we have a history to back up what has happened, and what has been fashioned since those days.

In referring to our present arbitration system, where we have a president assisted by a representative of the employers and a representative of the employees, I would

point out that we have a similar system with our jury trials. Very often we have a jury of three, or a jury of 10, or a jury of 12 people. But which of us in Western Australia, or in Australia, or in the British Commonwealth of Nations, would seek to upset the jury system? Would we say that one judge would produce a better result than a jury of three, or a jury of 12? The most involved criminal cases and murder trials are decided by juries, and we know with what success. We know that nobody wishes to change the jury system. There would be a tremendous upheaval if anybody suggested it.

As a judge once said, "the more I see of trial by judge, the more I am impressed with trial by jury." The people in this State are satisfied with the arbitration system; the president and the representatives of the employers and employees have done an excellent job. If we turn our minds to the goldfields we will find that there have been no industrial disturbances since 1934. That means there have been no disturbances for 29 years.

These things do not happen by accident. In fact, if we consider the issue we will be surprised at the industrial peace we have experienced. It has been mentioned and referred to with pride at civic receptions and public functions. It has been remarked on on more than one occasion, and we have been left in no doubt as to the great success of the arbitration system, and the satisfaction it has given both to the employer and to the employee. That is what the Government wants to change. That is what the Minister controlling this Bill in another place desires to change. Is it any wonder there is opposition to it?

In answer to the argument used that there has been a backlog, this could have been overcome by appointing an additional commissioner or two commissioners. Is it any wonder that Professor Copland in referring to our Arbitration Court said that it was an institution that had sprung from the people. So it had; and one could almost say it was governed by the people to the satisfaction of the people. Without wearying the House any further I will confine my remarks to these few words. They are my reasons for opposing the second reading.

THE HON. D. P. DELLAR (North-East) [11.46 p.m.]: Various members have spoken to this measure at great length this evening, so it does not leave me very much to say. However, I wish to strongly voice my protest. I strongly oppose this Bill for various reasons. I consider it is a retrograde step for Western Australia, both from the point of view of employees and employers, particularly as it was introduced into Parliament at a time when we were free from industrial trouble. I am prepared to say the measure has been thrown at us. A Bill of this nature will upset the whole working of industry in Western Australia. Surely the measure could have been presented to the House much sooner in the session; and surely the Minister who presented the Bill could have consulted with the people on the Arbitration Court who have been associated with it for many years and who are men of experience.

I think, too, that the Minister could have consulted officers of the Employers Federation; and after studying this Bill I think that perhaps a few of them were consulted, but only those who were not not happy. He should have also consulted the members of the Arbitration Court.

The Hon. R. Thompson: Do you think they would be happy if they had been consulted?

The Hon. D. P. DELLAR: I think they were entitled to that respect as the court has handled arbitration since 1912. The members of the court should have been shown that courtesy. The Minister said he drew up this Bill in consultation with one of his officers; and I am prepared to say that neither of them is experienced enough to draw up legislation of this nature. I am of the opinion that the measure should have been given a lot more consideration before being presented to the Government.

The Hon. J. M. Thomson: That is not usual, is it?

The Hon. D. P. DELLAR: I consider it is unusual if the matter is of vital concern to the industries of Western Australia, if not Australia. That is my opinion.

The Hon. A. F. Griffith: Do you think that has always been the case?

The Hon. D. P. DELLAR: I think it could be if it suited; but in this instance it did not suit. I think this measure was drawn up with the assistance of right wingers.

The Hon. A. F. Griffith: You would!

The Hon. F. J. S. Wise: Very right, too.

The Hon. F. R. H. Lavery: They did not know where the centre was.

The Hon. D. P. DELLAR: Mr. Watson spoke at great length and at all times painted a pretty picture, but to me the picture was painted on the wrong side. He condemned Mr. Coleman, etc., for causing what he termed a strike last Wednesday. I think we can look at the Government. It is the Government that caused the strike by introducing a Bill of this nature and trying to bulldoze it through Parliament. The Government has not a mandate to introduce a Bill of this nature; and, as has been mentioned previously tonight, there was no mention of this legislation in the Lieutenant-Governor's Speech when he opened Parliament. Nor was there any mention of it by the

Government prior to the last elections. The Government should have had some sort of a mandate. But no; Mr. Watson blamed everyone else, and the people he blamed were naturally on the side of the workers.

The Hon. F. R. H. Lavery: Who are not here to defend themselves.

The Hon. W. F. Willesee: He is a reactionary anyway.

The Hon. D. P. DELLAR: Mr. MacKinnon made quite a good speech.

The Hon. R. Thompson: He got lost.

The Hon. D. P. DELLAR: He might have got lost. If all that Mr. MacKinnon stated about the way they feel at Bunbury is true, then I am prepared to say that the people at Bunbury are changing very fast. I am going to repeat something tonight that was stated by Mr. Heenan. I come from a goldfields town. I was born and bred on the goldfields; and everyone to whom I have spoken has a different light on this Bill from the people about whom Mr. MacKinnon spoke. I never quite caught that interjection.

The Hon. A. R. Jones: You didn't give them the right answers.

The Hon. D. P. DELLAR: Probably the same as Mr. MacKinnon—that it was a good Bill to upset the whole of the State.

The Hon. F. R. H. Lavery: It could not have been a better one.

The Hon. D. P. DELLAR: It is with regret that I have to state that for the first time in 29 years the goldmining industry has been disturbed by industrial troubles.

The Hon. G. C. MacKinnon: Was it a spontaneous uprising?

The Hon. R. Thompson: It was protesting against the Government, not against the employer.

The Hon. F. R. H. Lavery: Quite right.

The Hon. D. P. DELLAR: The people on the goldfields know what they are protesting about. They are protesting about the Government and this Bill. The Minister for Mines represents the goldfields, so far as one of his portfolios is concerned, and I feel sure that he is not proud of the fact that after 29 years the goldmining industry was taken out on a strike in regard to a measure introduced by this Government and for which it did not have a mandate.

There are 156 clauses in this measure; and I have no intention of dealing with any of them at the present time. Several members tonight have dealt with them, and I am of the same opinion. When the Bill goes into the Committee stage I will oppose every clause with all the power I can. This may not mean very much, because the numbers are against us, but I will fight because it is a darned disgrace to introduce a measure such as this in order to upset one man in his office and, at the same time, upset the whole of Western Australia.

As I said before, surely the people affected by this measure should have been consulted and not ignored. Quite a number of lengthy speeches have been made tonight; and although I said that I do not want to weary members, the way I feel, I would weary them all night—

The Hon. R. Thompson: Keep going then.

The Hon. D. P. DELLAR: —because that is what I think they deserve.

The Hon. A. R. Jones: We can sleep while you talk.

The Hon. D. P. DELLAR: It was quite apparent a little while ago that speakers were talking to practically an empty House. That is how interested the Government is in this Bill.

The Hon. A. F. Griffith: Don't make remarks like that. You go out of the Chamber just as much as anybody else, and nobody says that when you do it.

The Hon. D. P. DELLAR: I never leave the House. That is how interested I am in this Bill.

The Hon. R. Thompson: About 90 percent. of them do not know what is in the Bill.

The Hon. D. P. DELLAR: That is true. I think I have said enough to express my opinions.

The Hon. A. F. Griffith: You sure have!

The Hon. D. P. DELLAR: I will have more to say when we go into Committee.

THE HON. J. G. HISLOP (Metropolitan) [11.59 p.m.]: I am not going to speak at length on this matter because much has already been said, and such a clear exposition of the Bill has been given by Mr. Watson. I do not think anything could have been more simply placed before members as to what this Bill really means. In my opinion, this will turn out to be a very good Bill; and, after the principles have been in practice for a time, I think those who are today shouting against the measure will be loud in their praises tomorrow.

I have never really appreciated that our present set-up, or the set-up of the past, has ever really contributed to arbitration. With a judge and two laymen—one appointed by the employers and one appointed by the employees—we could not produce arbitration in its true sense, because the two individuals, as Mr. Watson pointed out, must, on principle, uphold the views of those on behalf of whom they were appointed to act. The result is, there must be a decision by one person.

The Hon. R. Thompson: Mr. Justice Jackson did a good job that way didn't he?

The Hon. J. G. HISLOP: I can assure you, Sir, that in all the years I have been in this House, the President of the Arbitration Court has done a wonderful job; but always there has been criticism that he was leaning too much to the right, or that his successor was leaning too much to the left. The present system is rather too one-sided. Under the proposed system we will see the advocacy of both sides taking place on the floor, as it were, with the commissioner sizing up the evidence for himself. Eventually, as the matter is taken to the court, we will see almost a replica of what happens in a court of law.

We do not hear any complaints about the work of our Supreme Court judges. We hear very little criticism of our magistrates, because all the evidence is sifted by them, and there is no-one on either side pulling in each direction. A case has to be presented in a logical manner, as it were, from the floor of the court.

I can see a considerable amount of virtue in the proposed system. I cannot see why so much passion has been engendered on the part of those who oppose the Bill. We have heard that this legislation has been hidden in the dark; that no mention of it was made in the Lieutenant-Governor's Speech, and that the Government did not have a mandate. But there has been little from the opposition side in real criticism of the Bill. We saw Mr. Dellar wave the Bill about, but he did not say anything about the Bill. We heard Mrs. Hutchison make a long speech but very seldom did she get on to the Bill.

The Hon. R. F. Hutchison: Yes I did.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. J. G. HISLOP: At times I did not really know whether she intended to go on and speak to the Bill. I believe that in future the passions which have been engendered will die down and the Bill will be regarded as setting a pattern for arbitration.

Regarding the appointments in connection with the Bill, my mind goes back to various other appointments which have taken place. It is fortunate in human nature that even though a person might hold fixed views before accepting responsibility, a sense of responsibility overtakes that person once he assumes office. We have seen that happen time and time again. We have heard criticism of a person on the ground that his views lay too much in one direction; but when he has assumed office he has not departed for any great distance from either side of the centre. I am sure that once the commissioners have been appointed they will accept the tremendous responsibilities which will come to their door; and they in turn will assume the cloak of responsibility which has so often been evidenced in those people who have been appointed to responsible positions in the past.

I have no fears that this Bill will cause all the chaos that has been suggested. If members go through the Bill carefully, after the House is adjourned, they will, on cool and calm reflection, see that the epitome of the Bill as outlined by Mr. Watson is that it is a really true method of conducting arbitration in Western Australia for future years. Members on both sides of the House have a great respect for arbitration. I can hardly imagine that any Government would be foolish enough to face an election in sixteen or seventeen months' time, and bring down a Bill which would produce chaos in the industrial world. It is not likely; it is not even possible in these thinking days.

My feeling is that a good deal of the fears on the part of some workers exist because the facts have not really been made known to them in regard to what will happen when this Bill becomes law.

The Hon. R. Thompson: What facts have not been clearly made known to them?

The Hon. J. G. HISLOP: When we have listened to what has been said, it is clear that the facts have not really been made known to them. One afternoon I passed a speaker who was addressing a large crowd. He was reading a document and was saying at the top of his voice that the Bill was designed so that Western Australia would have the lowest wages of all the States.

The Hon. R. Thompson: It has that now.

The Hon. R. F. Hutchison: It has that now.

The Hon. R. Thompson: It is true.

The PRESIDENT: (The Hon. L. C. Diver): Order!

The Hon. J. G. HISLOP: Apparently that hurt some people very badly.

The Hon. R. F. Hutchison: No it didn't.

The PRESIDENT (The Hon. L. C. Diver): I must request Mrs. Hutchison not to continue to interrupt a speaker.

The Hon. J. G. HISLOP: The irresponsible statements that were made to these men gave me the impression that they were being stirred up into industrial unrest. They had no industrial unrest when they came here; but by the time they left this place every effort had been made to see that they were in a state of industrial unrest.

The Hon. F. R. H. Lavery: You are not giving them any credit for being intelligent people.

The Hon. J. G. HISLOP: I had two very decent types of men come to see me on Sunday morning, and the whole extent of their knowledge of this Bill was based on two points. Those points were: Why disturb the court? and: Why have 159 amendments to the Industrial Arbitration Act? They were the only two points which

they really appreciated in the whole of the Bill, and they spent about 40 minutes with me in conversation and left me in the same friendly manner as they met me, but they were much more knowledgeable about the Bill when they left than when they arrived.

My feeling is that those people who engendered all this unrest will regret it in the long run. There is nothing in the Bill which warrants the unrest that is being caused. This Bill will not injure the workers of this State. It will be of great benefit to them. It will be of benefit to both the employer and the employee. I would like to make it quite clear before I resume my seat that I do not believe arbitration is the right of only the employee. I believe it is the right of both parties; the employer and the employee.

This is a measure by which the two sides can come to agreement, and it will be binding on both parties. However, there seems to be an opinion held by some people that when a decision is made on any award or agreement brought before the Arbitration Court, if they do not get what they want they should create a disturbance; that they should still agitate to achieve that which they have failed to achieve, and continue to agitate until they get all that they asked for. That is not arbitration. Arbitration must have some give and take from both sides. It is no earthly use if one side can gain everything and the other side loses everything.

There must be an arrangement brought about by the provisions of this legislation whereby each party can come to an agreement and abide by it. There are penalty clauses which apply equally to both employer and employee. If that spirit is engendered—as I am quite certain it will be under his Bill—we can look forward to greater periods of industrial peace in this State. I support the measure.

Adjournment of Debate

THE HON. F. R. H. LAVERY (West) [12.14 a.m.]: I move—

That the debate be adjourned.

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

Ayes—13

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. D. P. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. J. D. Teahan
Hon. F. R. H. Lavery	*(Teller)*

Noes—16

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. A. F. Griffith	Hon. H. R. Robinson
Hon. J. Heitman	Hon. S. T. J. Thompson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. J. Murray
	(Teller)

Majority against—3.

Motion (adjournment of debate) thus negatived.

Debate (on motion) Resumed

THE HON. F. R. H. LAVERY (West) [12.18 a.m.]: I will not object to interjections, and I do not care to what degree I become provocative, but I would like to open my address on the Bill by quoting the remarks made by Mr. J. B. Chifley. He was one of the great men of Australia and, during his period of time, he was not torn to pieces by the Liberals. On the contrary, they treated him with the greatest respect. He said this—

> I ask every Australian to give his or her day's work an honesty of effort. No one can live alone. We are all dependent, one on each other. I ask trade union leaders to impress this on their members. A man who is not honest in his or her work does not just cheat the Government; he cheats the man in his own street, the whole community, and finally himself.

I have been a trade unionist for many long years. I do not like repeating my trade union record, but I intend to repeat it on this occasion. I became a member of the Transport Workers' Union on the 6th February, 1926. Prior to that I was a member of the A.W.U., and prior to that again I was a member of the Bullfinch Miners' Union from the age of 15, and treasurer of that union from that time.

I would claim that, as a union man, I have had some very happy times. On other occasions I have had some unhappy experiences as a result of industrial legislation and its effects upon the workers. I believe the Bill which is before the House at present is one which, as Mr. Watson has stated tonight, has been agreed to by the executive of this State, comprising ten Ministers who have been elected by the people. Admittedly, they have the right to bring down any piece of legislation they so desire. I do not dispute that right. However, each and every one of them must accept the responsibility for introducing this measure to Parliament.

I know that when the Labor Party was in Government each Minister always accepted responsibility for any piece of legislation that came before Parliament. I will deal with Mr. Watson's unethical attack on a very honoured member of the industrial movement of this State a little later on in the course of my speech. Firstly, I want to mention that I will be speaking to the Bill for some considerable time. Members need not worry on that score. The innuendo expressed by Mr. Watson is everlastingly in the mouths of those who are so far to the right that they do not know where the centre is; and that includes Mr. Watson. I want to refute directly the lie that any member of

the Labor Party has ever been a member of the Communist Party, or ever will be.

I would like to quote part of a speech made by Mr. Chifley when he attacked members of Parliament who at that time were complaining of the leaders of Communism in the industrial movement in Australia. In the publication *Things Worth Fighting For* he said—

> I do not intend to weary the House by reading the text of resolutions adopted by the federal executive of the Australian Labor Party, but year after year that body had expressed on behalf of the Labour movement in Australia, its strongest opposition to the Communist Party. As I said previously, it is true that in every political party, including the Australian Labor Party, there are radicals and militants.

I hope members of all parties will hear that. To continue—

> However, many of those people are perfectly honest and quite sincere and have no associations with Communists. Opposition members cannot blame the Australian Labor Party for that. Behind the opposition political parties are objectionable people, people whom opposition members would disown and whom Mr. Menzies would disown. In the same way there are on the edge of the Australian Labor Party men who are quite sincere, but quite radical and militant, and the views which they express can easily be misinterpreted as expressions of disloyalty.
>
> I have seen a great deal inside the industrial and political Labour movement, and I have read some history. I have never known of any minority movement in history that has not grown stronger by repressive action.

And this Bill is repressive action—

> Let me emphasize this: never is liberty more easily lost than when we think we are defending it. My recollection embraces the history of quite a few minority movements. Some were religious, some were political and others were national in aim. Strenuous efforts were made to repress many of them, but in almost every case they grew stronger by repression. I have said in this House before that the people will not finally accept brutal repressive action. We can only overcome communism in one way. Communism can only be beaten by improving the conditions of the people; bad conditions are the soil in which it thrives. There is talk of gaining political advantage or positions in Parliament, but to me liberty is far more important than that. I should not be a member of Parliament if some tolerance had been extended to the men who took part in the strike of 1917. All that harsh repressive treatment did, as far as I was concerned, was to transform me, with the assistance of my colleagues, from an ordinary common engine-driver to the Prime Minister of this country. If an example of what harshness can do is required, my presence in this Parliament should be sufficient.

Those were the words of a statesman. To me they refer to the type of legislation that is before us now. It is so repressive that for some considerable time members of the Government have, I know, been battling hard with their consciences to rise to their feet to try to defend it.

I heard Dr. Hislop say just now that Mrs. Hutchison and Mr. Dellar had spoken at some length on the Bill, but had said nothing about it. What truer words could be applied to Dr. Hislop himself? I waited for him to mention one clause of the Bill, but he did not. He merely got to his feet and attacked the people who represent, and are trying to help, the working people of this State.

When Mr. Jones suggested that we carry on speaking and that he would sleep it off, I did interject and say that the Country Party had been asleep in this House, and were not awake to the fact that the Liberal Party had put it over them, wholly, solely, and completely; unless—and I might be right—they are prepared to oppose this legislation. We know that the men on the farms today, for once in their lives, are able to work decent hours and are paid decent wages.

I want it to be clearly understood that I do not suggest for one moment that any member of the Country Party in the Chamber is not a good employer, because I know that that is not the case. But they are prepared, on behalf of the organisation they represent, to accept this legislation which is now before us, without rising to their feet to defend it, because they know there is nothing in it to defend; it is so poor.

I can well imagine why the legislation before us was not mentioned in the Lieutenant-Governor's speech, and was not referred to on the hustings; it is because big business is compelling the Government to take this action, and forcing it to its knees, in return for the payments received to fight the State and Federal elections. I would like to quote from a publication by E. W. Campbell which reads—

> Under capitalism, the monopolists are free to close down their factories when it suits them, throwing thousands out of work. They insist on their own freedom to select labor, to "hire and fire" at will, but deny the same rights for workers. Militant workers

> are frequently blacklisted by employers' organisations and denied the right to earn a livelihood. Whenever workers in a body decide to withhold their labor, to strike for more pay or better working conditions, the employer is able to obtain a Court order for their return to work.

These people are able to get a court order almost immediately; but let a union or any other body of men go to the court and seek alleviation, or some benefit, and we will find they will have to wait much longer, because the employers—as is their right—will fight any suggested improvements. To continue—

> Failure to comply with such an order brings heavy penalties. Under the penal powers of the Commonwealth Arbitration Act any failure to comply with a Court order can involve a £500 fine on a union, a £200 fine or imprisonment for 12 months for an officer of a union and a £50 fine on a rank and file member of a union.

The Hon. A. R. Jones: Is that in the Bill?

The Hon. F. R. H. LAVERY: The Minister tells us that this Bill is a copy of the New South Wales Act.

The Hon. A. R. Jones: But it is not in the Bill.

The Hon. F. R. H. LAVERY: Of course it is—

> These penalties have cost the unions thousands of pounds in recent years. State Arbitration Acts contain similar harsh penal powers. The right to strike has virtually been abolished.
>
> The worker cannot escape from exploitation simply by changing his job, but only through organisation and struggle on a class basis against the whole class of monopoly capitalists for a change in the social system.

I am not a Communist, and I have often been asked to get up on a platform and advocate for better conditions, but as an officer of the Church of England I was responsible for securing the basic wage for rectors, in 1955 I think it was. I believe that every man is entitled to payment for his hire. What has a worker to offer but his labour?; and he is entitled to get the best possible price for that labour by way of salary, amenities, holidays, and so on. The employer, of course, is just as entitled to buy that labour at the cheapest price by approaching the Arbitration Court and accepting the decision reached. That decision should be binding on all of us.

There have been times when employers have been hostile towards the decisions made by the Arbitration Court. There were times when workers were not satisfied, and they expressed their dissatisfaction with the decisions of the Arbitration Court; but they did not attempt to throw the court out, or to dismiss it. They adopted the policy that they had a certain number of months to go and they would build up their case, the same as members opposite build up a case to convince us to vote their way. What is wrong with that system, and why should it be changed?

The other evening I asked a question as to why a water board was to be appointed, and why the Water Supply Department should be changed. I did not get any answer from the Minister; all I got was the vote on the question when the Bill was passed. I fear that will be the result in the Bill now before us, but I am hoping that a miracle will happen, as one happened previously, and that this Bill will not become law.

I want to trace some of the events which have taken place in the industrial set-up throughout the years. In today's *The West Australian* there appeared a letter referring to the development of the arbitration system; it is by L. L. Carter, the director of the Trade Bureau of Perth. He does nothing else but take steps to defeat the Labor Party and to prevent it from becoming the Government of this State. When Mr. Carter was the Secretary of the Employers Federation—no doubt he will be reading my comments in *Hansard*—industrial chaos was at its worst. The reason was that he did not know what the word "conciliation" meant.

I took part in a strike in 1936. I was then a passenger member of the board of management of the Transport Workers' Union. After operating in the industry for many years we applied for the first time for an industrial award. The employers and the employees had previously worked under certain conditions agreed upon by both parties. Soon after the Metro Bus Company came into operation on the 2nd December, 1926, we arranged for certain conditions to apply in the industry by agreeing to an award. That award was agreed to by the company, but as time went on we reached a certain point when the workers were entitled to share in the prosperity being enjoyed by the company. For the first time we applied to the Arbitration Court for an award. We waited for 13 months to get before the court, and we waited for our turn.

A very efficient officer represented the Metro Bus Company. He was Mr. Adams, who is now the manager of the Metropolitan Transport Trust. He had to appear in court and give evidence against us, and we on behalf of the workers gave evidence, so as to obtain an award that would be workable in the industry, and so give the workers a certain amount of the prosperity which was just around the corner. It proved to be around the corner, because we did not get any benefit. The year 1926 was a short time before the depression which commenced in about 1928 or 1929.

In the passenger transport industry the employee had to work on a seven-day week system, because on every day of the week passengers were transported. There were in all 22 companies before they were formed into one company in 1926, and it was the policy of the companies at that time to work on a seven-day week system. When we came out of court with an award this very repugnant clause which caused a breakdown in industrial relations in industry had been inserted.

We fear exactly the same thing will happen on this occasion, and we are suspicious of what the Government will do to the workers. The President of the Arbitration Court (President Dwyer) in the case I have just referred to included this condition in the award—

> The workers shall be employed in shifts to suit the exigencies of the employers' business.

It was as wide as the Indian Ocean, including the waters of the adjacent oceans.

The Hon. A. F. Griffith: Do you think a person who works from Monday to Sunday will get the same as one who works a normal five-day week?

The Hon. F. R. H. LAVERY: I am not thinking about anything along those lines. I am very suspicious of the action of this Government, having had experience with what took place in the courts. At that time the Metro Bus Company ran a 10-minute service between Perth and Fremantle during off-peak hours, and a three-minute service during peak hours. To use the opposite extreme, the Kalamunda Bus Company ran six trips per day; and the drivers started at 6.45 a.m. and finished at 1 o'clock the next morning, to complete eight hours work. We were entitled to apply for something better for the Kalamunda bus drivers, but what President Dwyer gave us was, "The workers shall be employed in shifts to suit the exigencies of the employers' business." That meant those drivers got no relief at all.

In the case of the Metro Bus Co., 47 per cent. of the shifts were straight shifts, during which the driver did five or six trips in his 8½ to nine hours, with a reasonable meal break. A subsidiary company, the Perth-Fremantle Omnibus Company, was formed later, and it took over a number of Alpine Taxis. The Transport Board and the Police Department only allowed that company a certain number of buses, so it took the seating out of the taxis. The drivers on the roster worked only 42 hours on a six-day basis. Under the award of those days we worked 48 hours a week, and it meant that all the work which the company could give the employees was 42 hours in a six-day week. There was a clause in the award which, at the time, I considered to be a good one, but I subsequently changed my mind. The clause provided that any driver on his day off could be called back on account of the sickness of another driver; and he worked that day at the ordinary rate of pay. When a driver was called back for any other reason he was paid the penalty rates.

In those days we had one Saturday and one Sunday off each year, because the company ran a seven-day service. A particular driver (Mr. Beardman) was called back to work on Sunday to work for eight hours. That meant for the week he worked 50 hours in the seven days. On the pay day he received only two hours overtime, and he questioned the correctness of his pay and pointed out that he had worked eight hours on the Sunday. The employers said, "You owed us six hours during the week." He asked, "You mean I have to work seven days of the week to get 48 hours' pay"? The employer told him the award provided for that.

That resulted in negotiations with Mr. L. L. Carter of the Employers Federation, and I was a representative of the union in the discussions which followed. We met him on nine occasions, but at no time was he prepared to concede one solitary point.

The Hon. R. F. Hutchison: Nor will they now.

The Hon. F. R. H. LAVERY: For the benefit of those who do not know, at that particular time, Mr. L. L. Carter was secretary. The table was about the size of the Table of the House. The members of the union sat at one end and Mr. Carter sat at the other. Mr. Carter made his suggestion or listened to the suggestion of the union. If he made his suggestion first, he and his principal would walk out of the room while we of the union made our decision. After that they came back. There was no such thing as a round table conference. We wasted our time because Mr. Carter was from the Employers Federation. Everybody had to bow to the Employers Federation, including the employers.

I am a bit hot under the collar and would have been prepared to come back here early in the morning, but I will go on because of the sincere suspicions we have about this Bill. I will speak further on the matter about which I was speaking. This caused a strike. The employers allowed us to attend the Trades Hall in Perth.

The PRESIDENT (The Hon. L. C. Diver): I hope the honourable member will connect his remarks to the Bill.

The Hon. F. R. H. LAVERY: I am speaking about arbitration and I have no intention of breaking away from the Bill.

The PRESIDENT (The Hon. L. C. Diver): I wish the honourable member would connect his remarks to the Bill.

The Hon. F. R. H. LAVERY: With due respect to you, Sir. I have no intention of being rude or disputing what you have said; but I am sure the Employers Federa-

tion is connected with this Bill. I accept what you have asked me to do, but I have to go through this in order to make the point I wish to make. Therefore I ask for your indulgence.

After 11 days of negotiation Mr. Carter told us we could stop the buses and they were stopped for a month. He told us we could go to the devil! That was all the employers were going to do. We stopped work. We had a meeting at 5 a.m. and I moved a motion to the effect that if the employers were not prepared to meet us, there would be no buses on Show Tuesday of 1936—and there were none. For 12 days the employers did all kinds of things to bring about a settlement but God was with us. Mr. L. L. Carter was found some other job to do and a very good conciliator in the person of Mr. Gill took over. Mr. Gill took us into the room and discussed matters with his principals, and five days after he took over we were back at work.

Until just lately, that union had no further trouble; and it never had any further trouble with the bus company. I always said that when Mr. Gill went out of Western Australia the Employers Federation lost a first class conciliator. He was as pleased to act with the unions, as the unions were pleased to act with him, because they knew they were dealing with a man who was prepared to listen; who was prepared to advise his principals of certain decisions.

Since 1936 we have had a war, and following that war golden carpets were laid down for the returning servicemen because there was a shortage of manpower; and for a time there was peace in industry because people were being paid over award rates. However, because of the boom that has taken place in Western Australia—it has only just started and I hope it will grow to three times its size—there has been a tendency for big companies to come here. I exclude the Kwinana Refinery, because that company was told by Mr. Hawke when he was Premier that if it was prepared to play ball with its staff he would guarantee there would be no industrial trouble and that the company would be proud of the Australian tradesmen.

I attended a function prior to the manager (Mr. Mason) leaving this State and he said how happy he was with the employees of this State, which he felt had a great future. As we know, the federal basic wage is tied up with the metal trades. It is from those unions that the actual increase in the salaries of the whole Commonwealth stems. Some large engineering firms and contractors came here from the Eastern States and took advantage of the poor types of awards that existed here as compared with those in the Eastern States. The salaries paid here to the ordinary working man are £2 10s. below those in the Eastern States.

The Hon. R. F. Hutchison: Plenty in other ways, too.

The Hon. F. R. H. LAVERY: We are entitled to get from the courts all that we can; and the employer is entitled to get our labour for the cheapest price he can. When it came to a matter of some disputations among the bigger engineering people such as Alcoa and the refinery at Bunbury, we were called arch criminals by the Employers Federation.

This Government has to take the responsibility of seeing what it can do to keep industrial peace in the State. Nobody would deny the Government that right, much less Fred Lavery; but when it came to the point that the Conciliation Commissioner made some determinations that suited some of the workers but which did not suit some of the employers, those decisions were disputed to the point that there were speeches in the district which I represent. The move then was to blame everybody and say that the workers were led by Communists; this Communist, that Communist, and the other Communist. I read to you, Mr. President, just now Mr. Ben Chifley's statement to the Parliament of the Commonwealth of Australia which showed where Labor stands so far as Communism is concerned.

We all know there are officials of unions who have Communistic tendencies, or openly declare they are Communists. There is Mr. Troy who is standing as a Communist candidate in the election on Saturday. He is the secretary of a union, and he has been elected to that office by the members of that union; and surely the Employers Federation would not object to the rules of a union being carried out—rules which provide that the members of a union can elect who they like as their officials, so long as they do it according to Hoyle, as is often said.

I am coming back to this dastardly attack by Mr. Watson. It was a dastardly attack because he knows full well that Mr. Coleman is not in the House and has no opportunity of even listening to what is said about him. He will read only portion of it in the Press tomorrow; but he will read it in *Hansard*, I can guarantee that.

Mr. Coleman is the duly elected secretary of the T.L.C. He applied for the position along with a number of other candidates and on a vote of the 70 unions concerned he was elected. Is there any member in this Chamber who will deny him that right?

The Hon. H. C. Strickland: He was democratically elected.

The Hon. F. R. H. LAVERY: Of course he was, the same as you, Mr. President, were elected. He was elected because that body, representing 70,000 unionists —

The Hon. J. M. Thomson: No one questioned that.

The Hon. F. R. H. LAVERY: Oh yes; Mr. Watson did. Mr. Watson tore this man to strips. He said he was an agitator going around the country from place to place. I do not think he has ever spoken to the man. I do not know; but I would challenge him on that. I have spoken to Mr. Coleman only since this chaos arose, brought on industry by this Government.

The Hon. R. F. Hutchison: I have known him for years, and he is a gentleman.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. F. R. H. LAVERY: Since Mr. Coleman has been at Parliament House I have met him twice. I had never met him before, but I knew his qualifications and all about his family. I know he is respected in the union movement. He did not get the position because he was popular; he had to withstand a pretty strong ballot.

It has been stated that he has been from place to place stirring up strife. In reply to that accusation I would say that it is this Bill before Parliament that stirred up the strife. Thousands of ordinary decent unionists have been quite happy—perhaps not quite happy with their conditions because they want something better; but who does not? But they are reasonably happy with the present system under which the union secretaries make applications on their behalf for better conditions. They are quite happy under that system.

I was up on the stump outside Parliament House—and I tell Mr. Watson that I was not ashamed to be on the stump—and I told one group of over 1,500 men that I was ashamed to think that any Government would bring a Bill before the House which would be responsible for decent citizens leaving their work to come up and protest to the Government about it. I did not make any attempt to say whether the case was right or wrong. I was ashamed, and still am, to think that any Government would cause chaos in industry when peace has hitherto reigned.

I want to tell the employers of this State on behalf of the members of the T.L.C.—I can speak for them tonight because they cannot speak for themselves—that the strike was not against the employers at all. It was a strike against the action of the Government.

The Hon. A. R. Jones: It was not much of a strike really.

The Hon. F. R. H. LAVERY: Mr. Jones might not think it was much of a strike, but I would tell him that over 10,000 people were behind in their paypackets this week because of it. They did not give up their wages for nothing.

The Hon. L. A. Logan: They are very sorry now.

The Hon. F. R. H. LAVERY: I am sorry it was ever forced upon them; and it is no good any member of the Government sitting still and not rising to his feet. I would interpolate here a little to congratulate members of the Liberal Party who have risen to their feet because it is more than the Opposition could do to Government members in another place. The Government members were taunted, shot at, fired at, and abused, but no one rose to his feet.

The Hon. A. F. Griffith: They were abused, all right!

The Hon. F. R. H. LAVERY: The only Government member who rose to his feet was the Government Whip who applied the gag.

The Hon. A. F. Griffith: You were quite right when you said they were abused!

The Hon. F. R. H. LAVERY: Yes; and were they entitled to be for some of the things they did? When it is all said and done, industrial peace means everything in a country. However, I want to go a little further than I have already gone.

While this Bill may have been the actual work of the Minister and Mr. Kelly, I would like to say that it was not promulgaged by them, or propounded by them. It was forced on them by the big company people who are coming to this State.

The Hon. A. R. Jones: You said previously that you did not know anything about it.

The Hon. F. R. H. LAVERY: I have a little document here and it would do members good if I read it.

The Hon. G. Bennetts: Was that Mr. Kelly any relation to Ned Kelly?

The Hon. F. R. H. LAVERY: It is not my place to cast any reflection on any civil servant.

The Hon. A. F. Griffith: Good!

The Hon. F. R. H. LAVERY: I would respect all civil servants when they are under the direction of a superior officer, and in this case it comes back to Cabinet. I have to follow the lead given by my leader.

In the words of Mr. Wild in another place, he and his officer did this. I have to accept that because I have no reason to doubt the word of Mr. Wild. However, sometimes I have a little doubt in my mind as to whether they did do it on their own. I have a feeling that they did not do it on their own, but did it because they were forced to. If members read a document called "The Sixty Families Who Own Australia" they would realise the tie-up with industry is so great from one side of Australia to another and, in some cases, around the world, that this is a prelude to an attack on the conditions of workers, and under which the trade union movement will be suffering in the future.

I am going to say that no matter how this Bill passes, whether in its present form or in an amended form, if it does pass, it is not going to do what Dr. Hislop, Mr. Watson, and Mr. MacKinnon suggested. It is not going to bring peace to industry; it is not going to, and I will tell members why.

First of all, we have just passed a very laudable Bill dealing with parole and probation. This is going to give a lot of work to at least one judge in this State, and probably two. Under this Bill—and I have given it a lot of study and thought—unions are going to be forced into the position under which points of law will be the order of the day.

Let us assume that a union gets an award from a deliberation of one of these commissioners. There is an appeal by the employer to the full commission against the award. The minutes have to be read, and they have the right to speak against them. In the employer's eyes the decision still goes against him. Under the ordinary course of industrial procedure they will not be able to appeal any further. But believe me, Sir, they are a clever group of people in the Employers Federation. It has one of the best legal libraries one could find anywhere; and it will very smartly find a loophole on a point of law.

There will have to be three judges attending to these cases. Where will we get them? In the last 12 months we have had to appoint a new judge because of increased business and no doubt because of our rising population.

The Hon. A. F. Griffith: We appointed a new judge because the Statute provided for it.

The Hon. F. R. H. LAVERY: I wish the Minister would appoint two more, so that the business of the State could be dealt with. I would expect that the Employers Federation would wish any appeal to be dealt with expeditiously. In my opinion, 60 days allows plenty of time.

What will happen to all the other legal cases which will have to come before the courts? The other night I quoted the case of Bell Bros. That company was fined a large sum of money for offences committed in 1962. A drunken driving case would be dealt with the next morning; but a case concerning something which happened in June might not come before the court until next November. The courts cannot keep up with the volume of business.

The Hon. A. F. Griffith: What court was it that fined Bell Bros.?

The Hon. F. R. H. LAVERY: I did not say what court it was.

The Hon. A. F. Griffith: I know you didn't.

The Hon. F. R. H. LAVERY: But it came under your jurisdiction. The Minister well knows that there are thousands of cases still to be heard in the courts. He should not try to pull the wool over my eyes. I am sure he wishes he were in a position to appoint a couple more magistrates.

I wish to make reference to the appointments under this new jurisdiction. I use that term because the Arbitration Court has lost its name as such. The chief industrial commissioner will be Mr. Schnaars. I have no quarrel with that appointment. But there are still two or three other commissioners to be appointed. Surely, in connection with a Bill containing such sweeping alterations to the present system, the Minister or Cabinet could have suggested, in order to get the measure through quickly and smoothly, "We will say who we will propose to appoint to the positions."

Mr. Willesee read out statements which appeared in the Press. I give credit to the Minister in another place who promulgated this legislation, because he did not make those statements in the Press. But the Press did not make up those statements.

The Hon. L. A. Logan: They got them out of Mr. Graham's speech in another place.

The Hon. F. R. H. LAVERY: It is all very well for the Minister to say that—

The Hon. A. F. Griffith: It is in *Hansard*. Mr. Graham named these three men himself.

The Hon. F. R. H. LAVERY: What did he say about them?

The Hon. L. A. Logan: He said they were going to be appointed.

The Hon. F. R. H. LAVERY: He did not say they were going to be appointed. When Mr. Schnaars was appointed to the court there was a terrific upheaval. The Press pulled his appointment to pieces because he had been a trade union leader. Mr. Oscar Nillsen, Secretary of the Transport Workers' Union was the man who convinced Mr. Schnaars to take on this occupation. Mr. Schnaars has given very good decisions on behalf of both employees and employers.

I now wish to refer to another matter which was mentioned by Mr. Watson when my leader was speaking. It concerns the 12 months' limitation for back wages. It is very simple for the honourable member to say, "What is wrong with that?" What is wrong with the company law that allows a period of seven years in which to collect a debt? A man who has given service with his hands is entitled to payment, and if it cannot be proved in 12 months, then he should have the right to go on with his case until he can prove it.

We also want to know why we have to have a solicitor to deal with union rules. The registrar has, for a great many years, dealt with the rules of unions. He has been emphatic in ensuring that the rules were in accordance with the constitution of a union and were in conformity with industrial arbitration laws in this State. Why

should this work be handed over to another section of private industry? Goodness knows, private industry has been given a fair go since this Government has been in office, without the Law Society being given a go, too. If the registrar is a fit and proper person under the Commonwealth courts, then he should be a fit and proper person under the State courts.

Clause 61 (b) is another attempt to break down the membership of unions in this State. I draw the attention of the House to a case which occurred in this Parliament some years ago, when the Labor Government was in power. The late Mr. Bert Fraser was the then Minister controlling prisons. A man named Thorpe was a gaol warder. He was a man of good character and fully capable of carrying on his job. For some reason or other he joined a particular religious sect.

The Hon. A. F. Griffith: You supported me on that occasion when the man was sacked out of hand.

The Hon. F. R. H. LAVERY: I hope the Minister will bear with me for a moment. I said in this House that Mr. Thorpe was a gentlemen in character and in every other way. He decided to join a particular religious sect. He had worked in the gaol for a number of years and he suddenly decided that it was not right for him, from the point of view of his conscience, to become a member of the union. Everyone knows that all gaol employees are members of the Gaol Officers' Union. Because Mr. Thorpe refused to continue his membership in the union, he was summarily dismissed. I was never happy about the man being dismissed, but it is the principle of the thing. In any organisation, whether it is a football club, a cricket club, a tennis club, Parliament, or any party in Parliament, if a person is a member of the organisation he has a right and an obligation to pay his just dues.

One member of the trade union movement in this State has come to the conclusion that the clause in the Bill to which I have referred has been introduced purely and simply because it affects a group of people from the Dutch Reform Church. Whether that is so or not I am not in a position to say, but I have no doubt at all it is the thin end of the wedge, and in certain industries the employers—I am leaving the Employers Federation out of this—will be able to coerce their workers into not belonging to unions.

The Hon. R. F. Hutchison: We know that.

The Hon. F. R. H. LAVERY: I would like to wind up my fairly long speech by reading a letter. I do not know to which paper it was forwarded, but it was published in part in the *Weekend News;* and in my opinion the views contained in the letter are the reasons why Mr. Justice Nevile is now being dismissed from the court. Dismissed he is, because I am sure in my own mind that in future deliberations he will not be one of the three judges concerned. I may be wrong, and, hope I am wrong.

The Hon. A. F. Griffith: You say that despite the fact that the appointments are to be made by the Chief Justice himself?

The Hon. F. R. H. LAVERY: I am not being disrespectful to the Chief Justice.

The Hon. A. F. Griffith: Is it really fair to make a statement like that?

The Hon. F. R. H. LAVERY: It was not fair to bring the Chief Justice into this—

The Hon. A. F. Griffith: It certainly was not fair.

The Hon. F. R. H. LAVERY: —but I am so suspicious of this Bill, and everything in it, that I do not know what to think. It is obvious that one of the main reasons for its introduction is because the court has been granting preference to unionists. We know what happened in the milk industry, at Browne's factory and at Waroona. After negotiations all people working in the industry joined the union and they are now working under the union award. Browne's are quite happy about it because now there is some control over the men they employ, and the position is better for all concerned.

But we have an arch enemy in this State, and that arch enemy is Mr. Sawyer, the Secretary of the Federated Clerks' Union. When Mr. Justice Nevile decided to grant preference to the Federated Clerks' Union it affected the employers in St. George's Terrace, and that was the point of demarcation—the point at which it was decided that this man had to be shifted from the court. The Federated Clerks' Union felt, and some of the other people, such as Mr. Coleman whom Mr. Watson was castigating so much a little while ago, felt that something had to be done about the legislation, and I propose to read a letter from the Federated Clerks' Union.

If members do not want to listen to the letter they can read it later, and if they do not want to read it I cannot help that, but I intend to quote it. It is a letter from the Federated Clerks' Union of Australia Industrial Union of Workers W.A. Branch, and it sets out a statement for public release authorised by the State council of the union. It reads—

> At a meeting of State Council of the Federated Clerks' Union of Australia Industrial Union of Workers W.A. Branch, held Thursday, 31st October, 1963, the following opinions were expressed and decisions made:—

That was only a few days ago. It continues—

> That the Brand Government be asked to postpone, or withdraw the Bill for an Act to amend the Industrial

Arbitration Act, until such time as each and every item in the Bill can be carefully considered by the State Executive of the Union.

That union was asking for no more than every other union that is affiliated with the T.L.C. This evening Mr. Watson said that Mr. Troy was a member of the council, but I would remind him that Mr. Sawyer is also a member. This statement continues—

That it be pointed out to the Government that it will be necessary for the Union to seek legal advice on some items in the Bill.

That, as soon as possible, the Union approach the Minister for Labour and inform him that the union finds many objectionable and menacing items in the Bill that indicate a threat to the well-being of members of the Union.

That F.C.U. wholeheartedly endorses the resolution carried at a special meeting held Tuesday, 29th October, of delegates to the Australian Council of Salaried and Professional Associations, and observers from kindred white collar worker organisations which include:—

Expressions of serious concern at the hasty attempt by the Brand Government to rush such a major piece of legislation through Parliament without associations and unions of workers being given reasonable opportunity to consider the advantages or disadvantages of the Bill.

The undertaking given by delegates and observers at the special meeting of the Australian Council of Salaried and Professional Associations to immediately alert their associations and Unions of White Collar workers.

The opinion of the A.C.S.P.A. that the Brand Government should delay further Parliamentary consideration of the Bill for the present.

Opinions expressed by members of the State Council of the F.C.U. included:—

The secret moves by the Brand Government to confound associations and Unions of Workers and members of Parliament by the long furtive preparation of items of the Bill are to be criticised.

The apparent deliberate action of Cabinet Ministers to hide the intentions of the Bill from the rank and file members of the L.C.L. and Country Party members, members of the opposition in Parliament, leaders of the Trade Unions movement, wage earners Industrial Associations such as the Australian Council of Salaried and Professional Associations, and the Trades and Labor Council, are to be severely criticised. Reference was made to various occassions when this Government has been considering the need for amendments to Acts of Parliament. Various organisations concerned in relation to the effects of any alteration to Acts, or introduction of new Acts, have been consulted and their opinions sought.

That supports the complaint made by our leader tonight. To continue—

Members of State Council of the F.C.U. were unanimous in condemning the Brand Government in introducing legislation which the Government claimed is intended to achieve certain objectives, but which have the apparent scheme of using these objectives to introduce amendments to the Arbitration Act which are completely in excess of the so far stated intents of the Government.

That was the main purpose of my speaking tonight—we are so suspicious of this legislation, and of what we have been told by Mr. Watson and others in this House. The statement continues—

Opinions of State Councillors were voiced that the Arbitration system in Western Australia was the most democratic set up in Australia, or indeed the whole world, and most truly reflect the original conception of Industrial Arbitration as true blue worker representatives fought so hard to obtain during later years of the nineteenth century and the early years of the twentieth century.

State Councillors agreed that the existing W.A. system of Industrial Arbitration was the most progressive in existence. They had the opinion that the method of having a qualified Judge of the Supreme Court as President of the Arbitration Court, with his knowledge of the law, was ideal, in conjunction with the fact that he had on either hand a representative of the employers, and a representative of the workers, who are experts in their fields of representation, with whom he could consult on industrial issues of importance to the whole community, before he makes his final decison.

The decision of the court depends, of course, on a majority decision. The president must have one of either the employers' or the workers' representative, on the Arbitration Court bench to support his own deductions. Indeed, a combined vote of the employers and the workers' representatives could nullify any decision that the President of the Court may

desire to express in matters concerning industrial disputes properly brought before the full Bench of the Arbitration Court.

This method is an outstanding democratic principle, and an example other States of Australia, and other countries of the world, could well consider and adopt.

The proposal to abolish the Arbitration Court and replace it with an Industrial Commission was received with dismay by State Councillors. Councillors were of the opinion that the existing system in W.A. was far superior to the Industrial Arbitration Commission set-up in the Commonwealth and the industrial systems in some States.

It was expressed that if the Government is sincerely concerned about any undue delay in hearing and deciding industrial disputes under our existing arbitration system, all the Government has to do is to appoint one or more conciliation commissioners to handle the increasing volume of the work of the Arbitration Court.

State councillors agreed that, instead of abolishing the right of empoyers or unions, to apply for an industrial board to deal with certain industrial disputes when the court and its conciliation commissioners are overwhelmed with other cases the Government should draw attention of employers and workers organisations to their right to apply for an Industrial Board to deal with urgent applications for awards. The Federated Clerks' Union has, in the past, appreciated the provision in the Act to seek an Industrial Board, and has taken advantage of the provision.

In the brief time available the State council considered the possible reasons why the Government is so rashly pushing this Bill before Parliament.

Some of the conjectures included:—

(a) The Government, under pressure from the Employers' Federation, the Master Bakers' Association, a handful of married female clerks who belong to the L.C.L., the Department of Labour and some other vested interests have introduced legislation to abolish the Court of Arbitration and by this action design to remove Justice Nevile from his present office.

(b) The new legislation will have the effect of deleting from Awards or Agreements any provisions that may be inconsistent with the new standards as limited by the amending Act. This could have disastrous consequences to our Union and other Associations and Unions of Workers.

(c) State Councillors doubted the sincerity of the Government in its proposals to insert a section to prescribe a preference clause. Apparently the Government is primarily concerned with the religious beliefs of the Dutch Reform Church, who are a minority section of the community, some employers who are determined to prevent proper and adequate organising of white collar workers and so deprive them of responsible representation before the Arbitration Court. Councillors felt that the introduction of Preference Provision in the Bill is designed to give a direction to the Commissioners that may be appointed, to the effect that any form of compulsion, now prescribed by Awards, and Agreements would be null and void and that no further form of compulsion could be included in any future Awards or Agreements to be issued by the proposed commission.

(d) Councillors considered one of the guiding impulses which apparently prompted the Government to specifically attach to the proposed preference clause, the absurd conditions pertaining to "conscientious objectors" and the mandatory inclusion that money paid to the Industrial Registrar by a "conscientious objector" should be paid into Consolidated Revenue Fund, was a complimentary gesture to members of the Dutch Reform Church, and employers who wish to employ such people.

These are very strong statements, and they come from a white collar union in this State. Continuing—

This of course raises these questions:—

(i) Why did the Immigration Department allow entry into this country of people who would deliberately defy, and attempt to destroy, the Australian way of life and living?

(ii) Is the Brand Government prepared, in the interests of Industrial peace, to request the Federal Government that no more of these people be allowed entry into this country?

(iii) Why has the Brand Government used this strange race of people as an excuse to introduce into the Arbitration Act features objectionable to the Australian workers who have pioneered and built this country?

(iv) Is it a fact that the cause of these people is being pushed by the Employers' Federation, with the ready co-operation of the Brand Government, as a means to handicap Unions of workers to carry out the functions of a union to properly represent workers before the Arbitration Court, to adequately police Awards to have the financial capacity to employ research staff and Industrial experts to prepare and conduct cases on behalf of workers before the Arbitration Court?

A book could be written concerning the objectionable clauses in this Bill.

That is from Mr. Sawyer, the secretary of the Federated Clerks Union. Continuing—

State Council of the F.C.U. recognises that the proposed action of the Brand Government had been instrumental in welding together Industrial Organisations of white collar workers in opposition to a move by a Government which these workers consider detrimental to their interests.

It is no secret that, if the Brand Government autocratically forces this Bill through Parliament because of its narrow majority, there are many associations—

This is what I referred to earlier in the evening. Continuing—

—and unions of white collar workers who are prepared to organise an Australia-wide petition to the Crown that proclamation of the resultant Act be refused.

Members of the State Council of the F.C.U. express the opinion that, if the Government is honest in its intentions, it should declare to Associations and Unions of Workers the exact interpretation of each and every item in the Bill. Perhaps there are misunderstandings that may be clarified. Perhaps it may be revealed that there is some merit in some items of the Bill. At the moment the whole of the items of the Bill are considered with suspicion. For these reasons, and many other reasons, the State Council of the F.C.U. feels that the Brand Government should at least temporarily withdraw the Bill until such time as the items in the Bill have been fully explained to the white collar worker organisations.

It is felt that the Government should state its interpretation of the items on the Bill so that before Parliament decides the issue all parties will thoroughly understand its consequences. Unless this is done the attitude of the Government can only be construed as a deliberate affront, and contempt of the interests of the white collar section of the community.

Therefore, if the consequences of of the resultant Act react against the Government, the Government must bear the responsibility of its own irresponsible action which may reflect in future in the outlook of white collar workers.

Yours faithfully,
(Sgd.) W. R. SAWYER,
State Secretary.

Before closing my remarks I want to warn the Government that when this legislation passes—if it does pass—it is not what will happen in the next few weeks that will matter, it is what will happen in the next 12 months among the industrial union of workers in this State, including the white collar workers; and when a body such as the Federated Clerks Union, with a membership of 9,000 strong, makes a statement which Mr. Watson would almost accuse Mr. Paddy Troy of making, somebody has to sit up and take notice. I oppose the Bill.

Adjournment of Debate

THE HON. G. BENNETTS (South-East) [1.29 a.m.]: I move—

That the debate be adjourned.

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

Ayes—12

Hon. G. Bennetts	Hon R. H. C. Stubbs
Hon. D. P. Dellar	Hon. J. D. Teahan
Hon. J. Dolan	Hon. R. Thompson
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. H. C. Strickland	Hon. F. R. H. Lavery *(Teller)*

Noes—15

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. N. E. Baxter	Hon. H. R. Robinson
Hon. A. F. Griffith	Hon. S. T. J. Thompson
Hon. J. Heitman	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. J. Murray
Hon. G. C. MacKinnon	*(Teller)*

Pair

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

Majority against—3.

Motion (adjournment of debate) thus negatived.

Debate (on motion) Resumed

THE HON. G. BENNETTS (South-East) [1.32 a.m.]: I will only keep the house a couple of minutes.

The Hon. F. J. S. Wise: You keep it a couple of hours if you like.

The Hon. G. BENNETTS: I would liken this Bill to an atom bomb. From the point of view of work the fall-out will be terrific. I did not think I would ever live to see the day when an attempt would be made in this House to abolish the Arbitration Court. I have been a member of a union since 1911. In the early days of the goldfields—when I was there in 1896, as I think I told the House before—my father, like many of the other old people there, tried to form a union for the protection of the workers.

In those days if one tried to form a union on the mines one was black-balled. I even saw one of the late members of this House taken off the lease. I refer, of course, to the late Charlie Williams who was a member of the Legislative Council. That would have been about 1908 to 1910. At that time anyone who tried to form a union was branded as an I.W.W. member.

I would say that since we have had unions the workers have been provided with better conditions, and they have been more healthy. I remember when I worked in the Ivanhoe Mine I met with an accident on the 1,600 ft. level. In those days there was no workers' compensation, and the conditions under which the workers were employed were rotten. Many of the miners were suffering from silicosis, which was caused by the unhealthy conditions of the mines. Eventually, however, the unions and the companies got round a table and, after sorting out the various troubles, the nucleus of the Arbitration Court was born. From that day to this it has had wonderful success. It has been acclaimed by industrialists who have visited our State as being the best set-up in the world. They have pointed out that our industrial conditions leave nothing to be desired, and are the envy of everybody.

I heard Mr. Watson mention that the set-up proposed in the Bill would be better, because at the moment the members of the Arbitration Court are employed on a five-year basis—that is, the representative of the employers and the representative of the employees. I would say, however, that the present Arbitration Court is a far better system than that proposed in the Bill, where four commissioners will be given a life term.

Let us consider for one moment the position if members of Parliament were elected for life. I am sure they would not do very much work in such circumstances. The commission that is to be set up will probably stack the odds against the worker. Mention was also made about people who did not join a union.

I recall that years ago on the goldfields we had a scab union formed which called itself the Coolgardie Mine Workers Union. They would not join the A.W.U. There was no end of trouble as a result of this, until eventually they were overpowered by the A.W.U. and went out of existence. There is no doubt that the Bill before us will come into operation, because the members of the Government have been spurred on, and they must do what they are told. If they did not do what they were told, they would get no support from the big business organisations which have placed them in power.

I would like to see some of these old cronies who have been buried in the cemeteries on the goldfields and down here in Perth come here and haunt this House if this legislation is carried. Perhaps they might place a few more coals on the people introducing the Bill when they eventually go below.

It might be of interest to members to know that the Premier of the State worked on a mine. He worked on the Horseshoe Treatment Plant and was a shift boss. He left the industry in 1938, finishing up as a shift boss. He was also a Sunday school teacher at the Methodist church, and that would not have done him much harm, either. While he was working in the mine he was glad to be protected by the union and the Arbitration Court. The Minister for Works (Mr. Wild) left Norseman for Kalgoorlie in 1938, to work on the Ivanhoe Mine as a bogger and trucker, and from there he enlisted. There is a joke attached to the last shift on which the honourable member worked. His truck happened to fall into a shute and it took three days to get it out. This man was also protected by the union, and he was quite satisfied to work under the industrial conditions which applied.

I worked in the north-west of this State under slave conditions. I ask the Government whether it would like to see a return to those conditions under which the unions were crippled. I went to the north-west about 1910 and worked at the Whim Creek Copper Mine which is now operated by the Japanese. I signed on to work under certain conditions, but when I got there I found many young fellows of 18 or 19 years of age had also signed agreements to work under certain conditions, but when they arrived they found the conditions to be altogether different.

I was one who refused to work under those conditions, and I picked up my swag and walked 96 miles from Whim Creek to Roebourne. I was caught up with for having broken the agreement, and I was given 24 hours to get back to my original destination. I was fined £10 or alternatively had to spend one month in gaol. I paid my fine but I was confined overnight. I was able to upset those rotten conditions. I went back to the goldfields, after I had been caught up with by the drovers and the station owners of the north-west. I saw to it that the boys who went up there worked under proper conditions, and I ensured that they were able to get out of their contracts if the conditions were not adhered to.

We do not want a return to the conditions which operated in those days. We want the conditions which apply on the goldfields. As mentioned by Mr. Heenan tonight, the Chamber of Mines has always favoured the arbitration system and it has not experienced trouble with the A.W.U. Conferences are held around the table and differences are settled smoothly.

I shall not continue speaking for long, because I am not up to standard. I conclude by saying this: Three Ministers in the present Government of this State (Dave Brand, Gerry Wild, and Charlie Court) will go down in history as the men who perpetrated this blunder, and they will build for themselves an everlasting monument to their injustice to the working class.

THE HON. J. J. GARRIGAN (South-East) [1.44 a.m.]. I rise to oppose this vicious legislation, and I regret that it ever came before the Parliament of this State. I doubt if there is any place in the British Commonwealth of Nations where similar legislation as this has been introduced. This is the kind of stuff we expect in the Kremlin, and in the other countries associated with the Kremlin. We know that this State, as well as Australia and the other countries of the British Commonwealth, is ruled under democracy; but if this Bill is passed there will not be any democracy left for the 70,000 trade unionists in this State.

As I see it, the Bill is loaded against the workers of Western Australia, and against their wives and children. The objectives sought to be achieved could have been written on one single sheet of paper, because there are only two motives in the Bill. The first is the abolition of the Arbitration Court of Western Australia; and the other is the taking away from the President of the Arbitration Court (Mr. Justice Nevile), who has been one of the greatest Presidents of the Arbitration Court in this country, the right to arbitrate between employers and employees. In his office as President of the Arbitration Court, Mr. Justice Nevile has given great service over many years to both sides—the employers and the employees.

The arbitration system of Western Australia which has been in existence for some 50 years has worked effectively and well. It has been a fair and a just system, so why should the Government attempt to try something new? If there is delay in dealing with cases there is only a need to make one alteration to the existing legislation, by adding a new unit; that is, by the appointment of an additional conciliation commissioner. All the other clauses in the Bill are unnecessary, and one extra conciliation commissioner would bring greater justice to employers and employees.

I shall not speak for much longer, because other members have traversed the ground I intended to cover, but one note will always be present in my mind; that is, the manner in which this Bill was introduced into Parliament. The method was slippery and shady.

The Minister for Labour maintained there was great secrecy in the preparation of the legislation. I say if there is any need for secrecy, the Liberal-Country Party Government of this State should confer with the Federal Government for the improvement of the defences in the north-west of Western Australia in secrecy. That is where secrecy should exist, not in respect of this Bill.

The Bill should have been presented eight weeks ago, so that the people would be given more opportunity to know what was contained in it. Why fire a guided missile into 70,000 workers in this State in secrecy? Why should not the Government come out into the open and say to the workers, "This is what the Bill provides?" Why not let the people know, and why keep it secret? Why does not the Minister answer me?

I shall not reiterate what other members on this side have already referred to. I suggest to the House this Bill was born out of wedlock, and there is no need for me to say any more except to oppose it.

Adjournment of Debate

THE HON. H. C. STRICKLAND (North) [1.49 a.m.]: I move—

That the debate be adjourned.

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

Ayes—12

Hon. D. P. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. R. Thompson
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. F. R. H. Lavery	Hon. F. J. S. Wise
Hon. H. C. Strickland	Hon. G. Bennetts *(Teller)*

Noes—14

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. A. F. Griffith	Hon. J. Murray
Hon. J. Heitman	Hon. H. R. Robinson
Hon. A. R. Jones	Hon. S. T. J. Thompson
Hon. L. A. Logan	Hon. J. M. Thomson
Hon. A. L. Loton	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. H. K. Watson *(Teller)*

Pair

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

Majority against—2.

Motion (adjournment of debate) thus negatived.

Debate (on motion) Resumed

THE HON. H. C. STRICKLAND (North) [1.53 a.m.]: I must admire the solidarity of the Government parties. There is no doubt about it that they are much more consolidated than are many unionists. I should say that the Government parties are perhaps the strongest union in the country.

The Hon. D. P. Dellar: They have the whip over them.

The Hon. H. C. STRICKLAND: I would not know that, but since I have been a member of this House it is obvious that when anything to do with workers' compensation or anything of an industrial nature comes before this House, it is either given scant consideration and dealt with expeditiously, thrown out of the window, or simply forced through. It is nice to have the weight of numbers and be able to say that the logical argument put forward does not matter, or that we are just not listening.

It is a strange thing that members who sit on the Government side condemn unions for taking such direct action. If a body of unionists ignored logical argument or a logical request they would be branded as Communists or agitators, or be told that there was something wrong with them; but when it comes to Liberal Party and Country Party members, it is quite O.K.

The Hon. A. R. Jones: What do you expect?

The Hon. H. C. STRICKLAND: I expect this House to be considerate, and so does the public. I am sure no consideration is shown to the workers or their wives and families.

The Hon. A. R. Jones: Don't talk such rot!

The Hon. H. C. STRICKLAND: I am talking commonsense. It is all right for the honourable member, who is a retired farmer, to sit back and say that.

The Hon. A. R. Jones: Nonsense!

The Hon. H. C. STRICKLAND: Later on I might tell the honourable member that there is a bit of nonsense connected with his business. However, my concern is for the working classes and their families. I am not concerned with any gain for myself. However, I have been through the mill of arbitration. I started off on a half-crown and 5s. per week, and, as Mr. Bennetts mentioned, I have been shown the 200-mile track, take it or leave it; and I preferred the track. I have been through the mill; I have not been spoonfed. I have come up the hard way, and I can put myself in the position of other people who have to do it the hard way—the man on the basic wage; the unskilled labourer who has to rear a family; the skilled labourer who has to rear a family; and the white collar worker. None of them are on easy street, particularly when they are required to pay up to 6s. or 7s. for a pound of steak, which none of them can afford to do. But the farmer sits back and tells us we are talking nonsense.

In the past, I have heard the honourable member tell us that he does not pay any income tax. I do not know how he gets away with it, because our salary is £3,500 a year. He is one of the lucky ones. However, he has a lot to say in connection with other people's livelihoods.

This Bill is not what the Government says it is; and it is not what the Press proclaims it to be, or what the Employers Federation, Mr. Lionel Carter, or anybody else who writes to the Press, claims it to be. This Bill abolishes the Arbitration Court cleanly and completely and replaces it with an industrial commission. If the Government would tell us who the members of the industrial commission are to be, the industrial movement generally might have a different idea in connection with the Bill; but the Government will not tell us the names of the personnel who are to sit on this industrial commission.

It is no use saying that the Government does not know or has not somebody in mind, because no Government starts off with legislation unless it has examined all the possibilities and probabilities attached to it. The Government knows very well who it is going to appoint to this tribunal, but it is keeping that a secret. Naturally that raises suspicion amongst the industrial workers and their industrial unions. They are entitled to know something. To make the matter a thousand times worse the Government had no pre-discussion in relation to this arbitration law—absolutely none.

The Minister for Labour has told Parliament that this is his own idea, with the assistance of an official in the department. Well, that may be so; but I refuse to accept it—absolutely refuse to accept it. I would be astounded if the members of Cabinet merely accepted it without knowing anything about it. Every member of Cabinet knew about it. As the Minister for Local Government stated I think during his first session here as a Minister, Cabinet decisions are unanimous; and every member is responsible for every decision that is made.

The Hon. L. A. Logan: That is right.

The Hon. H. C. STRICKLAND: So when Mr. Bennetts names three members who might be rolling over in their beds in their old age thinking of what they might have done to some of the working people, I say every member of Cabinet must hold the same responsibility and is as guilty as every other one in relation to any law which is decided in Cabinet.

I say, without fear of contradiction, that the existing arbitration system has proved, beyond doubt, to be the best of any in Australia. The results have proved it. We have had very laudable commendation from men such as Mr. Mason, the first manager of BP. He had a lot to say in a Press statement on the eve of his departure for England after some years at Kwinana. He praised the quality of the workmanship and integrity of the

workers. He said he would talk up Western Australia and its employer-employee relations throughout England.

Sir Charles Gairdner passed exactly the same remarks. There has not been any industrial upheaval here in this State for many years which was not provoked by an anti-Labor Government. Members can think that over and cast their minds back to 1952 when, during the margins case involving the metal trades industry, the anti-Labor Government used up £5,000,000 of railway money to prolong the strike, on the flimsy excuse that it would not go into conference with what it termed Communist-led unionists. That is a very fine thing, when it is spending taxpayers' money to fight an industrial dispute!

Immediately after this strike in 1952, that Government wrote into the Industrial Arbitration Act the law which states that no funds or property belonging to an industrial union can be used in connection with a strike or lockout. When we look at the inconsistencies which take place in connection with public funds and private funds we find that the anti-Labor Government has no compunction in using up millions of pounds of the taxpayers' money and loan funds—because it would have to be made good out of loan funds ultimately—to prolong a strike; but it wrote into the Industrial Arbitration Act a law to prevent a union using its own funds to help its members during a strike or lockout.

In praising up the Bill, Mr. Watson said that it applied equally to the employers and the employees in connection with a lockout and a strike. Of course, it is like comparing a rabbit with an elephant on that basis. Who has ever heard of a lockout in this State during the last 20 or 30 years? Who has heard of one in Australia? I can remember when the coal mines were closed down in New South Wales in my early days as a worker in the early 1920s. As far as I know Mr. Barron-Brown was referred to as being the one who closed down the coal mines and had hundreds of thousand of workers thrown out of work, because the steel works followed. That was a deliberate lockout, but there were no punitive arbitration laws in those days. When he died, under his will he left a fortune to the President of the Arbitration Court.

That sort of thing is unpalatable to both employees and employers, and, as a result, good arbitration laws developed from those bad times. Mr. Bennetts talked about his early days. He was probably then working under the Master and Servant Act. He is wondering whether we are getting back to those days. We are certainly on the road back. We all know that the only unorganised people in Australia are the aborigines, particularly here in Western Australia. We know that the poor native in many cases is working for shillings per week.

The Hon. F. J. S. Wise: For tobacco.

The Hon. H. C. STRICKLAND: They worked for tobacco and sugar in my days, but the ration was provided by the Government and handed out by the employers. One of the things which consolidated the matter in my mind in regard to working conditions was one of very first slave actions, I call it, which I witnessed in 1920 on Noonkanbah station out of Derby. I went there as a shed hand, and I and some other lads went over to see the station garden on the banks of the Fitzroy River. Although the station produced 1,100 bales of wool a year, the water supply for the garden was carried by three teenage gins. They carried the water in four-gallon tins on their heads up the bank and tipped it into a clay trough. From there it was irrigated to the garden. The employers would not buy a windmill to draw the water up, but used the native girls, and there they worked day in and day out.

It has been a very long and strenuous fight for employees and trade unions to reach a state where everyone should be happy. The wage has been based on the cost of living for many years. The best market that anyone can get is the home market, and while the wage earners have money in their pocket, that market thrives. This has been proved over and over again. Some economists came along in 1929 and 1930 and as a result we experienced a man-made depression. The pockets of the workers were empty, so the shops closed up; and so the farmer lost one of his very good markets—the home market.

The economy has reached the stage where it is buoyant. There is not the slightest doubt about that. There has been no move from any section of the community—at least made public—for any alteration to the Arbitration Act. Everybody has been going along happily. There has been no industrial strife or turmoil. There have been minor stoppages, but for how long? A week, or a few days; that is all. There has been no general stoppage; yet the Government comes to light with a restrictive measure such as this, which provokes the industrial movement generally and which has caused protests. They have been called strikes; but what has happened is that the men have knocked off in order to present themselves here as a protest. There has been no upheaval—none whatever. There has been no reaction from the general public for this Bill to continue. There has been no support from the general public for the Bill—none at all.

The only support has come from the Employers Federation, from one or two irresponsible people who write to the Press, and from the Press itself—which

has always been anti-worker as far as I can remember. Looking for something to start it off, I have been gazing through some old cuttings. I find that back in April this year the inner council of the Liberal Party was preparing something to do with arbitration. One of the points was that compulsory unionism should be abolished. It was the Liberal Party that asked the Government to amend the Arbitration Act to abolish compulsory unionism. Even the D.L.P. jumped on the workers' back there and protested. The secretary, Mr. Peachey, wrote to Mr. Ockerby and told him that they did not agree with that lot. They claimed to be Labor, but they lost no time in jumping on the backs of workers.

The Hon. F. J. S. Wise: Appropriate bedfellows.

The Hon. H. C. STRICKLAND: It looks as though something might have transpired from there, because *The West Australian* immediately took up the matter following Mr. Peachey's protest. On May the 13th, 1963, the following appeared in *The West Australian*:—

> In practice, preference to unionists now amounts to compulsory unionism. While there are honest differences of opinion on the question, the Liberal and Country League is trying to shut the stable door too late in urging legislation to prevent the Arbitration Court granting preference.

Of course they had shut the door too late; and *The West Australian* knows what it is talking about. I do not know whether *The West Australian* speaks for the Government or to the Government, but it is invariably right on these things.

The Hon. R. F. Hutchison: Both!

The Hon. H. C. STRICKLAND: *The West Australian* came out with another attitude. After the president of the court granted preference to unionists, for the white collar workers, that certainly started a storm. So *The West Australian* pointed out that it was not much use trying to amend the Arbitration Act.

The outcome is that the Government has decided to abolish the Arbitration Court; to get rid of the court that granted the preference to unionists. That is the way to get around it—to get rid of the court.

The Government has the weight of numbers, with the aid of the Country Party. The Liberal-Country Party is able to abolish the Arbitration Court and to replace it with a commission. No-one knows how the commission will be constituted, but we can guess that it will be packed well and truly in favour of the employers.

During President Jackson's time there was no move to abolish the court or to do anything about it—absolutely none. One of the reasons might have been that the president followed the Federal Arbitration Court's practice of not granting quarterly adjustments to the basic wage. With change in the Arbitration Court, the quarterly adjustments have taken place. I remember when the first adjustment was made. There were all sorts of howls and cries from the Chamber of Commerce, the Employers Federation, and the Chamber of Manufactures; there were all sorts of comments as to how it would ruin the economy of the country. That was absolutely false, of course. Even hired economists wrote featured articles in *The West Australian* pointing out the dire consequences of the workers getting another 2s. a week, or something like that.

Employers used to tell me, when I was getting 2s. 6d. a week, that it was not good for the economy of the country for me to get a rise. It was not the country they were worrying about. They were worried that it might ruin their labour. Once a man gets a little bit more, he requires still a bit more to improve his position. For some reason or other there is an element in the employers' fraternity that simply hates to see the working class make any advance whatever. That element runs the Liberal Party. It controls the Liberal Party. There is not the slightest doubt about that; and the Country Party, for survival, must hang on.

It does not matter two hoots to the farmer what happens to the hundreds of thousands of people around the city, apparently, so long as his grain and his wool is shipped. Whether it goes to the Communists to keep them warm and to feed them, and whether it goes to them at less than the cost of production, and subsidised by the Australian worker through his taxation, does not worry him one bit; he could not care less. How the workers in country towns can keep supporting the Country Party or the Liberal and Country League is hard to imagine. Mr. MacKinnon could not imagine why unionists mostly vote Labor. Well, of course, I suppose he only worked as a unionist because it suited him. We have all got to live. But the reason why most unionists vote Labor is because Labor is their organisation.

The ACTING PRESIDENT (The Hon. N. E. Baxter): Order! I hope the honourable member can connect his remarks to the Bill.

The Hon. F. J. S. Wise: He is right on the Bill.

The Hon. R. Thompson: He is right on it.

The Hon. H. C. STRICKLAND: I am connecting my remarks to the Bill that is before the House, because the Bill affects every worker in Western Australia. His vote affects him also, and this Bill is the effect of lots of workers' votes. Their votes have boomeranged because they supported anti-Labor parties. They have not stuck like the old originals, the fathers of the Labor movement. They have not stuck

as solid as they did, or as solid as the Liberal and Country Parties have stuck here when it comes to an adjournment. Because the workers have not stuck they are now finding that it is boomeranging on them, and they are getting more shackles put upon them.

Mr. Watson said he will move some other amendments further to increase the penalties. I said, by way of interjection, that we would be back in the chain gang the way we were going. The honourable member could not be better pleased if we were back there. The old brigade never gives up. Even old Lionel Carter came out with a letter in the Press today. I bet his last gasp will be, "Down with the worker!"

The Hon. F. J. S. Wise: A true reactionary.

The Hon. H. C. STRICKLAND: You can bet your sweet life that if he has any breath left when they are screwing down the lid of his coffin he will be saying, "Down with the worker!" Yet he will expect somebody to shovel the dirt in the hole when they put his coffin under the ground, unless he is cremated.

It has been said that this Bill is a result of Commonwealth legislation working so well. Of course, the Commonwealth legislation has not worked well at all. There have been some tremendous upheavals.

The Hon. F. J. S. Wise: It is in a restricted class, anyway.

The Hon. H. C. STRICKLAND: Some of the Commonwealth arbitration laws were provoked by anti-Labor Governments. Members will recall that I flew to Darwin when I was Minister to settle a dispute in 1956, I think it was. When I got there I received lengthy telegrams from Mr. Holt and Senator Paltridge urging me not to give way—not one inch—to the demands of the workers. But what did the workers demand? They had two State ships held up, one Commonwealth ship was held up, and two or three private ships were held up. But while I was there Holt, Paltridge, and company—

The Hon. R. Thompson: The crooked sixpence!

The Hon. H. C. STRICKLAND: —were urging me not to give way to the demands of the workers. I went up there to get our ships away, and I did so. When I arrived I met the men and heard their story, and then I met the shipowners and heard their story. They said, "Don't give in. Don't budge." It was not the owners, but the agents that I saw. I saw the head of the stevedoring board, but, of course, he was instructed from Canberra and he could not do anything. He was tied because at the time Mr. Holt was Minister for Labour.

What happened? When I told the agents that they should get in touch with their principals, and that we should agree to the terrific demands that the workers were supposed to be making, I got these lengthy telegrams. I have still got them at home. I looked for them today, but unfortunately, I could not find them otherwise I would have read them tonight.

The demands of the workers in Darwin were simply these: Because tremendous cargoes of cement were coming into Darwin for use at the airport the workers asked that the gang which worked on the cement today should be changed with another gang tomorrow, and that the work should be rotated so that each man would get his share of the dirty work. But they were not allowed to do that. What do members think about that?

It was pure provocation, because Mr. Holt had declared war on the Waterside Workers Federation. Since the removal of some of the agents who were handling the private shipowners' affairs at Darwin there has not been a hold up—not in the last seven years. Darwin had the reputation of being the worst port in the world —the slowest cargo handling port in the world—but now it is up with the Australian average, and it is very good indeed. So we find, as I said earlier, that most of the big industrial upheavals are provoked by anti-Labor Governments.

The Hon. R. F. Hutchison: They always have been.

The Hon. H. C. STRICKLAND: For what reason do they do these things? Why, if the economy is moving along smoothly, do they want to upset it? Do they want to see the working class penniless all their lives, and keep them in debt all their lives?

The Hon. J. M. Thomson: No.

The Hon. H. C. STRICKLAND: One honourable member says "No". If that is so, and he really believes what he says, he will give a great deal of thought to industrial measures when they are introduced in this Chamber. But that appears to be the scheme; there can be no other reason for it. There is plenty of money coming into the State from overseas, and there is plenty coming into Australia. I read somewhere today, I think it was, where some wealthy Chinese have come to Australia, or have sent their money to Australia, to buy land, because they say Australia is the safest investment in the world.

The Premier has been around the world telling everybody the same thing. Yet he is responsible for allowing this legislation to come before us. He has been around the world telling everybody he could meet, in every city, what a great State this is; that our industrial relations are extremely good—the best in Australia. But what do we find? We find a bomb like this thrown in.

The Hon. A. R. Jones: He will be able to say they are better now.

The Hon. H. C. STRICKLAND: The honourable member can get up and tell us why he supports the Bill. He will be able to tell some of the small people around Geraldton why he supports it.

The Hon. R. Thompson: He doesn't know anything about it.

The Hon. H. C. STRICKLAND: He will be able to tell them why he is in favour of abolishing the Arbitration Court, and why this commission should be introduced. Nobody knows who its members will be; and we of the Labor Party asked to vote for a blank cheque. Perhaps the honourable member knows because he is in the inner circle.

The Hon. A. R. Jones: You mean as the commissioners?

The Hon. H. C. STRICKLAND: We would not know.

The Hon. A. R. Jones: Mr. Schnaars will be one.

The Hon. H. C. STRICKLAND: Has he accepted the job? The Minister might be able to tell us that. We have read something about it in the paper, but will the Minister say he has accepted the chief executive job with the commission? Of course he has not! That is only another smokescreen.

The Hon. R. Thompson: He has been offered a job in the Commonwealth.

The Hon. H. C. STRICKLAND: That has probably been tossed in because somebody in another place suggested it. The Press has got the public thinking that they are going to be the men to be appointed as commissioners. The Press has already suggested that Mr. Pereira will be appointed, and Mr. Pereira has had to write to the Press and deny that he knows anything about such an appointment. Why does the Press do this? To mislead the public, of course! But the Government has not heard any applause from the public yet. I have not yet heard or read of any. The only support the Government is getting is from its own official organ—the daily Press. It has always got that, and it always will, provided it does what it is told.

So, in getting back to the Commonwealth arbitration system and regarding it as a model, I find that I have received this little booklet through the post, which is addressed to—

> Mr. Prime Minister . . . . Messrs. Premiers, Lord Mayors, Presidents . . .

OUR MARGINS

The booklet is prepared by The Australian Council of Salaried and Professional Associations, and these associations are listed on the back of this booklet, and they number about 20, all of whom represent white-collar workers. This is what the council says about the Commonwealth arbitration system—

> Why do the clerical, administrative and professional workers of the Commonwealth Public Service resent so deeply the salary policies of the Federal Government, of the Commonwealth Public Service Board, of the Public Service Arbitrator, and of the Commonwealth Conciliation and Arbitration Commission?
>
> The reasons are simple and clear—continuing injustice and Australians resent injustice!

That is a fact which cannot be denied. To continue—

> Community wage and salary standards since 1959, as a minimum, have been 3⅛ times the marginal rate payable in 1937 plus a Basic Wage.
>
> Few Australians have been forced to exist on that minimum standard.

It goes on to say—

> The Federal Government, the Commonwealth Service Board, the Commonwealth Conciliation and Arbitration Court, the Commonwealth Conciliation and Arbitration Commission and Public Service Arbitrator have ignored so many of the attempted negotiations, arbitration claims, and protests about declining standards of the Commonwealth Public Service unions and associations and forced their standards down to less than 2½ times the marginal rate payable in 1937 plus a basic wage.

The excuse for this Bill is that it is going to speed up industrial conciliation matters as it has done in the Commonwealth system, but, of course, nothing has been speeded up in the Commonwealth system. The changeover has not achieved that. These hundreds and thousands of men, as a body, confirm that, and their opinion would be well founded. This body concludes by saying—

> This policy of "attack the Commonwealth Public Servant to get at the million and a quarter white-collar workers of commerce, industry and the State and Local Government Services" explains why Commonwealth Public Service Organisations have begun to develop policies of Direct Political Action against the Federal Government Ministers and Members.

That is what those workers think about the Commonwealth arbitration system, and there is not the slightest doubt that it has not worked very successfully. Also, there is not the slightest doubt that this Government has some unknown and unexplained reason for replacing a system, which has proved itself over the years, by another one; and it is not going to tell us who the personnel of the industrial commission will be. If the Government

refuses to tell us who the personnel will be it cannot expect anything else but suspicion. It is absolutely wrong.

The Employers Federation wasted no time whatsoever in using the punitive and restrictive sections of the Act to charge the leaders of the trade unions and the industrial council with contempt of court by inciting strikes. Mr. Watson has chosen to pick out the secretary of the Trades and Labor Council—the man who is responsible for doing the work—and has discredited him as much as he can. However, he is occupying a position in the same way as any other union official. As Mr. Lavery has said, he is occupying a position under rules approved by the Arbitration Court. What happens? The employers, apparently, were tardy and a little reluctant about taking action against their employees. However, who pushed them into taking action? The Employers Federation? Of course it did!

Mr. Watson tries to point out that it is only the workers who are directed as to what to do by their union secretary. What about the employers? Are they not being directed what to do in regard to these proposed and pending prosecutions? Of course they are! The position is not one-sided by any means. We read a great deal about faceless men. I want to know who are the faceless and heartless men who are behind the introduction of this Bill, and who are forcing the employers to take action against the workers.

The Hon. R. Thompson: Faceless and gutless men!

The Hon. H. C. STRICKLAND: Liberals insinuate in regard to faceless men when they talk about the A.L.P. Congress. These people are definitely alluding to the A.L.P. Congress. However, what about these heartless men who are prepared to throw into turmoil the peaceful industrial relationships between employer and employee? Every member of the Government knew full well that once this Bill was introduced there would be industrial unrest. They are not big enough fools not to realise that. So why force this Bill on to the people at this stage? I would suggest that had the Government had inner knowledge, or had it been previously informed that a Commonwealth election was to be held in the immediate future, this legislation may not have been introduced in this session of Parliament because the reaction throughout the working classes and the small business people is by no means small and it could have far-reaching effects upon the election results next Saturday.

However, the Government has been driven by these unknown, heartless people into taking this type of action and they could not care one hoot about what happens. Their policy is one of "Blow you Jack; I'm all right!" They do not care what happens to the working classes who may suffer as a result of the introduction of this Bill. I certainly oppose the measure, as does every member of the Labor Party, and as every person should do who has any respect for the great mass of the working people who do produce the wealth of this State. The wealth is not produced on the benches of this House; it is produced by the workers who toil in industry; whatever the type of industry might be. I do not say that capital should not earn its wage, but members should be reminded that this is not a one-sided question.

There is the human aspect to be considered. Here we have punitive legislation being introduced in the dying stages of Parliament, and an endeavour being made to force it through, without members getting up to justify it. In this connection I might say that though I dislike and disagree with the views expressed by Mr. Watson, I must admire his forthrightness and courage in expressing the thoughts he did.

I am afraid I cannot say the same about Mr. MacKinnon, who merely got up and said it was a good Bill, and that it would help Western Australia. I do not think much of that, because we have Lionel Carter in *The West Australian* saying it was following the model of Queensland. Earlier this year the Commonwealth Government also proposed to alter its arbitration laws in rather a drastic manner; but pressure was placed upon the Commonwealth Government and it was forced to withdraw its Bill. It did not go on with it. Mr. McMahon, the Minister for Labour, successfully moved for the Bill to be discharged from the notice paper. He said there was no public outcry for it.

The very same thing can be said for this Bill. There is no public outcry at all for this measure; absolutely none—unless of course *The West Australian* calls itself the public. *The West Australian* expressed itself in a leading article on the 13th May, 1963. Under the heading, "Preference to Unionists has been Established," it stated—

> In practice, preference to unionists now amounts to compulsory unionism. While there are honest differences of opinion on the question, the Liberal and Country League is trying to shut the stable door too late in urging legislation to prevent the Arbitration Court granting preference.
>
> Compulsory unionism, with exemptions that affect only a few, is certainly being introduced indirectly, but the application of preference is already so widespread in Australia that its abolition seems impracticable. It is better that the question of preference should continue to remain with the Court to decide.
>
> But in exercising this power the Court has a responsibility to ensure that the system is worked reasonably for both the individual worker and the

employer. Any union which does not act fairly and efficiently should have the preference clause deleted from its award.

With the broadening of preference in what is virtually compulsory unionism there is a necessary reform that does call for legislative action. If a union is affiliated with any political party, members supporting another party should not be compelled to pay a political levy as part of their union dues.

It is rather late to debate whether the granting of preference is a proper function of the Arbitration Court. There is another field, however, in which its functions should be more strictly defined. That is where award terms have the effect of fixing the service which an industry, such as the bread industry for example, gives the public.

I think the Government decided to cock its ear on that, and to make provision for it in the Bill. To continue—

It is for Parliament to decide the amount of service. The Court should be concerned only with wages and penalty rates and hours and conditions of work for the industry concerned. Members of Parliament have to account to the people for their actions. When some degree of service is withdrawn by an Arbitration Court decision the public has no redress.

I do not know that the public made any outcry about bread in any way. I found no inconvenience in regard to this matter; and I have not heard of any public outcry.

So it would appear that the Bill embodies the advice of *The West Australian*. It is approaching the problem from the back door. The Government says, "We cannot sack the President of the Arbitration Court, but we will replace the court with an industrial commission which we will be able to control." The Government will have full control of this commission, because it will appoint the personnel of the commission for life. There are no extraordinary provisions in the Bill which say that the commissioners can be removed. In fact, they cannot be removed; they are appointed until they are 65 years of age. The only conditions under which they can be removed are if they go bankrupt or insane—and those are the normal conditions which apply to the Public Service.

So it seems to me that though it might have been a well kept secret, it is a very well defined scheme to transplant a fair and reasonable Arbitration Court, with one which will be loaded in favour of the employers; loaded in favour of those who have opposed decisions that have been favourable to the working class. The families of the workers must also be considered; and I would remind the House again that once we cut down the wage-earner's economy, we cut down the economy of the State. There is not the slightest doubt about that.

I thought Mr. Watson's singling out of the Secretary of the Trades and Labor Council was, perhaps, a little unfair in some respects, because he went out of his way to create the impression that Mr. Coleman, on his own volition, is doing all these things; that he is wielding a big stick, and inciting people to strike which, of course, is against the arbitration law. But as Mr. Coleman has been served with a summons of some kind—at least that is what we read in the Press—he will have to answer the charges made, and it would seem, therefore, that Mr. Watson has convicted him before he has been tried.

I know Mr. Watson is very sincere in his thoughts in relation to these matters. He is just as sincere in his thoughts as I am in mine, although we are poles apart. I do not think it is right to make charges in this House against individuals who are acting on the instructions of their members. The Trades and Labor Council acts on the instructions of its affiliated unions, in the same way as the Employers Federation acts on the instructions of the employers it represents. There is no difference between the two sides.

I do not want to name a member of the Employers Federation as being an out-and-out slave driver. I do not think that is a fair proposition. It is wrong to select an individual, and smear and blacken his name; because in my experience during my working life of 40 odd years I have reached the conclusion that even if Bob Menzies had been a trade unionist he would have been smeared also. Somebody has always to bear the unfair smears which are put out, particularly by the Liberal Party. Of course that person always seems to be the leader of the industrial movement. They say very fine things once such leaders pass away; they get up like hypocrites and say all sorts of nice things about them. While the leaders are alive they hold a strong opinion that the leaders are better off dead. It is unbecoming of members in this House to single out a man who is doing his duty, and to more or less convict him when a trial is pending.

I hope that members will be able to see the light, and that the Minister has not made up his mind to simply bulldoze the Bill through this House, and refuse to accept logical amendments or arguments. I hope he has not been instructed to sit tight, so that he is prevented from listening to anything reasonable. I hope that when the Bill reaches the Committee stage some of the fair and reasonable amendments, which can be established as being fair and reasonable, will receive consideration from the Committee; that is, if the

Government has not set its teeth and declared: This is the finish. You will have this or nothing.

THE HON. A. R. JONES (Midland) [2.54 a.m.]: I rise to support this Bill. I feel that quite a lot has been said in its favour, and quite a deal has been put forward in explanation of the clauses. For me to go further into that would be a matter of repetition. The honourable member who has just sat down qualified himself as being one who should, in his opinion, be able to represent the workers, because of his knowledge of arbitration, and the fact that he came up to the position he now holds the hard way. I think he said he first earned half a crown a day or a week. That is a very small amount of money. It is a very great credit to him that he has come up from the ranks to the stage where he pays huge whacks in taxation and owns property in Perth.

He said I did not pay any taxation. I can claim that I also came up the hard way, and that I have an appreciation of fair play, because I was a worker for many years. In fact, I am not retired as he claimed I was.

Point of Order

The Hon. W. F. WILLESEE: On a point of order, are we debating the Bill, or are we hearing a personal explanation on how a man rose from the ranks?

The PRESIDENT (The Hon. L. C. Diver): The honourable member may proceed.

Debate (on motion) Resumed

The Hon. A. R. JONES: I was saying that I was capable of considering this sort of legislation, because it was claimed by the previous speaker that he came up from the ranks, and so have I. I worked on the goldfields among the unionists, and I had a very good insight into the necessity of the union movement. I was on the goldfields when the strike was on, and I knew the implications and what brought on the strike. So I feel I am competent to judge for myself whether or not this is good legislation. So far as representing the workers is concerned, I represent more workers in my province than does the honourable member in his.

The Hon. R. Thompson: You ought to be ashamed to admit that.

The Hon. A. R. JONES: So far not one of those workers has contacted me, or asked me to give any other version than my own in the debate on the Bill. It is fairly apparent that the people in the province I represent are quite happy about the Bill; otherwise I would have received some instruction to oppose it.

The Hon. L. A. Logan: They are satisfied to leave it to your good judgment.

The Hon. A. R. JONES: But I have not received any. I am quite prepared to take the consequences for my action in two or three years' time when I come up for re-election. If I do the wrong thing in this legislation the people will let me know through the ballot box.

Quite a few people came to this House this evening. The gallery was not full, but there were between 20 or 30 present. They probably came here to listen to the arguments, in the same way as some people went to hear the arguments in the other House. It is significant there is no-one in the gallery at the moment, because they have heard the Bill being explained, I think for the first time, concisely and precisely by those who did explain the clauses in the Bill and the functions under the whole set-up.

Reference has been made to Mr. Coleman as having been castigated by Mr. Watson and other members. There is no doubt that he, as Secretary of the Trades and Labor Council, carried out his duty as he was instructed. I do not think anyone has any quarrel with a person who does what he has to do, providing it is done in an orderly manner. I think it was the manner in which he went about his work which aggrieved some people. It certainly aggrieved some unionists, because on the night when the meeting was held at the car park I had occasion to go home and return to the House. As I entered, six people were leaving. The policeman said to them, "You are going away?" The ringleader said, "A person wants to have his head read for giving up half a day's pay to listen to this sort of thing." So it is not we who have had the wrath brought down on us. Some of the unionists have not been happy with the treatment they received. Let us not believe that all the people are against this legislation, not even all the unionists.

As I said previously, the Bill has been explained, I have read it, and I have read the speech of the Minister when he introduced it. I have taken notice of those who explained the clauses, both from the Opposition side, and from the Government side, and I am still prepared to accept my responsibility in passing this legislation, because I think it is good legislation. It has been claimed that this commission will be loaded against the worker. I do not know how anybody could determine that. Already the name of one commissioner has been mentioned, and, as far as I can recall, he is a man who was tied up with the Labor movement in years gone by. I think that would indicate that the commission will not be loaded against the worker. I have not a clue as to who the other commissioners will be; and I do not think any member of the Government—except perhaps the Minister—would know who the other three might be. It could be Mr. Strickland for all I know.

The Hon. W. F. Willesee: I bet he will be!

The Hon. A. R. JONES: He is thinking of retiring, and this would suit him down to the ground. He would get £4,000 per year. At this moment, I do not think any of us is competent to say who the commissioners will be. I will not take up any further time of the House, as I support the Bill in its entirety. If some good amendment comes up that is acceptable to the Minister, I have no doubt that the Minister will tell us that it is good, in which case I will support it.

The Hon. R. Thompson: Won't you know if it is good?

The Hon. A. R. JONES: I support the measure as we have it before us; and I will make any further comments in the Committee stage. One or two of the clauses particularly affect some of the people with whom I am concerned, and in the Committee stage I will state further why I think this is good legislation and why it will be helpful to them.

Adjournment of Debate

THE HON. J. DOLAN (West) [3.2 a.m.]: I move—

That the debate be adjourned.

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

Ayes—11

Hon. D. P. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. R. Thompson
Hon. H. C. Strickland	*(Teller.)*

Noes—14

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. A. F. Griffith	Hon. J. Murray
Hon. J. Heitman	Hon. H. R. Robinson
Hon. A. R. Jones	Hon. S. T. J. Thompson
Hon. L. A. Logan	Hon. J. M. Thomson
Hon. A. L. Loton	Hon. H. K. Watson
	(Teller.)

Pairs

Ayes	Noes
Hon. G. Bennetts	Hon. F. D. Willmott
Hon. E. M. Heenan	Hon. J. G. Hislop

Majority against—3.

Motion (adjournment of debate) thus negatived.

Debate (on motion) Resumed

THE HON. J. DOLAN (West) [3.6 a.m.]: I feel I should commence speaking carrying on from where Mr. Strickland left off in his reference to the leader, I would say, of the unionists and his address to the men out on the lawn. I feel it was his duty to be there; and it was his duty to be in the forefront and not skulking around the back interjecting and adding fuel to the fire. I think he was in his right place when he stood up and explained to the men why they were there. I think we should fix the blame on the people who brought them there—and that is the Government.

The Hon. D. P. Dellar: Hear, hear!

The Hon. J. DOLAN: I am always amazed when someone tries to shift the burden on to someone else. I am reminded that once in the course of my job I found a lad who was in trouble. I thought he was the culprit and I grabbed him and said, "What is the trouble, son? What is it all about?" He said, "The row started when the other fellow hit me back." That is how I feel in this case; that the Government is blaming the other fellow because he hit back.

I was surprised to hear the Minister in his second reading speech appeal to Government members to maintain dignity and care when debating this issue. Also, when I listened to him a few times tonight, I felt that if he had the power to shut out the words from his own ears when he was interjecting he should have done so in order to bring to the Chamber some of the dignity and care he expected of other members. I say that in no unfriendly way. I will not in any circumstances ever use abuse as a form of argument, because I feel abuse does not get anybody anywhere.

As this Bill relates to arbitration and conciliation, I would appeal to all members to bring conciliation and arbitration into the consideration of the Bill, particularly when we come to the Committee stage. I would like to address myself for a while to the history of arbitration in Australia so that members can get a background as to why this Bill has so upset the Labor movement.

Arbitration began with an Act passed on the 15th December, 1904, when a Court of Conciliation was set up; but when conciliation was found impossible, arbitration was considered. I feel it would interest members to know the views of the man who must always be regarded as the father of arbitration in Australia. I refer to Henry Higgins, M.A., LL.B., Justice of the High Court of Australia, and President of the Court of Conciliation and Arbitration from 1907 to 1921—a period of 14 years of devoted, excellent service to the cause of arbitration, and the settling of disputes between labour and capital in a peaceful, decent, and dignified way. The system of arbitration has remained not only in the Commonwealth, but also in the States, ever since. We pride ourselves in Western Australia that we have the finest system of arbitration and co-operation between workers and employers in the world.

Despite this fact the Minister, to find a substitute system, had to go to other parts of Australia where the system has never been reckoned as good as ours. If I wanted to improve myself, I would go to someone who could teach me something. I will never understand why the Government had to go from this State, which has the

best record in Australia for sensible relationship between employer and employee, to Queensland or other States with which States our record cannot be compared.

I feel this is one of the things which has brought suspicion to the minds of workers and unionists in Western Australia and that suspicion will not be removed until it has been shown quite clearly that the Bill as proposed is going to improve a system which already exists—and it will have to be pretty good to do that.

Justice Higgins was invited by the Harvard School of Law to write articles about the system in connection with which they had heard so much. He had a series of three articles published in the *Harvard Law Review*, one in November, 1915, one in January, 1919, and the third in December, 1920. He issued them in book form entitled *A New Province for Law and Order*.

He had to learn arbitration the hard way. There was no arbitration when he started so he had to commence from scratch. Fortunately he was intelligent, and was willing to learn; and he therefore managed to build up a system which was the envy of the world. He had no book of instructions. He had no prejudices, which was a big help, and no teacher other than the teacher of experience. He had no kindly light except from the pole-star of justice.

These were the principles which guided him right throughout his long association with arbitration. He has passed on to people who are prepared to listen some very valuable lessons. He expressed the view repeatedly that the war between the profit maker and the wage earner would always be with us and although it would not be as dramatic or catastrophic as the wars between nations, it probably would produce in the long run as much loss and suffering not only to actual participants, but also to the general public.

The system of arbitration which was adpoted by that Act of 1904 was based on unionism. Justice Higgins felt that behind the whole system of arbitration was the fact that it is much better to have claims presented collectively by some responsible unionist than for them to be presented by groups of individuals.

There is reference in the Bill to non-unionists. I have heard five or six members refer to them tonight. Justice Higgins had some very harsh things to say about non-unionists. I quote—

> These are men who look to their own interests only, who seek to curry favour with employers to get the benefit of any general rise in wages or betterment in conditions which is secured without their aid.

I would ask members to keep that in mind when they are discussing clauses in Committee and particularly those clauses applying to non-unionists. Justice Higgins stated that in his experience, he could recall only one instance in the whole of his 14 years' association with arbitration when the influence of union leaders had not been directed towards peace.

So it is also of interest to recall that in the very first trade arbitration case before him which related to ships' cooks and bakers, the standard of seven shillings a day asked was bitterly attacked by the employers. The attacks made on the Arbitration Court and its awards in his time were generally made from the side of the employers, many of whom resented any curtailment whatever of the powers they possessed. Might I say that there are still many of that type amongst us—men who want to still retain the powers of the feudal days and feudal barons, and who do not want to give anything just to the men whom they employ.

Men don't like strikes. I have never yet known of a man or good unionist or worker who likes a strike for the sake of a strike. The great majority of them are generally quite willing to listen to reason, as long as they feel they are being treated reasonably. Only when they feel they are not being treated fairly will they get into the mood to strike. They know very well that they can never gain by strikes what they can gain by arbitration. They know that, and that is why, from the worker's point of view, arbitration is sought, and that is what is so upsetting today.

When something rouses the feelings of the great bulk of men there must be something deep behind it. With your indulgence, Mr. President, I will give an example of how in another part of the world altogether the action of the ruling powers was such that it raised the opposition of the big bulk of people affected.

Members may recall the song "By the Side of the Zuiderzee". The Zuiderzee is a big sea in the north of Holland caused by what was originally a tragedy. The ocean rushed in and formed the Zuiderzee. The Dutch people have always claimed that although God made the sea, the Dutch made the shore; and they were determined that in their desire to get more land, the day would come when they would reclaim that great sea. You will recall that in your lifetime, Sir, there was a great engineering feat in reclaiming that area. A huge dyke was built across the entrance, and it held back the sea. By means of drainage and beautification schemes a large area of land was turned into arable land.

The group of people who were affected were those whose ancestors had, for 300 and 400 years, been fishermen. They had built their villages; they had built their boats; and they engaged in fishing, not

only in the Zuiderzee but also in the North Sea. After centuries of fishing, the problem had to be faced of trying to make these people into farmers. We know what is the biggest insult to a sailor, and that is to tell him to go and start up a farm.

The Hon. N. E. Baxter: To put a hoe in his hand.

The Hon. J. DOLAN: One could not insult a sailor more. These people were only poor fisherfolk. This is comparatively modern history, in that it occurred during this century. The Government decided that in the interests of Holland more farm land was needed. These people were to be deprived of their livelihood and were being asked to turn their hand to farming; and they took a very dim view of the whole proceedings.

No matter what the Government said to them about the advantages which would come to Holland, they could not see the advantages. Eventually, on the day that this great engineering feat was completed, all the villages were draped in black and the people spent the day in mourning. They never forgave the Government, and at the next election I think the Government lost its majority.

I do not wish to be prophetic or to suggest that this Bill might have the same effect. It might even be wishful thinking. But I would remind members that history has that strange habit of repeating itself. If it does repeat itself then I hope I will be given credit for suggesting that it might happen.

There have been many changes down through the centuries; from the early days of slavery and serfdom, when the barons exercised enormous power, until strong kings brought peace to the nations and got rid of the power of the barons. We have certain barons today who hate any infringement of their powers.

I would say that it has been the Arbitration Court that has stood between such men and the workers, and has safeguarded the rights and just dues to which the workers were entitled. That might possibly be one reason why the workers are so upset in finding that the arbitration system is to be replaced by the system proposed in this Bill.

I thought a couple of speakers on the Government side were quite naive. They suggested that by having four conciliation commissioners instead of one we would get through the court's business four times as quickly. That seems logical reasoning; but let us really face up to the situation that will develop. Let us take four commissioners, A, B, C, and D. They sit and they hear four applications before the court. They deliver their judgments and they bring down awards. Then there is a challenge to the decision of commissioners B and D. According to the Bill, the three commissioners who did not sit on the award have to act as the commission in court session and take the appeal. Commissioners A, C, and D hear the appeal against the decision of commissioner B. The appeal against the decision of commissioner D is still waiting to be heard, and is still marking time.

If members feel that the system is going to be plain sailing, that all these things will be ironed out, and that there will be no difficulty, I would like them to think a little more deeply. I am sure there will be a considerable number of appeals under the proposed legislation.

If it becomes law, then it will have my good wishes. I would hope that it would be a great success and that it would have better success even than the present arbitration system has had. I say that truthfully and sincerely. But I will fight the legislation until my last breath because I do not feel that it will be a success. But if the Bill is passed and it becomes law members can rest assured—and I will give this as a pledge—that I will do all I can to see that it works properly. That is what we are here for; namely, to bring down legislation that will improve the social conditions of the State. If we do that, then it is our duty to support the legislation.

I wish to say that if the time comes when the legislation calls for our support in order to ensure that it works properly, then I will not adopt a dog in the manger attitude. I say that quite sincerely. It has often been claimed that a serious defect on the part of politicians is their lack of foresight; lack of the habit of studying the consequences of a measure in all its detail. I do not know whether or not that is true; but if it is, then this is one of the Bills which might prove it.

It is not the practice generally to treat police as useless because law and order does not reign supreme in our streets. We do not treat our criminal courts as useless just because there is crime still among us. Consequently, because there are industrial disputes and delays in the processes of arbitration does not necessarily mean that we have to condemn arbitration. It has proved itself; and if we are going to substitute something which might prove to be a very poor substitute, then I will continue to oppose that until it becomes law.

I feel quite honestly and sincerely that one of the secrets of industrial peace lies in co-operation between employers and employees; a degree of co-operation and responsibility which, I feel, does not exist in full measure today. That is why, in connection with some of the Bills which we have been discussing over the past month or two, I have tried at all costs to get workers' representation on boards. Once there is that close harmony between worker and employer we will get peace

in industry which will bring that prosperity to the State which we want so much to see.

Higgins found that the opposition to compulsory arbitration in Australia came principally from employers. I do not offer that as being my opinion, but as the opinion of a brilliant man who had been through the ropes and knew what he was talking about; a man who had no axe to grind. The power to withhold work and wages—in other words, the means of a person's livelihood—is usually held by employers. That is the reason why, when awards are made in arbitration, they do not necessarily favour the workers; and because Arbitration Court awards have shown a tendency to favour workers employers are inclined to be in opposition to them. I believe it is an opposition that will not stand up to the light of day, and it should be withheld in the interests of progress in this country of ours.

Now to get on to the Bill. What I have said has been leading up to the provisions in the measure, and I have been forming a background by giving the experiences and the considered judgments of a man who was really the father of arbitration in Australia. In his second reading speech the Minister had this to say—

> The main purpose of this measure is to accelerate and facilitate the settlement of industrial disputes and the determination of industrial matters, and to ensure, as far as is humanly possible, that justice is done in all industrial causes.

One member when speaking suggested that when a case was put before the Arbitration Court the employers' representative submitted his case, then the employees' representative submitted his case, the judge sorted it all out, and then delivered his award. I felt he referred to arbitration in a way which would cause mistrust of an Arbitration Court; and that is no approach to have to arbitration.

I believe that the system we have at the moment, where both sides can present their cases is better. Naturally, of course, so far as the employers are concerned it is presented with a bias their way, but they are still able fairly to present all angles of their case. Then a case is presented by the employees, or the workers, and the judge in his wisdom goes through the two cases, carefully sifts all the information, then delivers his judgment.

The Hon. N. E. Baxter: Wouldn't the workers have a bias their way, too?

The Hon. J. DOLAN: In their own way. I am not making it one-way traffic, because I do not believe in one-way arbitration traffic. But that is the system we have, and it is a system which has brought industrial peace, or comparative industrial peace, to Western Australia by comparison with other States, and more particularly with other parts of the world.

I would say that America, in particular, is a country which would love to have our arbitration system. That is the reason why they asked Mr. Justice Higgins to write the articles for the *Harvard Law Review*. They did so because they felt he could teach them something, and I believe we can teach them something. Therefore, I can see no reason why we had to go to the Eastern States to bring something back to put into our system of arbitration. I believe it was a move that was completely unnecessary, and I will be very surprised if it produces dividends. However, I will repeat what I said before: That if the measure becomes law, and if any action of mine can help it to be an improvement on what we have now, my co-operation will be willingly given.

We cannot blame workers for the demonstrations that have occurred. They have had good reason to be suspicious of any infringements of the Arbitration Court. Let me give some past history of actions that have taken place in Western Australia, and that have caused workers to be a little suspicious of moves made. They can recall when the Mitchell Government, in 1930, through Works Minister Lindsay, introduced a Bill providing for quarterly adjustments of the basic wage. This is quite a vexed problem today, yet it was introduced by the Mitchell Liberal Government. We must remember, too, that when the provision was introduced it was in an era of falling prices. It was introduced in March, 1931.

The Hon. N. E. Baxter: Did you say "falling" or "fallen"?

The Hon. J. DOLAN: "Falling." The basic wage was reduced from £4 6s. a week to £3 18s. a week. Therefore the first quarterly adjustment in the basic wage meant a difference of 8s. a week for the workers; and 8s. was a lot of money in those times.

The quarterly adjustments continued from that period onwards until, in the late 1930s, the basic wage reached the all-time low of £3 8s. a week. So members can see that in an era of falling prices the dice was loaded against the workers, and quarterly adjustments of the basic wage were very popular with the Government of that day. After reaching their all-time low, prices started to rise again, and the basic wage continued to rise until it was pegged, as members will probably recall, by the National Security Regulations during the last war.

In the post-war period the basic wage started to rise, and continued to rise, until today it is more than £15 a week. In the early 1950s—I think it was 1952 or 1953—the then judge of the Arbitration Court, Mr. Justice Jackson, decided to suspend quarterly basic wage adjustments. He used a provision in the Act which said that

the court "may" adopt quarterly adjustments. Members must remember that the word "may" is still in the Act. Consequently, the basic wage was pegged.

When the present President, Mr. Justice Nevile, took charge of the Arbitration Court in his presidential capacity, he restored quarterly adjustments, also by using the powers granted to him by the word "may." I feel that the present move, with the introduction of the Bill, is a counter to the action of Mr. Justice Nevile. I do not think he has been too popular since he reintroduced quarterly adjustments of the basic wage.

Somebody might question why the Labor Government did not do something about it when it had a chance to have quarterly adjustments restored. It did make a move to remove the word "may" and insert in lieu the word "shall." The Bill was introduced and passed in another place but, unfortunately, when it reached this House it was passed out; so that the word "may" still remains in the Act.

The Hon. A. F. Griffith: Have a look at section 123.

The Hon. J. DOLAN: I will afterwards.

The Hon. A. F. Griffith: It says, "The court shall have jurisdiction at any time and from time to time to determine and declare."

The Hon. J. DOLAN: During the Committee stage I will refer to sections in the Act where the word "may" still applies.

The Hon. A. F. Griffith: It does not apply to the basic wage.

The Hon. J. DOLAN: I do not wish at this stage, and more particularly in view of the Minister's remark when he introduced the Bill that he would like dignity and calm to prevail here, to be sidetracked and brought into an argument with him. I will do that at the appropriate stage.

In 1952, under a Liberal Government again, further amendments were passed which introduced penal provisions into the Act. So members must not be too critical when they find unionists viewing proposals in connection with the Arbitration Court with suspicion and worry, and a determination to fight against them.

The Hon. R. F. Hutchison: Members opposite know, but they just don't care.

The Hon. J. DOLAN: I have heard comments from some members which would lead people to believe that this Bill is the answer to the unions' prayers. Of course, nothing could be further from the truth. I have listened quite attentively, without interjection, or without even moving from my place, to every speech that has been made, whether from the Government or Opposition side, and some statements made by Government members were completely at variance with what actually is in the Bill. I have heard comments passed about certain things and I felt they were completely off the mark. Those things, of course, can be referred to during the Committee stage of the Bill. That will be the time when members, if they are reasonable and realise that they have made a mistake, will be prepared to listen to the amendments moved; and, if they are considered to be worthy, they should support them.

The Hon. A. F. Griffith: You were right about the use of the word "may". It is in section 123.

The Hon. J. DOLAN: Thank you. I am sorry I had to digress, Mr. President. I consider we are filled with the same burning desire that this State will go from prosperity to prosperity. I also believe that the day when employers and employees can wield the big stick has gone. I am of the opinion that the more co-operation, the more trust, and the more willingness to give and to concede as between one side and the other: the more that spirit is endangered in industry, the sooner we will achieve industrial peace which we all long for, because if industrial peace is achieved we will prosper; but without industrial peace we will only get what we deserve.

I can see that there are objectionable clauses in the Bill, but I also concede that there are others which can be accepted. Of course, I am looking at it with eyes which are different from those of other members who are also looking at the Bill. There are always two sides to any question. If I can be shown that I am wrong in my point of view, I will not persist with it. If we raise objections to any of the clauses and show that they are objectionable and at fault from the point of view of trade unions, other members should be reasonable and see the position our way.

I hope that some members are not going to prejudge the amendments, and consider that everything contained in the Bill is right. I would feel that members would be unworthy of their positions if they entered this Chamber with their minds already made up; that despite the arguments that are used in favour of the amendments they would not accept them. I feel that the clauses in this Bill should be discussed in a spirit of conciliation and arbitration. If we work on that basis I am firmly of the opinion that from this Bill we will produce something which, if not entirely satisfactory, will be at least partly satisfactory, not only to members, but also to both parties involved always in arbitration.

I throw this into the ring as a thought: The Minister used the word "accelerated" in his second reading speech. I wonder if this is one way by which we accelerate. I will not go into the detail of the section and the clause because it will be raised again in Committee. However, it relates to the change of the rules of a union. When a union wishes to change a rule or

a number of rules, under the present arbitration system it generally calls a meeting of its members. It submits the rules to them and the members decide that they will change the rules a little, and they decide to go ahead and make application for them to be changed.

There are special forms on which a union makes an application to the Industrial Registrar to change a rule or make an amendment to a rule, or add a new rule. I am given to understand from reliable sources in trade union circles that the Industrial Registrar can effect the necessary change to any particular union rule by return mail. That is how rapid something of that nature can be effected.

However, under the Bill, the new procedure will be something like this: The society or union will apply to the registrar for a change of rules. That is the first move. On the registrar receiving the rules he then sends them to the certifying solicitor who will give them his full consideration, and then he issues a certificate concerning the rules should he approve of them, or rejects them if he does not approve. The registrar then issues a list of the various unions that have to be served with notices. The unions are sent notices within seven days of the date of application. Then the registrar publishes the date of hearing before the court, and probably within about 14 days the commissioner in court hears the application, and then the commissioner registers the change. I do not know that that is accelerating the procedure.

Some years ago I knew a fellow in Fremantle. His nickname was always "Make a short story long Bob". I often wondered what happened to him. I think that he could have been called into consultation over this Bill so that he could make a short story long.

I have heard members say that the Bill will not mean the destruction of the five-day week. I would agree with them on that, but it does mean interference with the five-day Monday to Friday week.

The Hon. F. J. S. Wise: It can; that is the point!

The Hon. J. DOLAN: When we get into Committee we can show members how the Bill will make it possible for some employers to work their employees on Monday, Wednesday, Thursday, Friday, Saturday, and allow them Tuesday off. That would still be a five-day week. We would ask for consideration of this clause in Committee and that members should give it their full attention. It is a clause such as that which does not represent conciliation or arbitration. Similar clauses in the legislation will cause industrial disputes and trouble, and we do not want that.

I would probably agree with Mr. Watson when he referred to the bakers not being keen to revert to a six-day week. They have decided not to work over the week-end and people have had to put up with stale bread. I think, in discussion on the Bread Act Amendment Bill, I referred to the bakers' answer to that. They have installed costly machinery, and are satisfied with the way things are. It appears that the bread manufacturers are being told, "We are bringing this legislation in and you have to stick by it." This reminds me of the time when I used to go camping when a young fellow. One of the chaps who went camping with us was one of those who enjoyed being unhappy all the time. I remember one of the other fellows saying to him, "Listen we have brought you down here to enjoy yourself and you have to enjoy yourself whether you like it or not."

I feel that the Government is now saying to the master bakers who do not want to revert to a six-day week, "We are putting this into the Bill and you must make use of it whether you like it or not." I would again suggest to members that they give full consideration to this provision when we go into Committee. I feel, to a certain extent, it was not prepared in collaboration with organisations such as the Chamber of Commerce, and the Employers Federation.

The are past masters at knowing how to put their side of the case, particularly as it relates to clauses of the Bill which they might not like. I feel the Bill is more the work of an amateur than a professional; and, as we know, professionals are usually a few moves ahead of amateurs.

The Hon. R. Thompson: It is the work of a nincompoop.

The Hon. J. DOLAN: There are two main principles I can see that need implementation, and I ask the Government to give them serious consideration. First of all the Government should consider giving the commission the powers that are now held by the Arbitration Court. Secondly the Government should remove from the Bill any interference whatever with union rules. If those two principles are accepted, and the suggestion carried out, we will get some way towards industrial peace.

We propose to be an Opposition in the true sense of the word; we intend to oppose the measure until its final stage. Any man worth his salt does not stop fighting for something in which he believes. The man who ceases fighting for something which he feels is right, might just as well go and lie under the nearest tree and pass away, because he has outlived his usefulness as a man.

The Hon. F. J. S. Wise: I quite agree.

The Hon. J. DOLAN: Might I appeal to members of this House of review—

The Hon. R. F. Hutchinson: Don't say that.

The Hon. J. DOLAN: I appeal to members to bring into this discussion in the Committee stage some spirit of conciliation and co-operation which will enable us to produce from this Bill something which will do the Chamber credit, and which will be acceptable to the employers and the employees.

THE HON. R. THOMPSON (West) [3.52 a.m.]: Like other members—

The Hon. F. J. S. Wise: Aren't you going to move the adjournment of the debate?

Adjournment of Debate

The Hon. R. THOMPSON: I move—

That the debate be adjourned.

Point of Order

The Hon. A. F. GRIFFITH: On a point of order, Mr. President, I think the honourable member commenced to make his speech, rather than move the adjournment of the debate.

President's Ruling

The PRESIDENT (The Hon. L. C. Diver): Technically I think the honourable member did commence his speech and I think he should continue.

Debate (on motion) Resumed

The Hon. R. THOMPSON: I well expected the Minister to take such a point of order, because of his despicable actions in this House. He knows full well that a man should be home in bed.

Point of Order

The Hon. A. F. GRIFFITH: I would like to point out, Mr. President, that it is not often I rise on a point of order. My actions tonight have not been despicable in any way. If any member here is not well—and there has been at least one member who has gone home unwell—Mr. Murray, the Government Whip, has been quite prepared to arrange a pair. He is ready to arrange a pair for anybody who is so indisposed.

The Hon. R. THOMPSON: That might be the Minister's explanation, but in answer to an interjection I made yesterday —not today—he said there was not haste to get this Bill through. Yet when the House has been divided—and it was not divided until after midnight—the Minister has divided it on party lines, thus keeping in this Chamber a person who should be home in bed—a person who, through his loyalty to his party, proposes to stay in the Chamber till the House adjourns.

Debate (on motion) Resumed

The Hon. R. THOMPSON: The paltry, misleading speech the Minister gave to the House hardly warrants comment. The Minister misled the House on one clause particularly. The Press was very quick to pick it up, and it said the new Bill would not restrict the fixing of the days of work; that there would be no change from the present Monday to Friday setup. This is a lie, and I challenge the Minister to tell me that I am saying anything that is untrue.

A short time ago Mr. Dolan gave an illustration which showed that people could be asked to work any five days of the week —not just Monday to Friday. So the Minister has definitely misled the House on that point. The Minister started his speech by saying that the main purpose of this measure is to accelerate and facilitate the settlement of industrial disputes. The Minister's speech continues until we get down to the word "justice".

Would not there have been some justice if the Minister for Labour, and the other reactionary person who has been credited as being the architect of this legislation—the man who went to Brisbane with the Minister—had asked the trade union movement its views, and given some consideration to the demands made by the trade union movement? The Government, however, didn't even advise the trade unions what it proposed, because the present Government looks on workers as serfs.

The Government's attitude is very similar to that adopted by Mr. Watson tonight. During the time I have been here, on every occasion when matters have been brought forward affecting workers' compensation or arbitration, or penalties against employers, Mr. Watson has been adamant in his attitude that the worker is always wrong. I do not accept the word of the Minister in another place, that this was just the work of the Minister and one other person. I definitely do not accept that.

This legislation has been conceived in collusion with the ruthless type of employer in this State in an attempt to attract more capital to the State. The Government has already attracted some outside capital, but it seeks to attract more, and for a very good purpose. If this legislation goes through, the Government feels it would be able to proudly boast to people of its own ilk, that we are the lowest wage State in Australia, where no safety measures are afforded the workers, and where there is no to-and-from clause in connection with insurance.

The purpose of this measure is to completely wreck the trade union movement in this State. What a preposterous provision is being placed in this Bill, when an employer can intervene before the commission in court session against the registration of union rules. I do not know that such a provision operates in any other part of Australia. I would say it has been cooked up in this State.

We hear glib-tongued people speaking on the Bill when they know nothing about it. I wish Dr. Hislop were here instead of in his home. He took some people to task when they told the worker about the truth

of this measure, but he did not have the courage to address the workers. Perhaps he walked passed them, but he did not have the courage or the knowledge to address them.

When the workers were assembled in the grounds of Parliament House members of all parties were invited to address them, but none, other than members of the Labor Party, had the courage to do so. It serves no useful purpose for Dr. Hislop to say that when people called on him in connection with this Bill they left with a better knowledge of it, because he does not know what is in the Bill; and he did not touch on the Bill in his address.

The Minister also said in his speech that a similar situation has contained in the Commonwealth industrial jurisdiction of 1956, and as a matter of constitutional necessity the arbitral functions had to go on. What was this Commonwealth industrial jurisdiction of 1956, and what did it do to the working class of Australia? There are more people in Western Australia working under State awards than under Federal awards; I should say the proportion would be five to one.

In 1956 the Commonwealth Government, of the same political flavour as this, and an anti-working class type of Government, introduced the penal provisions into the Commonwealth Conciliation and Arbitration Act, which are the worst in the world. There are none worse than those penal provisions.

What has resulted from the passing of those provisions? They have brought about continual unrest. We witnessed only this year the withdrawal or suspension of the amending provisions which were inserted in the Commonwealth Act of 1956, so that work on the waterfront could continue in harmony. Since the suspension of those provisions the work on the waterfront has returned to normal.

In Western Australia we find vicious penal provisions in the Industrial Arbitration Act—as vicious as any that exist in other parts of this country. They were introduced by the McLarty-Watts Government, and were supported by every member on the Government side in this House at that time. Since then they have been opposed vigorously; and attempts were made while Labor was in office to remove them from the Act. Members who say that they have had a good look at the Bill and contend that the provisions work both ways, should recall their actions when attempts were made to repeal the penal provisions in the Act. I refer to Mr. Watson, and I make no apology for doing so. Of course he did not support the repeal of those provisions, because they are a burden on the worker and another shackle around him. That is all this Government tries to do—to shackle the worker.

I could go on for two or three hours to deal with what the Minister omitted to say regarding the contents of the Bill. I shall be sympathetic and say to the Minister that he does not know anything about the Bill. I go a bit further and say to his colleague sitting beside him that neither does that Minister know anything about the Bill.

The Hon. L. A. Logan: You speak for yourself. I shall speak for myself when the time comes.

The Hon. R. THOMPSON: I hope the Minister will. There have been two expositions on the contents of the Bill, one of which was delivered by Mr. Wise in which he dealt, in a splendid manner, with some of the provisions. He was not completely opposed to them all. He dealt only with the clauses which will react against the workers; he did not deal with the others, because they are not of much consequence.

But Mr. Watson said unconditionally that the Bill was good, and that he had made a detailed study of it. Of course he did, but with a conditioned mind which represents big business interests, big employers, and the people who know what the inside of a penny looks like. I expected him to speak in that manner. But the other Government members have not touched on the Bill, because they definitely do not know what the contents mean.

One could develop an argument for a long time on just one word that applies to the Bill; that is, legalism. Mr. Dolan pointed out nine different aspects of what is required for the registration of union rules. The union secretary usually draws up the proposed new rules, or the amendments thereto. On most occasions he presents them to the solicitor for the union, who either makes amendments or passes them. They are then presented to the Industrial Registrar, and in some cases they are stamped and returned in the next mail. It is as easy as that.

Mr. Dolan referred to nine aspects of registration of rules under the system proposed in the Bill. It is just as well to refresh the minds of members. They are—

(1) The society applies to the registrar.

(2) The registrar sends the rules to the certifying solicitor.

(3) Certificate regarding the rules is issued, or not issued, as the case may be.

(4) The registrar gives a list of unions to be served with notice.

(5) Union sends notice within seven days of making application.

(6) The registrar publishes the date of hearing, at least fourteen days prior.

(7) The commission in court session hears the application.

(8) The commission directs the registrar to register or not to register.

(9) The registrar issues minutes of order, which is covered by clause 75.

Then we come to one of the other vicious provisions in the Bill, under which the Minister may appeal against any rule that is made. I would like members supporting the Government to tell me what they know about this when they speak. The Minister can appeal and interfere with every function. There are also two other aspects—

(10) Appeals.

(11) Direction to the registrar.

That illustrates the functions which must be carried out to enable unions to register their rules. At the present time such rules can be registered in one day, but under the new set up it will take weeks.

If members will look at clauses 61, 64, and 110 they will find that the Minister has unlimited power to intervene in connection with any application to a commissioner, and to the commissioners in court session; and if he does not get away with that, he can appeal to the judiciary. That shows this is a politically-loaded Bill; It is nothing else but a politically-loaded Bill; and to tag the name of arbitration on to it does not make sense, because there are no arbitrary powers when these powers can be vetoed by a Minister. That is what it means, because the people who will comprise this commission will be hand-picked men. Make no mistake about that! They will be political appointments. Rumours have been circulating—I say they are rumours—in order to give the public some confidence at this stage. The article in the *Sunday Times* said that an approach has been made to a certain person in the trade union movement; but I do not think he would accept the position even if an approach were made.

Political appointments will be made; and the people selected will occupy the positions for many years if this Bill becomes law, and the workers can expect the worst from them. I have good reason for saying this. Last Monday week at approximately 12 o'clock a union secretary was called before the Conciliation Commissioner who said to him, "I believe you are having a meeting at such-and-such a factory." The secretary said, "That is correct". The Conciliation Commissioner said, "Are you going to take the men out on strike?" The secretary said, "I am going to address them in respect of the Industrial Arbitration Act Amendment Bill and the men will decide for themselves whether they go out on strike." The Conciliation Commissioner told him that if he took the men out on strike he would lose every condition that could be taken away from him, including preference to unionists. If necessary, I would repeat that so it could go back to the Conciliation Commissioner; and the secretary is prepared to repeat it outside.

This shows what the commission in court session, and even the judiciary, are going to be like when the big stick is being waved at the unions before this Bill becomes law; and even before the measure was discussed in the Legislative Council the big stick was waved over a union secretary. Liberal Party and Country Party members say there is nothing wrong with the Bill. They say, "Give it a go and we will amend it if we find anything wrong with it"; but this Bill will not be amended in this House in any shape or form, because all the members have been regimented and no amendments will be accepted in the Legislative Council. The reason for this is so that the Bill will not be returned to the Legislative Assembly. Therefore, although Mr. Watson wants to shackle the workers a little bit further with regard to penalties, he will not have the pleasure of getting his amendment through. I think I am pretty right when I say that.

No explanation has been given by the Minister either in this House or in another place as to why the person who has been responsible for arbitration jurisdiction being on an even keel in Western Australia, and satisfactory to employee and employer for some nine or 10 years—I refer to Mr. Justice Nevile—was not consulted at any time. We find instead, according to a Press report, that the person whom I called a nincompoop by way of interjection —and that is what I think he is—was the architect of this Bill. I refer to Eric Kelly. I wish he were in the precincts at the moment; he has been taking charge all day. He would be the most reactionary type of person who could be placed in any official position in any Government department.

I will tell members why. There was a little lass of 15 or 16 years of age working in the laundry at the Fremantle Hospital. Unfortunately, this girl had something wrong with her face, but she was a good worker, and did her work thoroughly.

The Hon. F. R. H. Lavery: It was claimed she was the best they had on the calander machine.

The Hon. R. THOMPSON: That is correct. The forewoman decided to get rid of this girl because she did not like the look on her face. That was the excuse given. Because of this, the girl was sacked. The Hospital Employees' Union at that time was without a secretary, as he was overseas. So the girls employed at the hospital came to the Trades Hall in Fremantle and asked to see if a union official would be prepared to assist them. As a result, we contacted officials of the Hospital Employees' Union and discussed this matter with them. We went to the hospital board and were told that the girl would not be employed, on the advice of Mr. Kelly, who was in the room as the representative of the Department of Labour. He criticised this girl and said she was incapable. He recited a whole list

of wrongs about this girl, but no rights. Her workmates would not believe that and as a result the girls went on strike.

The Hon. F. R. H. Lavery: Voluntarily, too.

The Hon. R. THOMPSON: Yes, and without any compunction whatsoever. They said, "We are not working until this girl comes back." Mr. Kelly was adamant and all sorts of threats concerning prosecutions were floating around the place. Anyhow, peace reigned for a while and an appeal was made to the industrial court. That girl was reinstated, but no thanks were due to Eric Kelly. I repeat, he would be one of the most reactionary types of people employed in the Civil Service, and not even accepted in the Civil Service. So, if he is going to be one of the commissioners, God help the workers!

The Hon. R. F. Hutchison: Hear, hear!

The Hon. R. THOMPSON: That is all I can say—God help the workers! Other possibles suggested have been Don Cort, an employers' representative; and a trade union representative. The position might be offered to a trade union representative as a "fob" to indicate that the Government is impartial because it has someone from the trade union movement. But, mark my words: If a trade union representative were appointed and he accepted the job, he would have a tar brush in his hand all the time and would not make any decisions of a material nature as far as unions are concerned, because this is the structure of the Bill from start to finish.

I made a point a while ago about legalism in the Industrial Arbitration Act, and what legalism means. Mr. Dolan also dealt with this matter, although I do not think he gave it the heading "legalism". If this Bill becomes an Act—and I sincerely hope it does not, and I will give a reason in a while why I do not think it will—there will be a Police Court atmosphere brought into arbitration. Rightly, Mr. Watson did not like the word "court". Arbitration Courts, as they have been known previously, have been throughout Australia comparatively free of the legal fraternity; but under this Bill we are going to create an atmosphere of legalism inasmuch as it is going to be a series of appeals either by the union, or, in most cases, by the Minister or employers who want to interfere in union rules and membership. The appeal will go from the commissioners in court session to the judiciary —the three judges. It is bad when legalism of this nature has to be brought into something which should be purely arbitral. Therefore, it may be just as well if the title of the Bill were changed if it is to become an Act.

I am not going to explain to the House all the implications, but a study of this Bill will indicate that, before it can become an Act, another Act of Parliament will be necessary. That is all I am going to say.

I was most intrigued that Dr. Hislop and Mr. Watson should accuse the workers of being frenzied into a state of torment by the union leaders Coleman and Troy. I think those were the two names mentioned. It was stated that Troy was a Communist, and I think this was the only reason why his name was brought into it. Troy is an officer held in high esteem by the Trades and Labor Council. If politics have to be brought into it, he is the only Communist on the council. He is recognised as one of the best industrial advocates in Australia and is held in high esteem and accepted in the same manner as was the late Jim Healey, the late Secretary of the Waterside Workers' Federation, who was a personal friend of Harold Holt. He was never ridiculed as being a Communist by Harold Holt. However, members of this Chamber have ridiculed the man. I am not sticking up for his politics. I am not having anything to do with the man's politics.

The Hon. F. R. H. Lavery: The man's politics are opposed to ours.

The Hon. R. THOMPSON: Diametrically opposed to my politics. However, he is playing the part for which he was elected by officers of the council. The council is completely divorced from the Labor political movement, and I do not think it is fair comment when a person is taken to task for doing his duty as a union organiser, secretary, or officer of the Trades and Labor Council.

It is strange that the members of the Government should all the time have to brand someone. For once I should imagine that Mr. Chamberlain is having a restful night at home, because there are not many occasions when anything of an industrial nature or any compensation matter is before this House that the Government does not refer to Mr. Chamberlain in some derogatory manner as being the big bad boy waving the stick. Now it is quite convenient to shift the blame completely to another person who, in his very short experience in the six months he has had the position, has proved himself not only to be a very capable leader of men, but a very good organiser, as far as the working class people are concerned.

The Hon. R. F. Hutchison: And a conscientious man, too.

The Hon. R. THOMPSON: He was so good that when it came to a "Viewpoint" programme, after only six months' experience in his job, he went on camera and acquitted himself well. But what do we find in regard to the Government? The Minister who has control of this Bill in another place, the person who went to Brisbane two years ago to concoct this Bill, did not have the courage or knowledge to go on TV, and neither did the Premier. A Minister who, we could say, is divorced from this Bill—the Minister for Industrial Development—went on camera, and he proved that he, also, knew very little of the Bill. I would have liked

to see a debate on that occasion between the Minister and Mr. Coleman to show the Minister up in his true light, and to demonstrate that the Government members have not been responsible for the speeches they have made in respect of this Bill, because they did not know the contents of the Bill. The Minister for Industrial Development likewise did not know the contents of the Bill.

Much has been said about the stoppages which have been brought about. These stoppages were the result of decisions on the part of unions and unionists at Parliament House. Spontaneous motions were moved by the rank-and-file members; not by the leaders of the unions, but by people going up to the microphone and asking to move resolutions calling for all-out stoppages. That was the pattern wherever meetings were held, from Bunbury to Kalgoorlie and Geraldton.

The Hon. F. R. H. Lavery: Men who had never before been in a strike in their lives.

The Hon. R. THOMPSON: Last Wednesday night after the other House was cleared, Mr. Dolan and I stopped and listened, while on our way home, to a meeting that was taking place in the grounds of Parliament House. Although we have heard that the workers are against this Bill, because they do not understand it, the workers don't understand that they are in line with Government members; and the Government members could be informed about the Bill if they wanted to be.

What interested me most about the meeting outside Parliament House was that a girl of 23 or 24 years of age asked if she could speak. She received a handclap and she climbed up on the trestle that was mentioned by Dr. Hislop. This was the trend of her speech: "I am a third year economics student at the University of Western Australia. I come from a Liberal Party family. I was a member of the University Young Liberals, and I have mixed in those circles all my life. When I read in the paper about the opposition to this Bill, I thought I would do something about it. I went to the Government Printing Office and got a copy of the Bill and the principal Act. I studied them very closely and now, ladies and gentlemen, I am right behind your cause, and so is my family, and so are many of my friends; because this is the most diabolical thing that has ever been done to the workers in the history of Western Australia."

That was said by a thinking girl. She did not have to be interested in the measure. She claimed that she was a member of the Young Liberals and that she came from a strong Liberal family. Everything is not one-sided; there is always a balance.

Many employers telephoned me personally last week. They were mostly hotel owners whom I know. They asked me whether their staffs should knock off on the day. I told them I was not in a position to direct anybody to stop work; but every one of those hotelkeepers, without exception, sent his staff home. He did not wait for them to be called out; and each one paid his staff their full day's wages.

The Hon. A. R. Jones: That was fair enough.

The Hon. R. THOMPSON: Of course. Since then I have spoken to several of those people. I told them that I did not expect them to take that action; that I was under the impression that they would have been Liberal Party voters. They told me that it did not matter what their political views had been in the past, when they saw things of this nature being done to wreck a system which they had enjoyed over the years—a system which had operated harmoniously—then they were behind the workers.

There is one factory in O'Connor. I do not know the man from Jacky, but he telephoned me and asked me whether his workers should knock off. I said that it was up to the unions concerned. He said, "I was a worker and I know what employers are like. I am going to be a good employer"; and so he sent his workers home.

After listening to Mr. Watson's exposition of the Bill, I am of the opinion that the measure does nothing else but make the workers of Western Australia completely subservient to their masters. Employers will be able to wreck the trade unions. It is provided in the Bill that trade unions can be completely wrecked.

I would hazard a guess that when this Bill becomes law the trade unions will lose at least 25 per cent. of their membership within a week, and the unions will have to prosecute those members in order to secure their dues. Those union members concerned could then make application to the commissioners, and the applications must be granted. An employee can make an application, and it must be granted; because if it is not granted, the Minister can intervene.

Right throughout the Bill there are provisions giving the Minister the right to intervene in everything that comes and goes. He can intervene on the formation of a union. I wonder if the Minister can intervene in connection with the Employers Federation. After all, the Employers Federation is only a union. It is a union of employers and its members are charged a fee. But we never hear of the Minister—and I do not think Ministers of any Labor Government have tried to do this—interfering with the Employers Federation. But the employers, on this occasion, want

to interfere with and wreck the trade unions; and they can do so under this Bill.

I am going to say to those members of the Country Party who seem to be under the impression that work will be conducted on a Monday to Friday basis, that the Minister, in his speech, misled the House. If members will turn to page 27, and look at clause 55, subclause (2), paragraph (a), they will be able to read the provision for themselves.

The Hon. N. E. Baxter: Do all workers now enjoy a five-day week, Monday to Friday?

The Hon. R. THOMPSON: Not all workers. Nobody has ever claimed that. Nobody has ever claimed that all employees work from Monday to Friday. It is ridiculous to build an argument or to substantiate a case on anything of that nature. There is another feature in the Bill which, without a doubt, has been introduced by the Employers Federation, and it is one about which I would like the Minister to answer either by way of interjection or when he replies to the debate.

Numerous cases have come before the Arbitration Court and employees have been ordered to be reinstated because they have been victimised by their employers. But under the Bill only two types of people will be able to be reinstated. A person who had been victimised, such as in the case of the little girl I mentioned working at the Fremantle Hospital, when vicious reactionary Kelly took action against her, could not be reinstated under the terms of this Bill. The court could not order her to be reinstated. Do members think that is fair? Yet they ask if there is anything wrong with the Bill! Of course it is not fair. When things like that can happen we are going back to the days of the jungle.

I think a name should be given to this Bill, and I would like to submit one which I think would be appropriate. I think it should be called the Wild Rat Bag Political Arbitration Act to Protect Monopoly Interests. I think that is all the Bill deserves. I do not intend to take up a great deal more time.

The Hon. J. Heitman: You might as well keep going until five.

The Hon. R. THOMPSON: Does the honourable member want to stop here until breakfast time? Very well; if the honourable member asks for it I will give it to him. I aim to please. Mr. Lavery made reference to a circular letter issued by the Clerks' Union. I think most members read portions of it in the Press, and it was issued around the 2nd or 3rd November.

The Hon. F. R. H. Lavery: The Press published only a portion of it.

The Hon. R. THOMPSON: What a strange set of circumstances this union was involved in between the 2nd November, when the first Press statement said, "Clerks—We'd Go to Queen", and what transpired later. The article went on to say—

> If the W.A. Government forced its new arbitration plan through Parliament white collar workers would petition the Queen against it.
>
> Clerks' Union secretary W. R. Sawyer said this today.
>
> He said opposition to the Government's bill had welded together industrial organisations of white collar workers.
>
> Many associations and unions of white collar workers were prepared to organise a petition to the Queen against the bill on an Australia-wide scale.

This was not to be on a Western Australia-wide basis, connected with a local issue, but on an Australia-wide basis. I will not read the whole of the statement he made on that occasion, but then the lengthy circular, which has already been referred to, was issued. A few days later there was a change of heart on the part of the secretary, without any reference whatever to his executive—to this huge organisation of white collar workers. He said that amendments were mooted and perhaps they were a bit hasty. Perhaps the Minister might tell us about this change of heart. Certainly the clerks' union executive did not direct the change of heart; it was the action of the secretary. I would say, in this respect, it was for political reasons, in collusion with the Minister for Labour.

The Hon. A. F. Griffith: Everything that we do is suspect in your mind, isn't it?

The Hon. R. THOMPSON: Being the fair-minded person he is, the Minister can have my file and peruse it. He will see that one day the Queen is going to be petitioned; and several days later there is a circular of several thousand words issued condemning the Bill in every respect. Then three or four days later again, the winds that had blown warm blew cold. No union meeting was called, and no executive meeting was called. But a statement was issued saying that perhaps they were a little bit hasty about the measure. It was a strange set of circumstances.

It is also a strange set of circumstances when a political party has to defend itself by putting a paid advertisement in the Press. The Liberal Party put a paid advertisement in the Press because it realised that perhaps the people who had spontaneously struck against the provisions of the Bill had a little bit of merit on their side.

The Liberal Party realised that these people were not striking against their employers, but against the actions of this Government. So the Liberal Party put a paid advertisement in the Press. It was not done because it was not getting favourable publicity; because it was. The Press has been most favourably disposed towards it, and most misleading to the general public in this respect. It has played down every call and every interview, and has given no credit to the trade union movement or the people who have stopped and protested against this measure.

I would estimate that 4,000 or 5,000 people assembled in the Parliament House grounds when the stoppage was held. If the Press had been completely fair, and had taken as a gauge the number of people who were in Forrest Place when Sir Robert Gordon Menzies spoke there, it would have agreed with that estimate. One report said there were 5,000 people in Forrest Place, and another report said there were 6,000. I estimated that crowd at about 4,500 people; but, for political reasons, the paper blew the number up.

There was an equivalent number of people in the grounds of Parliament House when the protest meetings took place. But the paper conveniently tried to disillusion the public and said that there were only 2,000 people present. It was a moving, surging mass of people all the time. A conservative estimate of the number of people who visited Parliament House between 3 p.m. and 10 p.m. on that day would be at least 10,000, but the newspapers played the number down to make it appear that the workers were not behind the Bill, and that the meeting was a flop. However, it was not a flop.

The action of this Government, unintentionally, has done more to unite the working people into a solid body than all the efforts of the Labor Party over the past few years. So, in effect, the Liberal Party has done the Labor Party a service. The workers realise that this Government is attempting to destroy the system of arbitration in this State and their working conditions. Our party will be prepared to go to the people for a mandate to remove the provisions contained in this vicious Bill.

We have heard over the past five years from the Government, through the medium of advertisements in the Press, and over the radio and television, a great deal about the mandates that were given to the Government at the last State election, and the election before that. It has proclaimed from many quarters that the people have given it a mandate to do this and to do that, but it cannot proclaim that the Government gave it a mandate to introduce this Bill. In fact, the Government did not even have the courage to mention its introduction. It was the secret of the decade. No mention was made anywhere of its introduction.

We will go to the people for a mandate to have this obnoxious thing removed from the Statutes. That is all one can call it because it is not even an apology for a Bill. Therefore, we will approach the people for a mandate to remove it from the Statutes as soon as possible. Such a mandate may be given to the Labor Party at the Commonwealth polls next Saturday, following which the Government of this State may realise that what I have foreshadowed will come true. Unless another measure is introduced which will be used in conjunction with this Bill, this legislation will be unworkable. After the poll next Saturday, the Government may use the result as an excuse not to continue with this measure.

THE HON. S. T. J. THOMPSON (South) [4.54 a.m.]: I did not intend to speak to the measure, but after hearing some of the remarks made by previous speakers, and particularly those made by the speaker who has just resumed his seat, I feel obliged to say something. I was rather amazed to hear what Mr. Lavery had to say about this measure. He spoke about the great fear he had about it. I cannot really understand why he has such a fear, especially after hearing Mr. Ron Thompson speaking to the Bill. According to that honourable member the fate of this Government is sealed, so why Mr. Lavery holds any fear is beyond my understanding, because in twelve months' time this legislation will be in the hands of the Opposition.

The Hon. R. Thompson: I wish it were tomorrow.

The Hon. S. T. J. THOMPSON: Probably it will be tomorrow. Mr. Strickland also made some reference to the Country Party accepting subsidies. It is only fair that we should make some mention of the subsidy the farmer has paid to the State over the past five years.

The PRESIDENT (The Hon. L. C. Diver): Order! Will the honourable member couple his remarks to the Bill?

The Hon. S. T. J. THOMPSON: Yes, I will, because I consider that farmers are more concerned with arbitration than many city people. We are greatly concerned because we are in the position that we cannot pass any increase in costs on to the consumer. The businessman is not affected in this way by arbitration. When the Arbitration Court decides there shall be an increase in the basic wage such increase is immediately passed on to the consumer because prices are raised accordingly. The farmers, however, are in the unfortunate position that they cannot pass any increased costs on to the consumers.

One or two members have discussed various clauses in the Bill, but the majority of the speakers have spoken in general

terms, and after many hours of discussion, in my opinion, it boils down to a matter of opinion. We have heard members on one side of the House saying it is a good Bill, and members on the other side of the House saying, with equal force, it is a very bad Bill. The point of view does change, of course, towards morning. There is a new morning dawning and so we are freshening up.

Mr. Lavery told the House that the Country Party had been asleep.

The Hon. R. F. Hutchison: Never mind about Mr. Lavery! Tell us about the Bill.

The Hon. S. T. J. THOMPSON: I will be able to tell the honourable member just as much about the Bill as other speakers have. I merely want to refute the statement made by Mr. Lavery that the Country Party has been asleep for the past three months. I was fully aware that this Bill was going to be introduced. Further, I was completely in support of its introduction, and I have been in support of it for some time.

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [4.58 a.m.]: Mr. President—

The Hon. R. F. Hutchison: Are not other members going to speak?

The Hon. A. F. GRIFFITH: —I agree with a statement made by Mr. Ron Thompson. During the course of his speech he said that there had been only two expositions, or two explanations, of the Bill now before us which had been made this evening. However, I did not agree with another statement he made. Whilst, on the one hand, I do not deny him the right to defend some person who is a friend of someone else from the criticism that has been made about that person by somebody else, on the other hand, I suggest to the honourable member he should not use the same opportunity to criticise a man who cannot defend himself in this House. Any fair-minded person will agree with a statement of that nature.

Mr. Kelly is an officer of the Department of Labour. He is a civil servant who, I feel sure, in the exercise of his functions as an officer of that department, carries out his duties to the best of his ability. If Mr. Ron Thompson is correct in forecasting what is going to happen to this Government, I feel sure Mr. Kelly, and any other member of the Civil Service will give the same loyal service to any incoming Government that he has given to the present Government.

So it is not fair for any honourable member, on the one hand, to defend somebody who has been criticised, and then, on the other hand, to take the opportunity to criticise someone else who can neither speak for himself in this Chamber nor get any opportunity to defend himself. I wholeheartedly agree with Mr. Ron Thompson's statement that there have only been two expositions of the Bill made in this Chamber this evening. In my opinion, the first exposition of the Bill was given by Mr. Wise. I took voluminous notes while he was speaking, because I thought he made an interesting speech. He turned the Bill inside out. He talked of the clauses in it that counted; he explained to us the objections he had to the Bill; and when I reduced what he said to the points that interest me, there were five or six things about which the honourable member had a particular objection.

Most of the clauses in the Bill are, of course, merely machinery clauses which must be moved in order to change the complex of the present Act, and make it conform to the new conception the industrial arbitration system will have. I remarked, when introducing the Bill, that its main purpose is to accelerate and facilitate the settlement of industrial disputes, the determination of industrial matters, and to ensure, as far as possible, that justice was done to all. I meant just that; and I repeat that that is the intention of the Bill.

The Bill does not seek to destroy the arbitration system at all. If it did then there would be no Commonwealth arbitration system, because, in many particulars, this Bill follows the line and course of the Commonwealth Conciliation and Arbitration Act. So it is of no use saying that the Bill destroys the arbitration system. All sorts of things have been said last night, and this morning. A great number of members who have spoken have not done what the two speakers I mentioned did; that was, to deal with the Bill in detail, as was done by Mr. Wise and Mr. Watson. One or two other members may have done so, but so far as dealing with the Bill was concerned, I could not take any notes of what members were saying, because they were not talking about the Bill.

We traversed a period of arbitration history going back as far as 1800 and something. We heard all sorts of statements made in connection with this legislation; all of them based on fear. Mr. Lavery said he had a fear.

The Hon. F. R. H. Lavery: I still have.

The Hon. A. F. GRIFFITH. Mr. Ron Thompson said he had a distrust; and somebody else had something else to which they objected in this legislation. All this fear and all this distrust was expressed without waiting for the Bill to become law; without waiting for a solitary second to see what effect it will have.

The Hon. R. F. Hutchison: It would be too late then.

The Hon. A. F. GRIFFITH: Do not adopt that attitude. If members are going to think like that, then let us distrust the whole thing. Let us think that the Government has some ulterior motive.

The Hon. R. Thompson: I also said you misled the House.

The Hon. A. F. GRIFFITH: I know that, and I will deal with that statement at the appropriate time, because I do not mislead the House. If I do happen to mislead the House it is done unintentionally, and I am the first to apologise for doing so, as the honourable member knows.

The Hon. R. Thompson: I know it was in the notes, and that you did not write the notes.

The Hon. A. F. GRIFFITH: I am making this speech. I listened to the honourable member very intently. I do not propose to keep the House much longer and, if he would let me make my remarks in the manner in which I wish to, I think it would be fair. It has even been suggested that the Minister for Labour conceived this legislation without the knowledge of Cabinet.

The Hon. F. R. H. Lavery: He said so.

The Hon. A. F. GRIFFITH: He did not; not to the best of my knowledge. Cabinet, of course, knew of the preparation of this legislation. This was a Cabinet decision, and it is quite farcical to say that a Minister in a Government could come forward with a piece of legislation about which his Cabinet colleagues knew nothing.

The Hon. R. F. Hutchison: He said it was a well-kept secret.

The Hon. A. F. GRIFFITH: We knew the legislation was being prepared, and that it would be presented to Parliament in due course. We have been blamed for the fact that we offered no co-operation; that we did not go to the Trades and Labor Council; that we did not go to this body or to that body.

The Hon. F. R. H. Lavery: Or to the Employers Federation.

The Hon. A. F. GRIFFITH: What co-operation do members opposite think we would have got from the Trades and Labor Council; a body which treats this thing with suspicion even before it starts; which says, without giving it a trial, that this Bill will destroy the arbitration system? It was even suggested that mention of it should have been made in the Lieutenant-Governor's Speech. I do not regard that comment as serious at all. I could give so many comparisons of so many different sets of circumstances.

The Hon. F. R. H. Lavery: Not with major Bills.

The Hon. A. F. GRIFFITH: Yes, with major Bills. I well remember a major Bill that had a very serious effect upon the industrial and economic face of this community. I think it was called the restrictive trade practices Bill, or something like that. Was there any mention at all of that Bill in the Governor's Speech? Were we told that it was going to be introduced? I cannot find any record of it, but, as I said, it is unimportant.

The Hon. W. F. Willesee: I think I remember your complaining that it was not in the Governor's Speech.

The Hon. A. F. GRIFFITH: If I did, it only goes to prove my point; but I do not regard the matter as serious, because it is not possible for a Government to list all the Bills it proposes to introduce; nor is a Government under any obligation to do so.

The Hon. R. Thompson: Not when you want them kept a secret.

The Hon. A. F. GRIFFITH: I believe there are some misconceptions of this situation. I listened to Mr. Ron Thompson's speech, and I listened to Mr. Lavery, and Mr. Dolan. I would now like to quote an experience of my own. A man telephoned me the other night. I answered the phone in the outdoor room. Do you know what he said to me, Mr. President, in complete contrast to the statement made by Mr. Thompson, that the stoppage was determined by the decision of the union? The man who phoned me said, "I am a member of such-and-such union. Can you tell me why my union is on strike?" I said, "No, I am afraid I cannot."

The Hon. R. Thompson: If he attended his union meetings he would know.

The Hon. A. F. GRIFFITH: He did not get a chance, because the stoppage was called one day, and it was to take place the next; which it did. He was told he was to go on trike. He did not know why. He said, "My union has not had a voice in this matter."

The Hon. R. Thompson: Which union was it?

The Hon. F. J. S. Wise: Mr. Ferber.

The Hon. A. F. GRIFFITH: I thought the honourable member would ask me that. This man rang me in confidence, and I propose to maintain that confidence.

The Hon. R. F. Hutchison: My word you do.

The Hon. R. Thompson: You don't have to mention his name, just tell us his union.

The Hon. A. F. GRIFFITH: I am only going to tell the honourable member that he did not know the circumstances.

The Hon. R. Thompson: It is only a figment of your imagination.

The Hon. A. F. GRIFFITH: It is not. I took this telephone call on the telephone nearest the door. I am merely telling the honourable member that this was a different point of view from the one suggested by him. Mr. Thompson should consider the attitude of his colleague, Mr. Dolan, who was fair. He believes there are two points of view, and so do I.

The Hon. R. Thompson: So do I.

The Hon. A. F. GRIFFITH: The honourable member expressed one in connection with the strike, and I now tell him what

this man said to me; and I am told that it is not true, or that it is a furphy, or something like that.

The Hon. R. Thompson: You have not the courage to give the name of the union. We do not want the name of the man.

The Hon. A. F. GRIFFITH: This man told me what he did in good faith, and I believed him.

The Hon. R. F. Hutchison: There are always scabs.

The Hon. A. F. GRIFFITH: There is no doubt about the misunderstanding that has taken place on this Bill. I have been told that such statements are being made, and that young shop girls are being told that whatever be their wage it will be halved when the legislation is passed.

The Hon. R. Thompson: That has been circulated by the Liberal Party, not the Labor Party.

The Hon. A. F. GRIFFITH: That is not so. One member went near to it earlier in this debate when it was said the Premier went overseas to get capital for this State and made a promise that the Government would introduce an amendment to the Industrial Arbitration Act which would have the effect of bringing the wages in Western Australia so far down that this capital investment would be sound and safe, because Western Australia would have the lowest wage in the Commonwealth. That is the sort of accusation which comes back to me.

The Hon. R. Thompson: Not made by responsible trade unionists.

The Hon. A. F. GRIFFITH: I did not say from any one direction. It is not within my make-up to make such charges against people; and there are other people better qualified and better equipped to make them.

I agree this Bill has been well debated over a long period of time, and that the clauses should be dealt with in the Committee stage. I am prepared to debate it to the best of my ability and knowledge of this particular subject, which I do not claim is great. I merely claim to be able to reason on the provisions in the Bill. I am quite prepared to do that, and to put forward the point of view held by the Government on this matter. I am quite sure that Mr. Ron Thompson and others will do the same. That is a fair proposition.

There is no doubt the debate during the Committee stage will be reduced to five or six clauses. When I look at the notice paper and see the amendments in the name of Mr. Ron Thompson, I see many which seek to delete this clause, that clause, and the other clause. Such deletions will have the effect of destroying the Bill, and I think that is probably the object of some of the amendments.

The Hon. R. Thompson: Of course it is.

The Hon. A. F. GRIFFITH: I hope the House will pass the second reading of the Bill, and that the clauses will be considered in Committee at the appropriate time.

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

Ayes—14

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. A. F. Griffith	Hon. H. R. Robinson
Hon. J. Heitman	Hon. S. T. J. Thompson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. A. L. Loton	Hon. J. Murray
	(Teller.)

Noes—11

Hon. D. P. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. J. D. Teahan
Hon. H. C. Strickland	*(Teller.)*

Pairs

Ayes	Noes
Hon. F. D. Willmott	Hon. G. Bennetts
Hon. J. G. Hislop	Hon. E. M. Heenan

Majority for—3.

Question thus passed.

Bill read a second time.

Reference to Select Committee

THE HON. F. J. S. WISE (North—Leader of the Opposition) [5.18 a.m.]: I move—

That the Bill be referred to a Select Committee.

Standing Order No. 186 provides that after the second reading a Bill may be referred to a Select Committee. This responsible Chamber of our Parliament has through the years earned a name, however warranted or deserving, for giving very close and careful scrutiny to measures, irrespective of the complexion of the Government from whence such measures have sprung, and of the contention of such measures.

If it can be shown that such measures on important subjects which are so vital in the public interest have been hastily conceived and require further examination, they should be subjected to a closer scrutiny. There remain in this Chamber two members who have served it for a long period, but unfortunately they are both absent. They would remember the days when some giants of this Chamber would not tolerate the passing of a Bill of this kind, in the fashion of the passing of this Bill, or of its treatment; and who would not, for one moment, allow any Government to exert its will over the Parliament or on the people without some examination by people who should be consulted in such a connection.

Earlier in the evening—yesterday—I mentioned very many of the people affected by this Bill who should have been consulted. Never mind the cheap sort of airy

fashion in which the matter was discussed by the Minister in his reply. That does not suffice. The people to whom I refer are acknowledged authorities in their sphere of activity and are almost comparable with any such interest in Australia. But none of these were consulted. That has been acknowledged; and I have read the Minister for Labour's own words. He related in his own words those he did not consult. We have been asked to support this Bill, which has been acknowledged by the very form of the debate in this House, to be a vexatious one—one which I averred has strained relationships of men who formerly acted on a mutual basis of trust and understanding, and those relationships will now disappear.

There is now no such basis, unfortunately, within Parliament, as well as outside of Parliament. Men of standing and of stature, men who are prominent and respected in this community, have been sharply at variance over this Bill. So there is something very wrong with it. Might I say to the Minister that in his endeavour to reply to the debate, he attributed to me words—that the Arbitration system was destroyed—which were not used by me. I have the whole of my speech here. Fortunately for me, *Hansard*—probably because it is close to me—rarely has to make a correction. I used the words, "but the court as constituted is to be destroyed." Not the system, as the Minister mentioned.

If we have to put up with that sort of treatment at this hour of the day after the stresses that some of us have been under for a long time, then I say that sort of thing is not done. As far as I am concerned I will fight such a Bill as this to the very finish, no matter what circumstance of my well-being is concerned, because if there ever was a Bill that was meant for further scrutiny this is it; and it can be only an excuse which would deny this House the right to have this Bill examined by the calling of appropriate witnesses to decide some of these points at which we are so thoroughly at variance, even to the point where we are prepared to call each other very unpleasant names. I guess we do not understand what is in it; but because some of us think it contains merits which others do not think, I have moved that the measure be referred to a Select Committee.

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [5.26 a.m.]: In the first place I would like to make it quite clear that if I wrongly stated any of the words Mr. Wise used, I apologise to him. I repeat that is not the sort of practice which I employ; and if I made a mistake in the use of words used by Mr. Wise, then I am sorry.

The same action to have this measure referred to a Select Committee took place at this stage of the proceedings when the Bill was being dealt with in another place. Of course, had the Bill been referred to a Select Committee when it was in the Legislative Assembly, it would have had the same effect as it would now in the event of this motion being carried. The Bill would not become law until at least the next session of Parliament.

I do not propose to debate the issue at length. I think it is sufficient to say that the elected Government of the day is the body to accept the responsibility for the things which it does; and this Government, of course, will have to accept whatever responsibility arises out of the initiation of this legislation. However, I do not have the same fear for it as some members do. I do not think it is reasonable to treat a piece of legislation of this nature with the suspicion that it appears to have created in the minds of some members. I feel it is fair to give it a trial and at least have the Bill debated further in the Committee stage and not stop its progress in this Chamber at this point of time.

Then, if the House passes the Bill—and I hope it will—and any amendments are found to be necessary, they can be attended to at the next session of Parliament. I think at this hour of the morning it would be quite useless for me to prolong the debate in opposition to the move by Mr. Wise that the Bill be referred to a Select Committee. I therefore oppose the motion and hope the House will not agree to it.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [5.30 a.m.]: I can well understand the Minister's diffidence on the two grounds, both in respect of debating the proposition, and in not agreeing to it. It is a mere pretence and a sham to suggest that we give it a trial by debating it in Committee.

The Hon. R. F. Hutchison: Hear, hear!

The Hon. F. J. S. WISE: There will not be a "t" crossed or an "i" dotted for reasons we know well. If this Bill were returned to the Legislative Assembly with an amendment, great difficulties would ensue.

The only fair and reasonable way to ensure that this legislation would be worthy of being placed on the Statute book, would be to obtain information from the persons best qualified to give that information—those at the court itself. A Select Committee would achieve this objective.

It is obvious, and will be more obvious when this vote is taken, that there will be no worth-while or effective debate in Committee because there will be no argument accepted by the Government. No matter how many arguments are telling and successful as arguments, the numbers

will answer the call and they will regulate the victory of the majority. I can say no more than that.

The Hon. D. P. Dellar: We are all under the thumb.

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

Ayes—11

Hon. D. P. Dellar	Hon. J. D. Teahan
Hon. J. Dolan	Hon. R. Thompson
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. F. R. H. Lavery	Hon. F. J. S. Wise
Hon. H. C. Strickland	Hon. J. J. Garrigan
Hon. R. H. C. Stubbs	*(Teller)*

Noes—14

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. A. F. Griffith	Hon. H. R. Robinson
Hon. J. Heitman	Hon. S. T. J. Thompson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. A. L. Loton	Hon. J. Murray *(Teller)*

Pairs

Ayes	Noes
Hon. G. Bennetts	Hon. F. D. Willmott
Hon. E. M. Heenan	Hon. J. G. Hislop

Majority against—3.

Question thus negatived.

BILLS (7): RECEIPT AND FIRST READING

1. Native Welfare Bill.
2. Licensing Act Amendment Bill (No. 4).
3. Evidence Act Amendment Bill.
4. Criminal Code Amendment Bill (No. 2).
5. Mining Act Amendment Bill (No. 2).
6. Firearms and Guns Act Amendment Bill (No. 2).
7. Veterinary Medicines Act Amendment Bill.

Bills received from the Assembly; and, on motions by The Hon. L. A. Logan (Minister for Local Government), read a first time.

TRAFFIC ACT AMENDMENT BILL

Assembly's Message

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

TRAFFIC ACT AMENDMENT BILL (No. 3)

Assembly's Message

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

House adjourned at 5.43 a.m. (Thursday)

Legislative Assembly

Wednesday, the 27th November, 1963

CONTENTS