registered without the consent of the President. The President might have been upset by the advocate for the union and should not alone have the right to determine whether a union should be re-registered. It should be a matter for the court. On one occasion, the President of the court reproved a union secretary for having made certain statements. Unfortunately I had the temerity to question the soundness of the President's statements, and because of that I was subsequently arraigned before him and severely chastised. If I had been before the court next day the President would have deregistered my union for contempt of court. The appeal should not be from Caesar to Caesar but some independent body, such as the court, should make a determination.

The ATTORNEY GENERAL: The whole conception of the measure in this connection is based on the President's having discretion as to whether a union shall be registered or not. Section 22 gives the final decision to the President, and we cannot have a reference to the President in the one place and to the court in another. The Act was brought in by a Labour Minister and he gave the jurisdiction to the President.

Mr. BRADY: To view this in its right perspective we must have regard to how the court and the President are appointed. The President is not appointed by the unions or employers, but by the Government, and the Government could be a party to a dispute in which the union was deregistered. Subsequently the union applies for registration and the President is to be given the right to say whether it should be deregistered or not. In such case the President is not in an independent position, but is more or less prejudiced. The whole thing is loaded against the workers right through. Imagine the metal trades unions going back to the President who deregistered them and asking for re-registration!

The whole court should be given authority to decide such a matter, because the President would still be prejudiced. Some people who are put in these positions often get very high-brow ideas of their standing and what they are allowed to do, and I do not think any union should be prejudiced in this way. The metal trades unions are suffering in this dispute because Mr. Justice Jackson had them deregistered, a colossal error. The first big mistake was made by the President because he was prejudiced and acted very quickly when he should have tried to reason the matter out. If it had been Mr. President Dwyer or Mr. President Dunphy, neither would have run into this business.

Mr. MOIR: Clause 5 of this Bill and Section 22 of the Act have no relation to each other. The two are entirely different, and the Attorney General's remarks are completely misleading to those who do not know the circumstances and have not the Act before them. As a member of this Committee, I object to that sort of thing. The Attorney General should make himself acquainted with his Bill and also the principal Act before he gets up to tell members of this Chamber things like that. Our objection to this provision is that one person does a certain thing and there is no appeal to anybody except that person. Many of our laws provide for appeals, and I can see no objection to this being agreed to.

Progress reported.

House adjourned at 11.31 p.m.

Legislative Assembly

Thursday, 14th August, 1952.

CONTENTS.

The SPEAKER took the Chair at 4.30 p.m., and read prayers.

QUESTIONS.

UNEMPLOYMENT.

(a) As to Dismissal of Power House Employees.

Mr. GRAHAM asked the Minister for Works:

(1) For what reason were 11 employees of the State Electricity Commission at East Perth power house recently dismissed?

(2) What amount of overtime has since been worked at the power house, and what was the cost thereof?

(3) Have any workers been appointed to replace any of those dismissed?

The MINISTER replied:

(1) The work they were engaged for has been completed.

(2) The amount of overtime worked by employees of the same classification as the 11 employees referred to during the 14 days following upon the retrenchment was 229 hours. Including penalty time, this cost £151 0s. 4d. All this overtime was done at week-ends on overhauls, and none of it would have been obviated by retention of services of the 11 employees.

(3) No.

(b) As to Public Works Retrenchments.

Hon. J. B. SLEEMAN asked the Premier:

(1) Will he inform the House how many men's services were dispensed with—

(a) at the Fremantle Harbour Works;
(b) at the Bunbury Harbour Works;
(c) at the Albany Harbour Works;
(d) at the Wellington Dam?

(2) How many men are now under notice of dismissal from the Fremantle Harbour Works?

(3) In view of this, how does he justify a statement made by His Excellency in his speech to Parliament on the 31st July, that the employment position is satisfactory?

The PREMIER replied:

(1) (a) 32.
(b) 60.
(c) 25.
(d) 40.

(2) 61.

(3) Including the effects of the metal trades strike, the latest return shows only 689 people in receipt of unemployment relief in Western Australia. The number of unemployed is far less than at any time between 1933 and the outbreak of war.

(c) As to Railway Department Retrenchment.

Mr. BRADY asked the Minister representing the Minister for Railways:

(1) As 2,000 employees of the Railway Department are to be put on part-time employment to effect savings in railway expenditure, will he state whether any retrenchments are being taken at top level in railway administration which would be more effective in effecting savings as well as spreading the unemployment to those best able to afford it?

(2) Is it a fact that whilst thousands of Western Australians are being placed on part-time work, new Australians in the railways are being retained in full employment?

The MINISTER FOR EDUCATION replied:

(1) Officers of administrative staffs are being included according to the requirements of the situation in arrangements for standing down employees as a result of the metal trades strike.

(2) No preference is being extended to new Australian employees. Arrangements have been made for them to take their share of standing down in common with other employees as the sections in which they are employed become affected.

(d) As to Dismissal of Harbour Works Employees.

Mr. LAWRENCE asked the Minister for Works:

(1) Is he aware that another 40 men from the Fremantle harbour works were today given a week's notice of termination of their jobs?

(2) Is he aware that one of the men concerned has had 25 years' service in the department?

(3) Is he aware that the same person, named F. Andrews, is the president of the Maritime Services Union, who interviewed the Under Secretary for Public Works yesterday on the question of unemployment of members of his union?

The MINISTER replied:

(1) I am advised that another 40 men have been given a week's notice.

(2) Continuous service of the man concerned dates from 1948.

(3) Yes.

BASIC WAGE.

As to Inquiry into Rent Allowance Figures.

Hon. A. R. G. HAWKE asked the premier:

Is it the intention of the Government to hold a searching inquiry into the basis used at present for ascertaining the rent figures which are included as an allowance for rent in the basic wage?

The PREMIER replied:

No. This is a function of the Arbitration Court, whose duty it is by law to determine the State basic wage.

HOUSING.

(a) As to Construction Gangs in Country Towns.

Hon. A. R. G. HAWKE asked the Minister for Works:

(1) Are day labour house building construction gangs operating outside the metropolitan area?

(2) If so, at what places?

(3) How many houses have been constructed to date by these gangs in each country town where they have been operating?

(4) How many houses are being built by them in each country town at the present time?

(5) How many houses is it planned they will build in each country town during the next 12 months?

The MINISTER replied:

(1) Yes.

(2) Albany—For Housing Commission and for Public Works Department staff quarters. Roebourne—For Housing Commission. Merredin—No. 4 Pumping Station G.W.S. Quarters.

(3) Albany—Housing Commission, 67 completed; P.W.D. staff quarters, 10 completed. Coorow—P.W.D. teacher's quarters, one completed.

(4) Albany—Housing Commission, 22 under construction. Roebourne—Housing Commission, three under construction. Merredin—P.W.D., No. 4 Pumping Station G.W.S. quarters, one under construction.

(5) Albany—32 for Housing Commission. Roebourne—One for Housing Commission. These are in addition to those now under construction.

(b) As to Building Policy in Country Areas.

Mr. HOAR asked the Minister for Housing:

(1) Has he received a letter from the South-West Road Board Association severely criticising the change of policy in home-building in country areas from rental to purchase homes?

(2) Does he know—

(a) that widespread dissatisfaction exists at this change in policy?

(b) that only dire necessity is compelling people to purchase these, in many cases, unattractive homes?

(3) What is the purchase price of the pre-cut houses under this scheme—of three-room and four-room houses?

(4) What are the terms of repayment and rentals per week?

(5) Are these weekly payments derived from the capital expenditure or do they have any relation to the family income or basic wage?

(6) If not, is any reduction in weekly payments envisaged in the event of a reduction of wage standards? If not, why not?

The MINISTER replied:

(1) A letter has been received requesting a review of the policy on the erection of rental homes.

(2) (a) No. (b) No.

(3) There is no three-roomed type. Four-roomed type—cost will depend on locality and averages approximately £2,000.

(4) Minimum deposit—£25. Repayment of principal and interest over 40 years—weekly instalments £2 4s. on the basis of £25 deposit.

(5) Weekly repayments are based on capital expenditure, plus interest over the term of repayment.

(6) These houses are being purchased from the Commission over a period of years under a contract and no reduction in weekly payments is provided for.

EDUCATION.

As to Reclassification of Teaching Staff.

Hon. J. T. TONKIN asked the Minister for Education:

(1) Does the Government consider that the interval between reclassifications of the teaching staff of our schools is too long?

(2) What is the longest interval between reclassifications of teachers in the other States of Australia?

The MINISTER replied:

(1) No definite decision has been reached by the Government. The matter is felt to involve more than the Education Department. Further consideration will be given to the question at a later date.

(2) Three years, but only two other States have a special interval.

HOSPITALS.

As to Unemployment Benefit and Royal Perth Charges.

Mr. JOHNSON asked the Minister for Health:

Following her reply to my question of the 6th August, will she inform me—

(1) The date on which the Commonwealth law "which sets off the amounts paid by friendly societies against unemployment benefit" became known to her?

(2) The date on which it became operative?

(3) The date on which "This problem was submitted to the Commonwealth Social Service Department"?

(4) Will she press the Commonwealth Minister to ensure that sickness benefit accruing through the possession of dependants will not be assessed as income to the principal person?

(5) Does her statement that "No patient is pressed to pay anything beyond his means" indicate a belief that persons in receipt of sickness benefit have "means"?

(6) Are accounts for payment presented to persons who are not to be "pressed to pay"?

(7) Do any patients in fact pay amounts that they would not "be pressed to pay"?

The MINISTER replied:

(1) and (2) The Act is the Unemployment and Sickness Benefits Act, 1944, operative from the 1st July 1945. It did not affect Royal Perth Hospital until the 12th May, 1952, when the Earle Page Scheme was applied.

(3) Following earlier verbal enquiries, it was submitted in writing on the 15th July, 1952.

(4) Yes.

(5) No.

(6) Accounts are presented to all patients by the hospital authorities, who have no knowledge of the patient's financial standing unless and until this is indicated by the patient.

(7) I do not know. If they do it is because they have not availed themselves of the opportunity freely available, to have their account reviewed or cancelled in the light of their circumstances.

INDUSTRIAL.

As to Charges against Hicks and Co., Kalgoorlie.

Mr. McCULLOCH asked the Minister for Labour:

Will he lay upon the Table of the House the file containing all papers referring to the charge which was laid against Hicks & Co., of Hannan-st., Kalgoorlie, and which was set down for hearing in the Kalgoorlie Court on the 18th March, 1952?

The MINISTER replied:

The file will be made available to the hon. member at my office.

RAILWAYS.

As to Prefab. Houses Stored at Geraldton.

Mr. SEWELL asked the Minister representing the Minister for Railways:

(1) How many imported pre-fabricated houses has the Railway Department in store at Geraldton?

(2) What was the cost of these houses?

(3) When does the department intend erecting these houses?

The MINISTER FOR EDUCATION replied:

(1) Forty-four.

(2) £950 each into store.

(3) When the financial position is determined this matter will receive immediate attention.

HARBOURS.

As to Hydrographic Survey, Geraldton.

Mr. SEWELL asked the Minister for Works:

(1) Has the hydrographic survey of the entrance channel to Geraldton harbour been received yet?

(2) If the report is unfavourable, will he indicate what action the Department intends taking to improve the entrance to the harbour?

The MINISTER replied:

(1) A part survey has been received. Completion of this work is to be undertaken as soon as conditions permit.

(2) This will depend on information revealed in the complete report.

ROADS.

(a) As to Maintenance, State Implement Works-Mount Lyell.

Hon. J. B. SLEEMAN asked the Minister representing the Minister for Railways:

(1) Is he aware that on the 4th August he wrote to me stating that "the Railway Department can accept no liability for the maintenance of the roadway between the State Implement Works and Mt. Lyell, and indeed the responsibility would seem to be dependent upon whether the firm pays any rates for the land occupied, and if so, to whom"?

(2) If so, is he also aware that when the people concerned put a grader over this rough road in the vicinity of the State Implement Works they were advised by the Railway Department that if they did not desist, a prosecution would result?

(3) In view of this statement, will he see that something is done in the nature of keeping the roadway in reasonable condition?

The MINISTER FOR EDUCATION replied:

(1) Yes.

(2) No. The railway administration is not aware of any such incident.

(3) As a matter of convenience on account of terrain difficulties permission was given for the use of part of the railway side-widths for road access to Mt. Lyell property. The Railway Department would not oppose any reasonable proposal for road repair on its land.

(b) As to Statement by Firm.

Hon. J. B. SLEEMAN (without notice) asked the Minister representing the Minister for Railways:

I have in my possession a letter from the West Australian Road Transport Association, portion of which reads—

> Strange as it may seem, since I wrote you in June, Bell Brothers Pty. Ltd. put their grader over the very rough road in the vicinity of the State Implement Works, but were advised by the Railways Department that if they did not desist a prosecution would result.

Would the Minister say that that is untrue?

The MINISTER FOR EDUCATION replied:

I have already said that the incident is not known to the railway administration. If the hon. member desires further inquiries made as to the source of information, if any such source of an accurate nature exists, I shall be glad to obtain it for him.

BREAD.

As to Effect of Increased Price on Basic Wage.

Mr. JOHNSON asked the Chief Secretary:

(1) Disregarding all other influences, how much will the recently announced rise in the price of bread raise the basic wage at the next quarter?

(2) How much would a rise of the basic wage of that amount cost the State in a full year?

(3) Using the schedule of the index applied by the State Statistician to the basic wage, how many loaves of bread at the increased price will the normal wage earner purchase before the next adjustment becomes payable?

(4) How much will this increase be per family in the period?

The CHIEF SECRETARY replied:

(1), (2), (3) and (4) The statistical information upon which the basic wage is fixed is collated and determined by the Commonwealth Statistician and is not supplied to any department other than the Arbitration Court.

The Court of Arbitration in making the last declaration of the basic wage and quarterly adjustment of the basic wage did not publish any figures in this connection. I am, therefore, unable to give the information requested.

MARGARINE.

As to State Production.

Mr. STYANTS asked the Minister representing the Minister for Agriculture:

(1) Is it correct that the margarine companies in this State have not produced the tonnage of margarine permitted under the Act in recent years?

(2) If not, what is the principal reason which has prevented this being done?

(3) If the permissable amount of margarine to be manufactured is increased by statute, will the companies be able to increase their output?

The MINISTER FOR LANDS replied:

(1) Yes.

(2) Probably lack of demand.

(3) Yes.

COAL.

As to Utilisation of Stockpile Surplus.

Mr. MAY asked the Minister representing the Minister for Mines:

(1) In view of the fact, that the estimated quantity of coal at grass in the metropolitan area is 49,000 tons, will he arrange for any private consumer requiring coal, to be supplied from this stockpile, thus avoiding any great quantity deteriorating, as will be the case if this coal is allowed to remain unused for any length of time?

(2) If the answer to question (1) is in the affirmative, will he arrange for private consumers to be so informed by public advertisement in the daily papers?

The MINISTER FOR HOUSING replied:

(1) No. Reserves of coal for railway and State Electricity Commission use are stored under conditions which guard against deterioration. Stocks held by other Government Departments are negligible.

(2) Answered by (1).

GAOLS.

As to Execution of Karol Tapci.

Hon. J. B. SLEEMAN asked the Chief Secretary:

(1) From what State did the hangman come to hang Karol Tapci?

(2) What fee was he paid for the hanging, and what travelling or other expenses?

The CHIEF SECRETARY replied:

(1) and (2) This matter is strictly confidential, and it was upon that basis that the engagement of the official mentioned was arranged.

STATE GOVERNMNENT INSURANCE OFFICE.

As to Birth Certificate Requirement.

Mr. MOIR (without notice) asked the Attorney General:

(1) Is he aware that the branch manager of the State Insurance Office, Kalgoorlie, has said that his head office in Perth will not accept extracts of birth certificates as proof of dependency in claims for compensation and that certified copies must be submitted?

(2) Is he aware that extracts have always been previously accepted?

(3) As extracts cost 2s. 6d., and certified copies 5s., will he direct the officers of the State Insurance Office to accept extracts in the future?

The ATTORNEY GENERAL replied:

(1), (2) and (3) I am not aware of the information given by the hon. member. He can either let me know his requirements and I will give him the information personally, or he may place the question on the notice paper.

MARGINAL INCREASE.

As to Collie Award and Metal Trades Dispute.

Mr. McCULLOCH (without notice) asked the Premier:

In view of the fact that an industrial tribunal at Collie has awarded tradesmen an additional 13s. 6d. per week as a marginal increase over and above the 9s. granted by the Arbitration Court recently, will he consider the advisability of placing the current dispute into the hands of an independent tribunal, with a view to arriving at a settlement?

The PREMIER replied:

I did not hear about this award until late this afternoon.

Mr. May: They earn every penny of it, too.

The PREMIER: Of course, that award was given by a properly constituted tribunal. In regard to the question of margins, I have already stated that that is a matter for the appropriate tribunal—in the Arbitration Court—and I have nothing more to add.

BILL—STATE ELECTRICITY COMMISSION ACT AMENDMENT.

Second Reading.

Debate resumed from the 12th August.

HON. E. NULSEN (Eyre) [4.48]: I have perused this measure and, as the Minister has already explained, no loan will be made unless it is approved by the Government. The Loan Council has made provision for a £3,000,000 loan and we should not let that opportunity pass—we should accept it while we can. Consequently, I have no objection to the Bill but I would like to point out to the Government that it must be very careful in its allocation of loan moneys.

This loan will carry an interest rate of 4½ per cent. and that means a sum of £45,000 in interest each year for every £1,000,000 borrowed or £135,000 on £3,000,000. I feel that the State Electricity Commission has more or less ignored this House and has not carried out the requirements as laid down in the Act. Section 58 of the State Electricity Commission Act reads—

> The Commission shall prepare an annual report of its proceedings and operations during the preceding year which report together with copies of the balance sheet and statements of account then last prepared and audited and the Auditor General's report thereon shall be laid by the Minister before both Houses of Parliament as soon as practicable in each year.

That has never been done. A report from the manager of the State Electricity Commission has been laid on the Table of the House, together with the auditor's report, but we have not yet received a report by the chairman and members of the Commission. In that respect we have been more or less ignored. I want to know more about the general position of the State Electricity Commission, because from its inception, it has already built up a deficit of £1,000,000 and yet the price for electricity and power per unit has risen by over 100 per cent. We can, of course, obtain certain figures from the audited balance sheet, but I want to know the position from the Commission's viewpoint generally. We do not want merely a report from the manager of the Commission because he is only a servant of that body. To date, from its inception, it is £987,302 to the bad.

I do not know why we have not been furnished with some report as to the Commission's viewpoint and the general outlook for the future. If it is to proceed as it is doing, I do not know to what extent the drift will continue. The electricity charges for light are 6.37d. per unit, and the domestic rate is 2.27d. It can be seen, therefore, that these charges have increased by 100 per cent. There should therefore, be some investigation. I would not mind if the Commission was balancing its budget, but it is not. I do not know whether the cause is its lack of experience or whether it is that the position is a reasonably fair one in the circumstances because of the management by the State Electricity Commission.

I will quote Norseman as an example in order to show a comparison in charges. The people at Norseman pay only 6d. per unit for electricity and the road board

there has to purchase the current from the mine and sell it at a profit. Norseman is 465 miles from Perth and yet the consumers there are able to buy current for only 6d. per unit nett.

Mr. SPEAKER: I would point out to the hon. member that the Bill deals only with borrowing powers.

Hon. E. NULSEN: I know, Mr. Speaker, but I want the Minister to explain to me why the State Electricity Commission has gone back to the extent of £1,000,000 and yet our electricity charges have risen by 100 per cent. I quoted the case of Norseman only as a comparison. I know that it may have been a little away from the Bill, but it is only fair to seek a general understanding of the true position of the Commission. I know, too, that on the East Perth power station account it has written off £1,368,725. Who is carrying that burden? That is not being paid by the State Electricity Commission but by the taxpayers, and yet at Norseman the people are paying only 6d. per unit for their electricity.

The Minister for Works: What do they pay in Kalgoorlie for electricity?

Hon. E. NULSEN: I have not made inquiries as to the charges at Kalgoorlie. I have only cited the charges in the town from which I come. I will speak rather extensively on that when the Estimates are brought down. Despite the fact that there is a huge turnover of electricity by the State Electricity Commission, its position is drifting badly. It is now seeking a loan of £3,000,000, and the interest bill on that will be £135,000 a year. I hope the Minister will be able to enlighten us as to why the Commission has created a deficit of £1,000,000 and why the electricity charges have increased so greatly.

From notices in the Press it seems to be considered that the Electricity Commission is doing a wonderful job. I am not denying that but I am alarmed at the drift in its financial position and as to what will ultimately happen, because if it continues as it is now it will mean that it will pay every individual to have his own power plant. It will be cheaper to produce electricity oneself than it would to buy it from the State Electricity Commission. I will not oppose the Bill because I consider we should take advantage of the £3,000,000 loan which has been approved by the Loan Council. However, I consider that the whole ramifications of the State Electricity Commission should be thoroughly investigated before the position gets completely out of hand.

MR. NEEDHAM (North Perth) [4.57]: Although it may be rather strange, I find myself taking the unusual role of supporting the Government in this measure.

The Minister for Works: The hon. member does not really mind that, does he?

Mr. NEEDHAM: Occasionally the Government has a change of heart and it brings something down with which one can agree. I am certainly in favour of the State Electricity Commission having power to borrow money to extend its business. However, I wish to call the attention of the Minister to a method practised by the Commission which, to my mind, is unjust and inequitable. I refer to the practice of insisting that increases in charges for electricity and gas are to be paid for over the whole quarter irrespective of when those increases are made. On the 5th August, 1952, I asked the Minister the following questions:—

> (1) How often have the charges for gas and electricity been increased since the 1st July, 1951?
>
> (2) What were the dates on which the increases were made?
>
> (3) Did the increased charges operate from the date of the increase, or for the whole of the term?

The Minister replied:—

> (1) Four times.
>
> (2) (a) On monthly accounts from the 17th September, 1951, and on quarterly accounts from the 1st November, 1951.
>
> (b) 1st December, 1951.—All accounts.
>
> (c) 27th February, 1952.—All accounts.
>
> (d) 12th May, 1952.—All accounts.
>
> (3) The increased charges operated on accounts rendered after the above dates.

I was not satisfied with the answer to No. 3, because it was somewhat ambiguous. So, on the 12th instant, I put the following question to the Minister:—

> (1) Will he amplify his reply to my questions on Tuesday, the 5th instant, in relation to increased charges for gas and electricity when he said "the increased charges operated on accounts rendered after the above dates?"
>
> (2) Did any of the increased charges on any of the dates on any of the accounts operate retrospectively?

The Minister's reply was—

> (1) Yes.
>
> (2) All accounts operate retrospectively. In the case of monthly accounts for one month and in the case of quarterly accounts for one quarter.

On the 1st June, the rate for light was 5.8d. per unit; for domestic power, 1.8d., and for gas, 1.225d. For the September quarter the amounts were assessed at those rates. During the following quarter, that ending 1st December, 1951, there were two increases. The rate for light was increased from 5.8d. to 5.92d. on the 1st November, 1951, and from 5.92d. to 6d. on the 1st

December, 1951. Domestic power was increased from 1.8d. to 1.92d., and from 1.92d. to 2d.

Mr. SPEAKER: This Bill is only for borrowing powers.

Mr. NEEDHAM: I contend that these charges are revelant to the Bill under discussion. The Minister is asking for power to expend certain money, and I contend that the consumers of light, gas and electricity are not being fairly treated. Gas went from 1.225d. to 1.277d., and from 1.227d. to 1.321d. on the 1st December, 1951. No portion of that quarter was assessed at the rate of the first increase but at the latest rate for the whole quarter. Similar increases were made on the 27th February, 1952. An account was rendered at the full increased rate, although on that occasion there were only five days left for the quarter to be completed when the increase was made; the charge still operated for the whole of that quarter. I understand that on the 12th instant another increase was made of 0.18d. per electric unit, and 0.084d. on gas. Although there are only three weeks of this quarter left, that amount will again apply for the whole quarter and cost the consumer 6s. 6d. extra.

I would also like to make the point that the public should be informed when these increases take place. There have been four increases since June, 1951, and I have not seen anything in the Press about one of them. I would ask the Minister to make arrangements in future for the public to be notified when increases are made. The consumer gets his bill at the end of the quarter, compares it with the previous quarter and, to his surprise, finds an increase in the amount although he can remember no greater consumption of electricity or gas. The Minister should arrange for the public to be notified of these increased charges.

Another point the Minister might consider is that the retrospective nature of these charges should be considered in the basic wage adjustment. The consumers of electric power, gas and light who are on the lower incomes and are included in the basic wage adjustment receive 8s. or 5s. to cover the last three months. No sooner do they receive those amounts than up goes the price again. I suggest to the Minister that he have a chat with the members of the Commission with a view to instructing them to make the charges operative from the day of the increase.

It is ridiculous to increase the charges when there are only five days left for the quarter to be completed, and then make those increased charges apply retrospectively for the whole quarter. The Minister should remember that these people's incomes do not include basic wage adjustments following each increased adjustment of the price of electricity or gas. When the Perth City Council was supplying electricity there were no increases in the price, or at least not so many increases, and we received just as good a supply as we are getting now.

MR. HUTCHINSON (Cottesloe) [5.7]: I would like to make a few comments on this very important Bill. I heartily support it and, in company with everyone else in this House, wish it well when this loan is attempted to be floated. The main comment I wish to make is one which I hope the Minister will pass on to the State Electricity Commission. The House well knows what happened to the Federal loan returning 3½ per cent. interest; we all know what happened to holders of bonds in that loan. It is apparent that with the successive loans that were floated carrying a higher interest rate, those bonds held under the 3½ per cent. arrangement can now be realised only at a discount of approximately 14 per cent. This, of course, has led to a general lack of confidence in these successive loans, and it has been found difficult to fill them to capacity.

In order to avoid the general lack of confidence that may be felt on the issue of these debentures, I think the State Electricity Commission should seriously consider offering the debentures or inscribed stock with such terms as, say, optional redemption of those same debentures at par every three years. I say this because I feel it would increase confidence in the loan. It might possibly mean that such a move could result in a lowering of interest rates. By so doing, that might even raise the confidence of the buyers because most people are more concerned with the preservation of their capital investments than with inordinately high interest rates. I therefore suggest to the Minister, if he conveys this proposal to the Commission and it is adopted, that the loan will be made much more attractive and will be filled much more easily.

MR. BOVELL (Vasse) [5.11]: This project seems to be a new departure in Western Australia as regards public finance, and we should certainly study the position very carefully. The Loan Council has evidently given permission to the State Government to float a loan at a higher rate of interest than that provided in connection with normal loans raised by the Loan Council to finance public works. For some time past we have noted from the reports in the Press that loans have been floated in other States for similar purposes. It is undermining public confidence in Governments to finance public affairs, or is the public now being asked to finance specific undertakings? To me the idea of the Loan Council giving a Government authority to float a loan for a specific purpose is opposed to the general idea of floating loans

for general purposes and the funds thus made available being handed over to the Governments concerned. I do not like the trend.

I believe that Governments should submit proposals to the Loan Council, which body should raise the necessary loans and distribute the money to the various Governments for expenditure on works that may be carried on. I do not desire to speak against the measure or engender any lack of confidence in the minds of the people with regard to the loan, but the fact remains that we are asking private individuals to provide finance for a large Government undertaking. I am not sure that I am quite happy regarding the great hold the State Electricity Commission is gaining over the supply of electric current throughout the whole State. That provision is coming under the control of one great organisation, the operations of which could be stopped or started at the will of strikers or some other organisation that might see fit to take steps in that direction.

The fact that the State Electricity Commission will control supplies of current in the South-West may well be of advantage, but I believe some provision should be made to ensure the continuation of services so that the supply of electric current could be maintained, otherwise any industrial upheaval or breakdown affecting the position could very well create chaos. We hope electricity will be made available to consumers in far distant places and that the requisite plant will be forthcoming for the use of dairy farmers and others and be duly installed. But should there be some sudden stoppage in the electricity supply it will certainly create chaos in industry, especially where perishable commodities are dealt with, such as dairy produce.

The fact that herds may be built up to such numerical strength that they can be dealt with only by the use of electric power means that should there be any sudden stoppage, industrial or otherwise, there will inevitably be chaos in the industry. Therefore the matter of providing alternative plants for the supply of electricity in the event of an emergency arising should be taken into consideration. Personally, I do not believe in loans being floated for specific purposes. I hold that if the Loan Council is to survive it must retain the confidence of people throughout Australia, and the public must know that loans raised will be devoted to expenditure through the proper channels for the purpose of carrying out works initiated by the various Governments.

Mr. Graham: That is a very sound argument.

MR. JOHNSON (Leederville) [5.17]: For once I find myself in agreement with the Government. I think the proposition submitted in the Bill is quite right. It is sound business that a Government intrumentality should be permitted to borrow from its own people. My few comments on the Bill are intended to be helpful. I understand, and I believe I am right in this respect, that the intention is that the loan shall be floated principally in Western Australia. In my opinion, the confidence of the people in the State and its instrumentalities should be such that there will be no difficulty in filling the loan from local capital. After all, the amount involved is small as loans go these days. The Bill also makes provision for further borrowings in the future. I feel that at the time the loan is to be floated, it would be advisable to draw up—I do not doubt that the Commission has already done so—a programme outlining the further borrowings that are envisaged.

It is because of the matter of a programme in that regard that I desire to mention a further State instrumentality —the Rural and Industries Bank. In my opinion, the proper channel for the flotation of a loan of this nature, and all such future loans, is the Rural and Industries Bank. The services of that bank and its many branches should be availed of for the purpose of obtaining the requisite capital. It has become the practice recently for large industries to arrange their own finance by selling bonds and stock through the banks with which they are accustomed to do business.

I feel that Government instrumentalities should raise their own finance through their own bank. There is a sound reason. The bank receives subscriptions through its different branches and makes use of its staff and premises in various centres. Consequently it can handle the business a great deal cheaper than members of the Stock Exchange will. The amount of the loan is small—a matter of £3,000,000 only —but a saving of 10s. per cent. will represent a large sum in these days. Further, if it were decided that the same amount of brokerage be paid to the State Bank as it is intended to pay to the brokers, the profit would accrue to the benefit of the Treasury. This is a matter of considerable importance because even £150,000 saved and paid to the Treasury would be of great value.

Another point I wish to make in regard to the matter of a programme for borrowing is that, if the State Bank were used as the bankers of the Government departments, it would be helpful in collecting the money in the exchange settlement accounts of the bank and in its balances to the Treasury. If a programme were envisaged that would permit of a stable increase in the exchange settlement account, it would enable the bank to increase materially the amount of loans it could make and, in that way, two departments or instrumentalities working in harmony could assist the Government to overcome part of its financial trouble.

The Premier: Are you suggesting that the Industries Bank should underwrite the loan?

Mr. JOHNSON: I am suggesting that it should act as brokers for the loan and that the departments, at least in part, should bank with that institution, because a strengthening of the Industries Bank would be to the benefit of the Treasury.

Let me now turn to the matter of borrowing. The Bill provides for the issue of bearer bonds, which are not greatly used in business nowadays. I believe they are redundant and that they are used almost entirely by people desirous of evading the payment of income tax. Inscribed stock is a great deal more convenient than are bearer bonds. If bearer bonds go astray, they are completely untraceable and completely negotiable. For those reasons, they are not generally acquired by business people.

The Premier: A great number of people would buy negotiable bonds and would not put their money into inscribed stock.

Mr. JOHNSON: If that is so, the probable reason is that those people wish to evade payment of income tax, perhaps 90 per cent. of them.

Hon. J. T. Tonkin: Has not the size of the unit something to do with it? Is not there a minimum in the case of inscribed stock?

Mr. JOHNSON: The minimum for inscribed stock under this measure is £10 and I think it is the same for the bonds. Of course, very few people of repute or financial standing would try to evade payment of their just dues by way of income tax, and a limited amount of educational propaganda would be necessary to show that inscribed stock was a better security than were negotiable bonds. Further, there would be a saving in actual cost compared with producing the works of art that bearer bonds are. Therefore I think consideration might be given to the suggestion to delete the reference to bearer bonds.

The best known and practically the only bearer bonds dealt with are Commonwealth bonds. These are issued to banks for delivery to stockbrokers when sales take place. These stockbrokers transfer them to the buying stockbrokers, who transfer them to their clients, and they in turn normally return them to the bank and the bank re-inscribes them to the Commonwealth Treasury. From a banking angle, it is as simple to handle inscribed stock as bonds, and I think the same would apply from the stockbroker's angle.

I should like to refer to the idea voiced by the member for Cottesloe in relation to interest rates. The raising of interest rates does not appear to have a great deal of bearing on the amount invested. What does count is the confidence of investors, particularly in regard to their expectation of further rises. The policy of raising interest rates is one over which we can exercise no control except through the Loan Council. The success of a loan to some extent lies in the prospects of the market remaining stable. If the Premier could persuade the Loan Council to make a firm stand on an interest-rate policy, it would have a much greater bearing on the attitude towards this loan than has the current tendency to raise the interest rate.

The Premier: You mean a fixed term?

Mr. JOHNSON: A fixed policy. There is no evidence, apart from the belief of economic theorists, that the raising of the interest rate does lead to an increase in the amount invested, unless the rate is very substantially increased. An increase of one-half or one-quarter per cent. has practically no effect on the investment market in Australia, though it might have in Great Britian.

In relation to the comments of the member for Vasse, I point out that an increase in the use of electricity must follow development in this State, irrespective of whether that development comes under one heading or several headings. If industrial troubles occur, they will affect trade spread over various employers, if there are several, or one instrumentallity if there is only one. I feel that there is not a great deal of substance in the hon. member's comment for the reason that all sections of the electrical trade would probably be affected by any stoppage. My preference is for a single commission covering the whole State and giving an even coverage at an even rate. With these comments, which are certainly intended to be helpful, I support the second reading of the Bill.

MR. STYANTS (Kalgoorlie) [5.30]: I do not think anyone who has given this matter a great deal of thought could have any objection to the proposal contained in the Bill. Bearing in mind the limited quantity of money that the Commonwealth Government will agree to make available under the Commonwealth loan programme it has become essential for this State to endeavour to raise funds apart from those obtained under the auspices of the Loan Council for the purpose of carrying on public works in Western Australia.

Electricity and water are two of the greatest needs for bringing about the decentralisation of industry, and the activities of the State Electricity Commission are very essential to this State. If we are successful in raising this money, which I sincerely hope will be the case, much more will be available from that provided by the Loan Council to carry on other Government works.

This principle of the States being permitted to raise certain amounts by loan is nothing new; in the Eastern States it has been indulged in for many years. Under ordinary circumstances—that is, those that have operated over the last five years when loan moneys were freely available to the States through the Loan Council—it would be much better to obtain funds that way than for Government departments to raise loans independently. But now that we are able to obtain only something in the vicinity of £18,000,000 to carry on our public works, whereas the Treasurer's estimate was £33,000,000, it becomes essential that we should endeavour to raise money within the State itself if possible, and, if not, in other directions.

The sum of £3,000,000 is quite a large amount to raise in Western Australia. This is not a wealthy State like New South Wales and Victoria, and I think that perhaps some difficulty may be experienced in reaching that figure. The suggestion made by the member for Cottesloe that inscribed stock or bonds should be redeemable at stated periods not too far distant from one another has considerable merit.

I believe that the confidence of the smaller Australian investors was completely shattered by the increase in the interest rates which so drastically reduced the value of their bonds which they were holding in a certain loan raised by the Commonwealth Government. From memory I think that those who invested their money in Commonwealth loans 18 months or two years ago did so at the rate of 3¼ or 3⅜ per cent. The Commonwealth Government then raised the interest rate and for each £100 invested by those people the market value would be in the vicinity of £88 if they wanted to realise now.

The Minister for Education: It was the Loan Council which raised the interest rate.

Mr. STYANTS: Whoever did it completely shattered the confidence of people who had money to invest, particularly those who would be able to invest up to £500. It must be remembered that many of the people who invested up to £500 do not know from one 12 months to another what their financial position will be. Sometimes they find it necessary to dispose of their bonds; and when such folk discover that for each £100 they invested they can obtain a market value of only £88, because the Loan Council has raised the interest rate, they are likely to view the position with some misgiving, and I think that that was principally responsible for the failure of the last Commonwealth loan. All previous loans prior to the raising of the interest rate were over-subscribed, sometimes to the tune of £4,000,000 or £5,000,000. I hope the measure will be carried and that the attempt to raise £3,000,000 will be successful.

MR. BRADY (Guildford-Midland) [5.37]: In my electorate there are one or two local government authorities who have been very adverse to the State Electricity Commission's taking over their concerns and they have let me know about it in no uncertain terms. However, I feel that we cannot go back but must move forward, and the Commission should be given this money to spend. I would, nevertheless, like to make one or two suggestions.

For the loan to be a success, the Commission must have the goodwill of the community. That goodwill has been lost because of the continuing increase in charges and because there is no indication that the huge losses made by the Commission will not continue. Returning to the position of the local governing authorities, I point out that, as a consequence of the distribution of electricity being taken away from them, they have lost hundreds of pounds in revenue, and in some cases thousands of pounds, which was formerly spent on local government works. As a consequence of that money not being available, their office expenses have increased considerably.

Then again, the Electricity Commission is a centralised concern, and people in the suburbs who have to pay rates are required to do so on a special day between certain hours. Men have to travel from Perth to the suburbs and back to collect the money; whereas if the Minister went into the matter he might find that the local governing authorities could do quite a lot of this work on behalf of the Commission, and goodwill would be built up towards the Commission. The local governing authorities could handle quite a lot of the work that the Commission's officers are doing, such as reading meters and collecting money and paying it into the department.

We find also that the Commission has introduced many regulations which are very harsh on consumers. A classic example was brought to my notice last week. A man built a bakehouse and wanted to have electricity installed, but the Commission told him it could not be done because the bakehouse was not on a separate title to the house block. In other words, the man built the bakehouse at the back of his residence and it is necessary for the electricity to go from the house. Yet a quarter of a mile away there are two industrial establishments which have electricity laid on to the workshops that are on the same block of land as the houses. That electricity was installed during the days of road board administration, three or four years ago. So I am afraid the Commission is insisting on a lot of harsh regulations on which it could very well use the soft pedal.

To make the loan an outstanding success, the Minister and the Commission should assure the public that those most

needing electricity will get it. Producers north of the Hazelmere estate in my electorate who want water for stock, poultry raising and other pursuits that are followed in rural areas, cannot get electricity to provide power so that the water can be made available. A butcher told me that recently he applied to the Commission to have electricity provided to his place just behind the abattoirs at Midland Junction for the purpose of fat-rendering—an essential industrial matter. He was told he could not get it because the facilities were not available.

There are 20 or 30 people in the same position in the locality. The Minister must make electricity available where it is most needed, and not just to the big industrial establishments in the heart of Perth which already have the cream of the electricity. People in the outlying areas work under great difficulties. They do not carry on their operations merely from 9 a.m. to 5 p.m., but very often work from daylight to dark. They should be encouraged and be among the first to be supplied with electricity. I support the Bill because I feel we cannot go back, but must go forward.

MR. GUTHRIE (Bunbury) [5.42]: I am glad the Government has introduced the Bill so early in the session, because the sooner the money is raised the better. As members know, a power plant is being erected in Bunbury and, when this money is raised, I am sure the work will proceed very quickly. I have no hesitation in supporting the second reading of the Bill.

MR. GRAHAM (East Perth) [5.43]: Unlike other members, I am not enamoured of the provisions of the Bill, or the objects which it sets out to achieve. I do not mean that I have any opposition to the State Electricity Commission obtaining sufficient funds to embark upon its plans, but I feel it is a dangerous trend and disadvantageous to Western Australia for there to be a further development of the practice of States raising money for particular purposes. I am a strong believer in the overall raising of moneys through the Loan Council, which was established to overcome the position of one State competing with another which would have the effect, ultimately, of raising interest rates and that, in a case such as this, in the long term view, would mean an increase in the price of the electricity supplied to consumers. This trend has been in operation for a number of years in other States.

The Minister for Works: Since the inception of the Loan Council.

Mr. GRAHAM: Yes. But if there is to be an intensification of the trend it will be to the serious disadvantage of Western Australia because some loans will, in the eyes of the investor, appear to be raised purely for parochial purposes. That is to say, people in Victoria will support a loan which is for the purpose of assisting development in that State; and the same thing would apply to New South Wales and the other States. We know that the great bulk of moneys—in large sums, that is—are to be found in States other than Western Australia. Most of the financial institutions operating in Western Australia have their head offices in other States.

If the State Electricity Commission of Victoria were to seek some millions of pounds, and it was likely that Western Australia would float a loan about the same time, there would be a natural tendency for the directors of an insurance company, or other similar institution, to favour the loan being raised for the purpose of carrying out works in Victoria, rather than the Western Australian loan. That is why I say that if we lend encouragement to this trend, Western Australia and the other poorer States, will eventually suffer. If the trend develops, we will probably reach the stage when the Loan Council is handling only a small percentage of the loan moneys raised for the purposes of the Commonwealth.

It would appear that a fillip is going to be given to this trend, and to an increase in interest rates to 4½ per cent. judging by the remarks of the Minister when introducing the Bill. I do not know what control, if any, the Loan Council exercises in regard to the terms under which money is raised. I am wondering whether this competition between the various States will result in interest charges becoming really oppressive.

The Minister for Education: The Loan Council fixes a maximum rate all round.

Mr. GRAHAM: That, of course, partly answers my objection, but only partly. Judging by the difficulty the Commonwealth has experienced in its recent loans, there is only a limited amount of money available for investment, and this will mean that the richer States, where the greater proportion of the money resides, will encounter less difficulty in filling their loans than the poorer States like Western Australia who will find themselves very much in the financial doldrums. Accordingly I think it is a bad move for Western Australia to support or encourage this trend. I believe it would be to our ultimate advantage if the Premier were to use his influence—and I am certain he would be supported by the representatives of the other financially weak States—to see whether a curb could be put on this state of affairs, and its ultimate abolition achieved. In order to indicate my views I have said I am opposed to the second reading of the Bill; and I believe the time will arrive when this trend will rebound to the disadvantage of Western Australia.

HON. J. T. TONKIN (Melville) [5.49]: In view of the limited amount of loan money made available to the State by the Loan Council, it is imperative that the Government should use whatever means are at its disposal to raise additional loans to carry on the works of the State. I notice that in the Bill there is provision for the payment of brokerage. Is it intended to ask any firm of brokers or some stockbroker in this State to underwrite the loan? If it is so intended, what method is to be used in the selection of the underwriting firm and what terms are the Government likely to offer?

It is possible that we might pay too dearly for this accommodation, and I believe that if the Government were to test the market it would do nearly as well overall as it would if it got someone else here to underwrite the loan. I feel that anyone in this State agreeing to underwrite the loan would do so only at fairly substantial recompense, and that would make this business very expensive to the State. I think the Government should try out the market on its own account. Has any attention been given to that aspect of the question, and what does the Government intend to do in that regard?

HON. J. B. SLEEMAN (Fremantle) [5.51]: I am not exactly opposed to the loan, as I know we must have money with which to carry on, provided it is used in a proper way. Since the Electricity Commission took over the supply of power and light in Fremantle, the service has been ever so much worse than it was before. Complaints are being made to me daily that people cannot even read their newspapers by electric light in that area—and they are not short-sighted people. Their refrigerators are continually giving trouble owing to the absence of current, and I cannot see why the service should be in that state now when it was so much better while under the control of the local board.

The Minister for Works: Neither can I.

Hon. J. B. SLEEMAN: If the Minister will promise to make inquiries, he can start at Moreing-rd., and ask the people there how their light and power supplies are.

The Minister for Works: As you are the local member, I suggest you take the question direct to the commission.

Hon. J. B. SLEEMAN: The Minister can go to any of the suburbs of Fremantle and see for himself just how bad the lights are. Many of them give no more light than is given by a red-hot poker, and it is high time something was done to get the 50-cycle power into the Fremantle area. Members will recall that during the last blackout, although the South Fremantle power house was generating 50,000 kilowatts, the current was being supplied to only a few houses in South Perth that had been connected to that supply. In answer to questions in this House, the Minister said that only those few houses in South Perth were being supplied with 50-cycle current at that stage.

The Minister for Works: That is past history. We are now attending to Fremantle.

Hon. J. B. SLEEMAN: The department is very slow about it. I asked in this House questions regarding the two spindles that were found to be faulty at the South Fremantle power station. I inquired whether the Minister would ask for an engineer to be sent out from Vickers, and would he make a public statement when the engineer arrived—a statement without any whitewash. The Minister replied that there was no need to ask Vickers to send out a man because they already had an eminent engineer, a Mr. Young, on the way. Mr. Young arrived and investigated the position, but no statement was ever made. I think the Minister should have told us what the trouble was with those spindles, and whether there was any chance of the defect recurring.

The Minister for Works: The result was complete satisfaction to all concerned, including the manufacturers.

Hon. J. B. SLEEMAN: Before Mr. Young came out, Vickers got the blame, but after that there was no blame attached to them. Someone must have been responsible and we want to know for certain that those spindles will not give trouble again.

Mr. SPEAKER: I think the member for Fremantle is getting away from the Bill.

Hon. J. B. SLEEMAN: I am against this money being borrowed unless it is to be spent properly. I will support the Bill providing I am assured that the money is to be expended in a proper way.

The Minister for Works: It will be.

Hon. J. B. SLEEMAN: People in the metropolitan area, or in other parts of the State served by our electricity system, should be able to get the light and power they require. Members are aware that an elaborate and expensive line was built from the South Fremantle power house into Fremantle to supply that district with 50-cycle current, but the users there have not yet been connected to the supply and it looks as though it will be a considerable time before they are linked up. I would have thought that big establishments and places such as the Fremantle wharves would have been the first to be connected but, instead of doing that, the commission started at South Perth.

The Minister for Works: The delay with regard to the wharves was occasioned by the lack of certain equipment there.

Hon. J. B. SLEEMAN: I hope care will be taken that the money, when raised, is not wasted. If the Minister is not pre-

pared to tell us publicly, he may be able to supply us at his office with information as to what happened to the spindles. If one of them breaks down again, we will be in the same position as we were before, with the only people receiving light being those living in the areas that have been connected to the new supply. If I remember rightly, the Minister said, on the last occasion, that only about 2,000 kilowatts were being used though 50,000 were being generated. Because the Fremantle Electric Light and Power Board would not do what the Electricity Commission wanted, the commission said it would keep the Fremantle area on 40 cycles, and that went on until the board was compelled to sell out. Of course, people in the Fremantle area will have the 50-cycle current some day, but I hope it will not be too long before premises in that area are connected.

THE MINISTER FOR WORKS (Hon. D. Brand—Greenough—in reply) [5.57]: I appreciate the response of members to the Bill, although I was sure all along that commonsense would prevail and that this measure would receive general support in this House. I will begin by dealing with the speech of the member for Fremantle. He mentioned—though it had no direct bearing on the Bill—the visit of Mr. Young to Western Australia in connection with the defects in the generators at South Fremantle. It must be obvious that if there had been any direct fault on the part of the company it, in its turn, would not shout about it. Seeing that the company did not blame the Electricity Commission in any way, I think the commission is absolved. I am in a position to say that the company was completely satisfied not only with the action taken but also with the statements made by the commission in respect of the breakdown.

Hon. J. B. Sleeman: Did Mr. Young admit it was the fault of Vickers?

The MINISTER FOR WORKS: I will only say that his investigations were such that he revealed that he was completely satisfied. A number of members made suggestions that might be put to the commission or to the Treasurer when plans are being made for the raising of this loan. I will be only too pleased to put forward those suggestions, though many of them verge on the controversial. In reply to the member for Melville, although I have not been able to contact the Under Treasurer, I understand that he has the matter in hand and that as far back as his last visit to the Eastern States investigations were being made and inquiries instituted that have continued right up to the present. I will refer him to the speech of the hon. member.

When moving the second reading I made reference to the interest rate, but that was only an expression of opinion. It is only commonsense to assume that unless this State, in launching the loan, is prepared to pay an interest rate comparable with that paid by other States, we cannot hope for any great success. It is essential that in deciding to raise this loan we must endeavour to create confidence if we are to be successful. A sum of £3,000,000 is not large but, as one speaker mentioned, it is a large sum of money to be raised in Western Australia. For that reason alone I should imagine that the Commission will endeavour to raise the sum by a series of smaller loans which can be met by the people of Western Australia.

The members for Vasse and East Perth said that we were setting out on the wrong trail, as it were, by pursuing a policy of attempting to raise a loan locally and that in the long run we would not benefit from it. They stated that loans should be raised by the central Loan Council rather than by State instrumentalities. I think we all agree with that in principle, but apparently members of the Loan Council, from its inception and after due consideration, permitted loans to be raised by State organisations and instrumentalities. One of my colleagues referred to the first loan authorised by the Loan Council—a loan for the Metropolitan Board of Works. That is a tremendous undertaking and involved an expenditure of a considerable sum of money.

All States, with the exception of Western Australia, have taken advantage of this policy and I was pleased to hear the Premier ask the Loan Council that we in our turn be given an opportunity of doing the same. We should not sit idly by while Tasmania, Queensland, South Australia and the other two major States go merrily on their way borrowing money and leaving us to obtain a very minor quota from the moneys raised by the Loan Council.

Until the Loan Council alters its attitude we are quite justified in endeavouring to appeal to the patriotism of Western Australians by asking them to support loans to finance our own particular works. We all appreciate that no matter what sum of money is raised by this loan it will permit moneys which have already been marked down for certain works required by the State Electricity Commission to be spent elsewhere.

Other members have referred to the increased rates on electricity supplied to consumers. I do not propose to reply to those remarks other than to say that our rates compare favourably with those of the other States. The system of increasing the rates in accordance with rises in the basic wage and increases in the cost of coal is comparable with that used in New South Wales. For those two reasons the 100 per cent. increase referred to by one member has taken place. I point out that the basic wage has increased by 100 per cent., over a very short period and that forced the Commission to increase its rates accordingly. Members will have an opportunity

to discuss this matter on the Address-in-reply and also on the departmental Estimates. I sincerely trust that our first effort to raise loan money in our own State for our own particular works will appeal to the people of Western Australia and that out of patriotism, and because there is ample security and a reasonable rate of interest, they will support the loan.

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.

Bill read a third time and transmitted to the Council.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

In Committee.

Resumed from the previous day. Mr. Perkins in the Chair; the Attorney General in charge of the Bill.

Clause 5—Section 12 amended (partly considered):

The CHAIRMAN: Progress was reported on Clause 5, to which Mr. Brady had moved an amendment, as follows—

> That in line 8 of proposed new Subsection (3) the word "President's" be struck out and the word "Court's" inserted in lieu.

The ATTORNEY GENERAL: I have consulted the Parliamentary Draftsman since the last sitting and also the Crown Law advisers and the position is that, as the Act now stands, all matters relating to registration and deregistration are dealt with by the President. However, there is this aspect: that on application for reregistration it might be a little embarrassing to the employees' representative to sit on such a case. Nevertheless there seems to be no strong objection to the hon. member's proposal and if he still desires to persist with it I do not propose to resist it.

Mr. BRADY: I consider the amendment should be passed. It will then be consistent with that part of the Act whereby all these applications are passed from the Registrar to the President. It will also prevent the President from being in an unfavourable position in that on one day he may give a decision to deregister a union and then perhaps a day or two later he may decide that it shall be reregistered.

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

Clause 6—Section 25 repealed and re-enacted.

Mr. McCULLOCH: This clause proposes to repeal Section 25 of the Act and I hope the Attorney General knows what that section provides. It definitely states that the returns shall be forwarded to the Registrar in the month of January. In the amendment there is no mention as to when the returns shall be sent. At the moment, the legislation provides that the Registrar shall be forwarded certain forms, the accounts of the union, register of members, etc. The register must be in the hands of the Registrar before the 31st December. The union generally forwards the names and addresses of members to the Registrar about January. Therefore, if this section is repealed there is no provision in the Bill as to when these returns shall be forwarded to the Registrar.

The ATTORNEY GENERAL: Provision has been made. The time when they shall be returned is to be prescribed by regulation. If the hon. member will turn to page 8 he will notice that Subclause (4) provides that such returns shall be forwarded on dates to be prescribed.

Mr. McCULLOCH: That will prove unsatisfactory to a union. Some definite time should be stated in the Bill in order that a union secretary may know what he is doing.

The Attorney General: They will be notified.

Mr. McCULLOCH: I do not think that will be satisfactory at all.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. A. R. G. HAWKE: I move an amendment—

> That the penalty at the end of proposed new Subsection (1) be amended by striking out the word "ten" and inserting in lieu the word "five".

We had a similar amendment last night to which the Committee agreed.

The ATTORNEY GENERAL: I do not think the amount in the Bill is unreasonable; it has been adopted from the Commonwealth Act. But I want to be co-operative in dealing with penalties, and if the Leader of the Opposition thinks a penalty of £10 is too much I am prepared to accept the amendment.

Amendment put and passed.

Hon. A. R. G. HAWKE: I move an amendment—

> That the penalty at the end of proposed new Subsection (2) be amended by striking out the word "ten" and inserting in lieu the word "five".

The ATTORNEY GENERAL: My attitude is the same; I have no objection.

Amendment put and passed.

Hon. A. R. G. HAWKE: I move an amendment—

> That the penalty at the end of proposed new Subsection (3) be amended by striking out the word "pounds" and inserting in lieu the word "shillings".

The penalty in the Act is 5s. The penalty in the Bill is far too great for the offence it covers. If the existing penalty is increased 100 per cent. or if the Attorney General wishes it, 400 per cent., to £1, that would meet the situation.

The ATTORNEY GENERAL: I would like to meet the Leader of the Opposition as far as I can, but under these new provisions the register has assumed a much greater importance because it is upon the register that these ballots have to be taken. So I think it behoves a union to keep them in order. I agree that the penalty should be a reasonable one but I feel that 10s. would be unreasonable and inadequate. I am prepared to compromise and if the Leader of the Opposition will move to strike out the word "ten" and insert in lieu the word "two," I am prepared to accept the amendment.

Hon. A. R. G. HAWKE: I am in a difficult position in this matter because if I lose my amendment to delete the word "pounds," I cannot go back and ask to strike out the word "ten." Accordingly I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Hon. A. R. G. HAWKE: I move an amendment—

> That the penalty at the end of proposed new Subsection (3) be amended by striking out the word "ten" and inserting in lieu the word "two".

Amendment put and passed.

On motions by Hon. A. R. G. Hawke, clause further amended by striking out the word "ten" in line 10 of Subsection (4) of proposed new Section 25 and inserting the word "five" in lieu; and by striking out the word "ten" in line 5 of Subsection (5) of proposed new Section 25 and inserting the word "five" in lieu.

Mr. STYANTS: I move an amendment—

> That in line 3 of proposed new Subsection (6), the word "duplicate" be struck out and the word "record" inserted in lieu.

On information I have received from the Trades Union Industrial Council which comprises the secretaries of most of the unions in this State which are registered with the organisation, in many instances the union does not issue tickets at all. I know the Loco Drivers' Union does not issue union tickets when a person joins the service as a cleaner and is eligible to join the union. He merely fills in a form making application for membership. After he is accepted he is not issued with a union ticket, and though he may be in the union for 40 years he would not have a union ticket issued to him. While some unions adopt a similar system, there are others that issue yearly tickets. They are not issued in duplicate, but a record is made in the unions' registers. My amendment will overcome that difficulty.

The ATTORNEY GENERAL: I have consulted the Parliamentary Draftsman about this matter, and I am prepared to accept the amendment.

Amendment put and passed.

Mr. GRAHAM: I move an amendment—

> That in line 5 of proposed new Subsection (6) the words "place of residence" be struck out and the words "postal address" inserted in lieu.

In view of the provisions of Subsection (1), which require unions to keep a register of their members, showing their postal addresses, the adoption of Subclause (6), with the necessity to show the usual place of residence of the member of a union, will involve the keeping of two sets of records. My amendment will make the two provisions identical. In actual practice the officers of some unions have no idea where their members are living. The Barmens and Barmaids' Union simply knows that Henry Smith's address is care of such and such a hotel, and the Shop Assistants' Union would have the address of one of its members, for instance, as "care of Boans." Apparently that has been quite satisfactory to the authorities, particularly as the postal address would indicate where a person could be found. For the information of the Minister, I may say that if the amendment is agreed to a further amendment will be moved to strike out the remaining portion of the subclause.

The ATTORNEY GENERAL: I am not sure that this proposal would be suitable to the unions. Is it not customary for the union ticket to disclose the place of residence and not merely the postal address?

Members: Principally the postal address.

The ATTORNEY GENERAL: I shall raise no objection to the amendment.

Amendment put and passed.

Hon. A. R. G. HAWKE: I move an amendment—

> That in lines 6 to 9 of proposed new Subsection (6) the words "and, if he is temporarily living away from his usual place of residence on the date when the ticket is issued to him, the place where he is so living at that date" be struck out.

As the Minister has intimated he has no objection to the amendment, I shall not comment on it.

Amendment put and passed.

On motions by Hon. A. R. G. Hawke, the penalties at the end of the proposed new Subsections (6) and (9) were amended by striking out "twenty" and inserting in lieu the word "ten."

Clause, as amended, agreed to.

Clause 7—Section 26 repealed and re-enacted:

On motion by Hon. A. R. G. Hawke, the penalty at the end of the proposed new Subsection (4) was amended by striking out "ten" and inserting in lieu the word "five."

Clause, as amended, agreed to.

Clause 8—agreed to.

Clause 9—Section 30 amended:

The ATTORNEY GENERAL: I move an amendment—

That the following paragraph be inserted before paragraph (b):—

(aa) deleting the words "of the Court" in line nine.

Hon. A. R. G. HAWKE: I have no objection to the amendment but I shall oppose the clause as a whole.

Amendment put and passed.

Hon. A. R. G. HAWKE: This clause could with justification be described as the worst in the Bill. It proposes to alter the Act in a very drastic fashion. Section 30 provides that the award, order or industrial agreement shall continue with the full force of law even after the trade union concerned has been de-registered. When that was framed, it was evidently considered essential to maintain proper legal safeguards with respect to wages, workings conditions and hours even after a union, because of some offence, had been de-registered. Why should the court now be given the right to make a decision that would break down established standards of wages, hours and conditions? Why should the court be empowered to say that the standard previously determined should suddenly be wiped out as an additional punishment?

Take the metal trades strike as a basis for reasoning: There are at least two awards in operation under which members of the Boilermakers' Union and of the Amalgamated Engineering Union are employed. One covers private employers and the other Government employment, particularly in the Railway Department. Those two unions have been de-registered. Previous to that, each union had been fined £500. Presumably, had the court not de-registered the unions, it could have fined them additional amounts. If the proposal in Clause 9 were the law today, a majority of members of the court could cancel those two awards. That would be weird enough, but there are other unions working under those awards—the moulders and members of the Australasian Society of Engineers. Would it not be weird, if this provision were in operation, for the court to be called upon to decide whether the awards covering the A.E.U. and the Boilermakers' Union should be cancelled? The court would find itself in an impossible position. It could not cancel the award because—

The Attorney General: The court would not cancel the award. Those unions are not entitled to the benefit of the award.

[*Mr. Yates took the Chair.*]

Hon. A. R. G. HAWKE: Would it not be a strange situation if it were suddenly laid down that any member of the A.E.U. or of the Boilermakers' Society who might not have gone on strike—and many have not done so—was no longer entitled to any benefits of an award, court order or industrial agreement? What are the Attorney General and the Government aiming at in bringing forward a proposal of this kind? There surely would not be a shadow of justification for saying to members of the A.E.U. and of the Boilermakers' Society who are still working, and who have worked all through, that they are no longer legally entitled to any industrial protection and that they are to be thrown to the wolves as it were!

Surely there would be no justification for saying, "We shall allow the employers to pay you what they like, to work you whatever hours they like, to give you whatever employment conditions they like in the foundries or the factories or the workshops." That is an impossible situation. That is throwing the industrial workers of this State right back into the jungle. It is depriving them of all the industrial protection that exists at present.

But let us assume that all members of the union were on strike. That would still not justify a proposal of this kind; it would not justify our giving power to the Arbitration Court to deliver those men into the hands of the employers. What type of employer would make the pace under a proposal of this kind if it became law? Obviously the worst type of employer would do so. And when the worst type of employer did that, and there was competition of a legitimate character within the industry, other employers would be put on the run and willy-nilly, whether they liked to do it or not, would be forced to follow what had already been done by the worst employers in a particular industry.

When I was talking about this matter last week, the Attorney General interjected that there would still be some legal protection. I questioned him about that, and he gave me to understand that he had in mind a provision in the Factories and Shops Act. I have looked at that provision. It is true that under that Act any worker, male or female, not covered by an award or industrial agreement, is entitled to receive the basic wage ruling in the district in which the worker is employed, but only if the worker is employed in a shop, factory or warehouse as defined in the Act. If such workers are covered by the provisions of the Factories and Shops Act, no employer can pay them less than the basic wage ruling in the district in which they live and work. However, so far as I have been able to ascertain from that Act, there is no protection at all in regard to hours

and working conditions. Even if there were, it would not make the proposition acceptable.

But there are hundreds of thousands of workers in Western Australia who do not work in a shop, warehouse or factory as defined in the Act. All those hundreds of thousands would have no protection of an industrial character if circumstances developed that gave the court the opportunity to take away from them any legal protection in regard to wages, working hours and employment conditions that had previously been available to them under the terms of the award that their union had obtained for them.

I suppose the objective of the Government in putting this clause in the Bill is to stiffen up the penalty to be suffered by the union and its members when deregistration is effected. This is entirely the wrong way to go about it. If the Government wishes to make the penalty more severe, let it tackle the proposition in some other way. Let it try to provide other penalties which will be imposable in the event of a union being deregistered.

This proposal is worse than retrograde; it is going to throw back the industrial workers in this State 60 and 70 years. Does the Attorney General think that, in practice, this part of the Bill would be a contribution to industrial peace? Does he think that members of the other unions would agree for a moment to allow members of deregistered unions to work at scab rates of pay, to work for longer periods than the declared number of hours per week and to suffer employment conditions worse than those laid down in the cancelled award? The Attorney General has to remember, and so have supporters of the Government, that in most industries there are members of more than one union.

Take the Railway Department, for instance. I suppose there would be at least 12 trade unions with members employed in that department. Say, for argument's sake, that A.S.E. members in the Railway Department went on strike in six months' time. Action is taken in the court of deregister the union and the court agrees. Then the court decides that members of the union employed in the Railway Department are to lose the benefits of the award under which they previously worked. Does the Attorney General think that the Railway Department should be left free to employ members of the A.S.E. under any conditions; that is, if members of the union were prepared to go into the department and work if the strike were still in progress? Does he think that members of the other 11 unions employed in the department would continue to work if some A.S.E. men were employed at less than what were previously the ruling award rates?

If the clause became law and were put into operation, it would cause industrial chaos; and it would put into the lap of the Government an industrial problem of the greatest magnitude. Unionists will not tolerate the breaking down of established conditions. The Attorney General might say the clause would operate only whilst men were on strike. What purpose would the Attorney General achieve by operating it under those conditions? If the men were on strike the clause would not be worth, as the saying is, two-pennorth of gin. If a union were on strike and an employer tried to continue to employ those still working under conditions worse than the award provided, the men still working would not stand for it, and the Attorney General knows they would not; neither would their fellow workers belonging to other unions in the same industry.

Not only is there no justification for the clause, but there is every reason in the world against it. It would be a most inflammable proposition in regard to peace in industry. It could, if put into operation, bring every trade unionist in the State out on strike. Even the weak ones would go to any length to defeat a proposition of this kind. The Government is not only looking for trouble, but storing up a tremendous amount of it if it forces its voters to support the clause. It is an intolerable proposition to give to the Court the power to cancel the benefit of an award.

I cannot imagine the Employers' Federation being in favour of the clause, because some at least of its members have enough sense to know that they could not possibly get away with an attempt to apply it to trade unionists. I appeal to the Attorney General and the Government supporters to realise just what is involved. If the clause became law and were put into operation before the next State elections, I can now see at least seven members on the Government side who would not have a ghost of a chance of getting back into this Parliament; and if the Speaker were here, he would make another.

The Attorney General: You know it is the law in Western Australia now.

Hon. A. R. G. HAWKE: It might be the law, but it has never been tried. Where is it the law?

The Attorney General: It applies to all Federal unions.

Hon. A. R. G. HAWKE: The Attorney General rather led the Committee to believe that it was included in some State law. I am glad I questioned him and exposed what was a misleading interjection, even though it might not have been intentionally misleading. Has the Federal Court ever applied this law to a Federal union in Western Australia?

The Attorney General: If the court has de-registered a union, this law has applied automatically.

Mr. Lawrence: It has never been applied yet.

Hon. A. R. G. HAWKE: It has not happened in Western Australia during the years I have been here.

The Attorney General: I think some Federal unions have been deregistered.

Hon. A. R. G. HAWKE: Not as far as I know. Even if they have, I would make bold to say—without knowing the facts at all—that no employer has dared to try to impose upon the workers concerned, industrial conditions—wages, hours, etc.—less than the standards which obtained in the award. The proposition in the clause is hopeless. There is a tremendous amount of industrial dynamite in it.

If the Attorney General and the other Ministers want to suffer an election debacle worse than the one already in store for them, let them insist upon this amendment and force it through the Committee; let them get the more reactionary elements of the Liberal Party in the Legislative Council to have the proposal passed there; and then let the court allow some employers to take advantage of it before next February. The Attorney General will wonder what has struck him, and his supporters, the members for Maylands, West Perth, Canning, South Perth—the Deputy Chairman—the Speaker—the member for Claremont—and even the member for Wembley Beaches and the member for Cottesloe, would realise, if they had the time to do so, that they had been smashed to pieces by a political atomic bomb.

The Premier: You can be very terrifying, can you not?

Hon. A. R. G. HAWKE: It is not my function to give good political advice to the members of the Government—it is the last thing I should do—but I feel so strongly about this that I am prepared to give them a hand, as it were, in this direction. I hope the Attorney General will indicate that the Government is prepared to allow this clause to be defeated.

Mr. J. HEGNEY: The Attorney General has made it clear that, under this provision, if men go on strike those working in that industry are to be denied, by way of punishment, their rights to the existing conditions in their industry. That proves that the purpose of the Bill is to break down the position of the workers and reduce existing industrial standards. For years past the parties composing the Government have been telling the people that they stand for the rights of the workers as solidly as do members of the Labour Party, but this Bill gives the lie direct to that claim. Under the provisions of this measure the engineers and boilermakers who are now on strike would, upon resumption of work, be expected to seek re-registration and begin all over again the building up of their industrial conditions.

Does the Government think that the rest of the workers in the State would stand for that? Of course they would not. They would realise that, if they did so, their own position would be undermined in turn. One purpose of this Bill is to create antagonism between the workers and their employers, and to do that is simply to play right into the hands of the communists. Surely the Government does not think that it can enforce unjust laws of this kind at the present day. Even 50 years ago, when working conditions were indeed reactionary, men were willing to go to gaol in the fight for the rights of the workers.

For years past in this State those opposed to Labour have been lauding the workers and pointing out the good industrial relations that have existed here, but now, when we have on our hands a dispute that has lasted for some months the Government brings down a Bill of this kind. Surely the Attorney General does not think this measure will prevent strikes in the future even though it might provide harsh treatment for the workers! I hope the Committee will reject this provision.

Mr. MOIR: I feel that the Attorney General should agree to the striking out of this clause and that, if he does not do so, the Committee should reject it. Members of the A.W.U. are a classic example of those who would be unjustly affected by this provision. There are between 10,000 and 11,000 members of the State branch of that union spread in many industries throughout Western Australia. There is a great number of awards, orders of the court, agreements and decisions of various tribunals and boards under which those men work. It is unthinkable that because of some industrial disturbance in a section of the union which may bring about the deregistration of the union, all the other workers connected with it who have taken no part in the dispute should be deprived of the protection of the various awards covering them. For instance, if some section of the A.W.U. were involved in a dispute, as a result of which the union was deregistered, all the workers in the goldmining industry would be deprived of the protection of their award. That is absolutely absurd. There would probably be well over 100 agreements and awards covering members of the A.W.U. and this would mean that all members of the union would be affected instead of only one section of it. There is absolutely no justification for depriving workers, whether they are on strike or not, of the protection of industrial awards, orders and agreements. The Government must be unaware of what

is contained in this measure, because I am sure no responsible body would introduce such a fantastic suggestion as has been put forward in this instance.

Mr. HOAR: I wonder who put the Attorney General up to this provision? We have all known him for a number of years and I am sure he is not entirely responsible for the viciousness contained in this particular proposal. It seems to me that some other interested party has had a good deal to say in compiling the provisions contained in this Bill. This clause is more likely to do harm to the peaceful relationships between employer and employee than anything else. The workers are the only ones who will be punished whether there is a cancellation of registration or a lockout. I do not know whether members have looked at it from that point of view, but under a later provision even one or two members in a union can be charged with causing a strike and thus have the penalties provided in the legislation awarded against them.

If there is a lockout the worker ceases to enjoy all the provisions and protection of his award. He is no longer in employment; he is no longer entitled to work in the industry with which he is associated. So whether it is a lockout or a cancellation of registration, the employer never suffers —it is always the worker. There is no penalty in this legislation for an offence against the Act by an employer, other than an increase in a monetary penalty from £100 to £500. The protection given to an employer by the Arbitration Court still remains whether a union is on strike or the employer has created a lockout. Surely that is class legislation at its very worst and that is why I cannot imagine the Attorney General being responsible for this iniquitous provision. There is a provision later on in the Bill which states—

> The court may, by order, subject to such conditions or exceptions, or both, as it thinks fit, suspend or cancel for such period as it thinks fit, all or any of the terms or any order or award or industrial agreement in force so far as the order or award or industrial agreement applies to, or is in favour of, the industrial union or its members.
>
> The order for suspension or cancellation may be limited to persons named therein, to classes of persons, or to particular localities.

If that provision is introduced into our Industrial Arbitration Act, there will be nothing but strife in the industrial life of Western Australia. Fancy making it possible for an employer to report a small number of men in his industry for some alleged offence! If an inquiry were held by the court, the men could have the protection of the award taken away from them. It is bad enough to take the protection of an award or agreement from a union, but when the union can be split up into small sections, or certain individuals within the organisation can be affected, it is carrying things too far.

We do not live in Germany or Russia. Surely this is a country where we have some better understanding of democratic principles and justice. If this clause in the Bill becomes law, the cases I have mentioned will surely occur, because there is a certain viciousness on the part of some employers just the same as there was in days gone by. If those people are given an opportunity to impose penalties on any particular section of their industries, they will take full advantage of it. This is no way to get industrial peace and, if the Government is sincere, it will certainly have this clause removed from the Bill.

Hon. J. T. TONKIN: This is such a highly dangerous proposition that I hope the Government will show some commonsense and allow it to go out. In these days, when costs are rising and each successive increase in the basic wage causes employers to think about taking action to keep wages down, a proposition of this nature could be used in the opposite direction from what the Government intends it to be used. An employer could deliberately have a strike created in his industry with the ulterior motive of having the award wiped out so that the conditions could be broken down; and a group of employers could combine for that purpose. If any employer set himself out to create a strike, he could do it quite easily by making things so hot in his foundry or his factory that the workers would not stand for it, and they would strike. Having done so, it would be a comparatively simple matter to obtain de-registration of their union and its award would then be cancelled.

The cancellation of the award of one union could have a penalising effect on the members of other unions who were at work. The result would be that they would so resent the breaking down of standards that they in turn would strike, and before long a situation would be created whereby a number of unions would be out on strike with their awards cancelled. It would be possible for employers who desired to have wages reduced, and who could not get their way in the ordinary course, to get it by this method; by deliberately creating a set of conditions which would cause a strike and, having done so, secure the cancellation of the union's award, which would eventually result in the cancellation of other awards because more workers were forced to strike as they would be subject to a reduction of standards.

As the Leader of the Opposition has pointed out, if there is one thing more than another that a worker will not stand, it is somebody doing the same job for a

lesser wage. This provision will encourage employers to employ men at under economic wages, and at a time when there are more men than jobs it would be playing right into the employers' hands to adopt a method of this nature and deliberately cause trouble to obtain the cancellation of awards. This proposal must be read in conjunction with that outlined in Clause 5, one already agreed to, with some slight amendment, by this Committee. That clause provides that, when an industrial union has been de-registered, no other union will be registered without the consent of the court. So, an employer having brought about the de-registration of a union, could bring about a situation where, because of the de-registration, the award would be cancelled, and the court could refrain from registering another union or reregistering that union, which would result in a situation that for years men who were engaged in that industry would have no award and could be employed at any rate of wage the employer offered them. That would have the effect of seriously affecting the employment of men in that union; that would give us a state of industrial chaos in this State.

Is that the sort of thing the Government wants to develop or to prevent occurring? Does it want to persist with this proposal which can do only harm and no good whatsoever? I suggest that the Government should give it serious consideration before persisting with it. Whoever advised it to insert this provision was pretty ill-advised and had scant knowledge of the way workers stand up for their rights. To suggest that we are to create a body of men who will be obliged to work for uneconomic wages, and to expect that industrial union to carry on at an even tenor, is absurd. If the Government has any regard to industrial matters it will agree to this provision going out, and thus provide an opportunity of having industrial peace in Western Australia. With it, we shall get a set of circumstances the like of which we have not seen before and will not want to see again.

Mr. BUTCHER: Sorry as this part of the Bill is I know the Government honestly thinks that what it is doing is right, and I am just as convinced that it is wrong. Nevertheless, there must be some solution as to the difference of opinion. Although members on the Government side have worked probably harder and longer hours than the people who comprise the unions, they still know nothing about the union men's psychology. The main thing in any arbitration amendment should be to bring some benefit to industrial relationships. In this, however, there is a possibility of grave repercussions which will, of course have an adverse effect on industrial harmony. I know that members opposite do not think that way. We have heard members on this side of the Chamber trying to tell them of their error but they will not listen because they, in turn, think we are either Socialists or fellow-travellers.

The Minister for Lands: Who do you mean by "we"?

Mr. BUTCHER: Those on this side.

The Minister for Lands: Oh, you are on that side, are you?

Mr. BUTCHER: There is no doubt that the Bill will create a great deal of industrial unrest. It should be apparent to the Government that force will not bring about the desired effect when men are on strike. Very early in the piece and before conciliation methods were adopted the court was approached and the unions were fined £500 and de-registered. That sum may not appear a great amount of money to members opposite. But there has been the day, farming not then being as prosperous as it is at present, when £500 would have meant a large sum of money to some producers. To unionists it is an amount of money that hardly any of them will ever have, and when their union is fined to that extent it seems in their eyes a tremendous figure.

The Minister for Works: Do you not agree they should have been fined?

Mr. BUTCHER: The fine should have come after all avenues of conciliation had been exploited.

Members: Hear, hear!

Mr. BUTCHER: That is where we differ. The introduction of this Bill is driving the wedge still deeper. We are taking from the workers their faith in the Arbitration Court. Some years ago and up till quite recently the court was a sympathetic one, and the courtroom was a place where unions and employers bargained. But by the introduction of this Bill the court has lost all its sympathy and it becomes a cold instrumentality, to force judgment by penalties and conditions which the Government thinks will have the desired result. That is where the psychology is wrong. Fines and deregistration have not brought about a settlement of the present strike. Nor will these conditions prevent strikes. A strike can only be settled by the process of sweet reasoning.

The Minister for Lands: Where would you have the sweet reasoning?

Mr. BUTCHER: Though it is long overdue there is still time for that sweet reasoning to prevail. The time is ripe to form a committee with the Premier as chairman—because he is the most highly respected of all the people in Western Australia.

The Minister for Lands: Never mind about the soft soap.

Mr. BUTCHER: There is no question of soft soap; I am trying to bring some sanity to bear in the situation. The Premier should appoint a committee with three men from his side of the House and invite the Leader of the Opposition, a man who is also respected highly in this country, with two others on his side to assist in bringing about a settlement.

Mr. Lawrence: Exclude the Minister for Lands!

The Minister for Lands: That would be good.

Mr. BUTCHER: It would be good! There would then be an atmosphere of reasoning and we could work on the three cardinal principles of negotiation, conciliation and arbitration.

The ATTORNEY GENERAL: I am surprised at the attitude of members on that side in connection with this provision.

Mr. Brady: You do not look surprised.

The ATTORNEY GENERAL: This provision has operated in the Commonwealth Act since 1938.

Hon. J. T. Tonkin: You mean it has been there; it has never been operated.

The ATTORNEY GENERAL: I am not aware whether it has or not. I propose to quote Dr. Evatt again—

Mr. Lawrence: Why do you not stand on your own feet?

Mr. May: Are you sure it was not Bruce-Page?

The ATTORNEY GENERAL:— in connection with this particular provision. In 1947 he considered this section and decided it was reasonable and should be retained. So I cannot see why the Opposition should see so many bogeys in it. If a union is formed and applies for registration and on being registered receives the benefits of certain orders and awards of the court it is not unreasonable that when it decides it does not want registration because it is not prepared to observe the award or orders of the court—

Hon. E. Nulsen: Who decides that?

The ATTORNEY GENERAL: The union.

Mr. Graham: The court.

The ATTORNEY GENERAL: The union decides not to obey the order or the award of the court. It is only natural then that the court will say, "You do not want our assistance or anything to do with us; we will cancel your registration."

Mr. Lawrence: That is not right.

The Minister for Lands: Keep quiet!

Mr. Lawrence: You keep quiet!

The ATTORNEY GENERAL: Surely where the relationship between the court and the union is finished the benefit of that relationship should also cease.

Mr. Hoar: You are becoming fanciful; can you quote one instance where that has happened?

The ATTORNEY GENERAL: I shall quote from the Federal "Hansard" Volume 190, page 551. Dr. Evatt, speaking on the second reading of the Conciliation and Arbitration Bill said—

> Eleventh.—The Bill retains all the methods provided for in the existing Act for securing the acceptance and observance of awards.

He then goes on to say—

> Equally we have rejected suggestions that all existing disciplinary powers of the court itself should be eliminated. The existing provisions relating to the deregistration of organisations, the secret ballot under court orders, the cancellation and suspension of awards and the enforcement of sanctions inserted in awards are therefore retained.

He retained this very provision which can be found in Section 83, Subsection (5) of the Federal Act as follows:—

> Upon cancellation of the registration of an organisation the organisation and its members usually cease to be entitled to any award made under the Act. Subject to any order to the contrary made by the court, the award shall in all other respects cease to have any force or effect.

Is it any wonder I am surprised at the opposition of members to this clause. It is not intended to be oppressive and the Government wants to co-operate in seeing that the industrial law of this State is as efficient as possible. If Opposition members feel that the clause strikes at the centre of all industrial relationships—

Hon. A. R. G. Hawke: We do.

Hon. J. T. Tonkin: We most certainly do.

The ATTORNEY GENERAL: —I confess I cannot understand their reason for doing so. However, if that is the position, the Government will not insist upon the clause. The Government thinks the Opposition is wrong in its attitude and cannot understand the exception taken to it, particularly as a similar provision has been part of the Federal Act for over 28 years and has been confirmed time and again, even as late as 1947, by the Federal industrial unions and also by Dr. Evatt. The Government desires to be co-operative and, in the circumstances, will not resist the deletion of the clause.

The PREMIER: During the day I have endeavoured to give some consideration to the speeches made on the Bill at the Committee stage. Unfortunately, owing to my

having had to spend the greater part of the day upon matters connected with the current strike, I have not been able to give that matter all the attention I would have liked. The clause under discussion seems to be causing Opposition members serious concern. After consultation with the Attorney General, we have agreed not to ask for its retention.

Mr. Hoar: That will not save your bacon, but it is the right thing to do.

The PREMIER: At the same time I do not think the dire consequences the Leader of the Opposition feels would follow upon the passing of the clause would actually happen even if we adopted the provision as it stands. However, I think that, even if the clause is excised from the Bill, the measure, if it becomes an Act, will be very useful and will do something to improve and strengthen the industrial laws of this State. I feel that the Government has gone a long way tonight in an endeavour to meet the wishes of those opposed to the Bill.

Mr. Graham: You have delayed the exhibition of a conciliatory spirit a bit late.

The PREMIER: No.

Hon. J. T. Tonkin: If you give way on this clause, you will not attempt to put it back in another place, will you?

The PREMIER: I think the hon. member has known me for a long time, and—

Hon. J. T. Tonkin: Yes, but I want to be sure that there will be no trick played.

The PREMIER: The hon. member knows that I would not double-cross him in this matter.

Hon. J. T. Tonkin: I accept that.

The PREMIER: Having made a very reasonable compromise with the Opposition on this Bill, I think members opposite should now adopt a different attitude towards the measure—when I say that I do not mean that I wish to stifle discussion—and not indulge in needless repetition. When certain members of the Opposition have expressed their views regarding a certain clause, I do not think there is any necessity now for member after member to get up and, to a very large extent, say the same thing. I think I can now ask Opposition members to adopt a reasonable attitude towards the measure, and let us get on with the business of the session.

Clause, as amended, put and negatived.

Clause 10—Section 31 repealed:

Hon. J. B. SLEEMAN: I would like to know from the Minister why it is intended to repeal Section 31 which provides that there shall be no cancellation of the registration of an industrial union during the pendency of proceedings before the Arbitration Court. I cannot understand why he desires the section wiped out.

The ATTORNEY GENERAL: The reason is apparent. As I said during my second reading speech, the section has been taken advantage of by some unions on occasions. Some small reference is lodged with the court and almost simultaneously some industrial difficulty arises. The court is left powerless to deal with the situation. That is wrong, and that is why the clause appears in the Bill.

Mr. BRADY: I trust the Attorney General will not insist on the deletion of this section. As is apparent from most of his arguments, he takes the worst side of the case and refrains from looking at the better aspects. The section has been of great value to unions and employers alike and to some extent to the Government itself. The Clerks Union has circularised members pointing out the difficult situation in which unions would be placed if the section were deleted. It would have been most difficult some six years ago because at that time a rumour went round that the secretary of the Clerks' Union was a communist, in consequence of which many members withdrew from the organisation. Subsequently, it was definitely proved that so far from being a communist the secretary was a strong opponent of communism. Since then the majority of those who withdrew from the union have renewed their membership. If the clause is agreed to, it will be easy for a coterie of disgruntled members, either of their own volition or at the request of some unscrupulous employer, to apply for the de-registration of a union. This might happen on the eve of a case being heard by the court—a case that might have the effect of bringing improvement to the conditions governing other sections of the union.

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

Ayes	21
Noes	20
Majority for	1

Ayes.

Mr. Abbott	Mr. McLarty
Mr. Ackland	Mr. Nimmo
Mr. Brand	Mr. North
Dame F. Cardell-Oliver	Mr. Oldfield
Mr. Cornell	Mr. Owen
Mr. Doney	Mr. Perkins
Mr. Grayden	Mr. Thorn
Mr. Griffith	Mr. Watts
Mr. Hearman	Mr. Wild
Mr. Hutchinson	Mr. Bovell
Mr. Manning	

(Teller.)

Noes.

Mr. Brady	Mr. McCulloch
Mr. Butcher	Mr. Moir
Mr. Graham	Mr. Needham
Mr. Guthrie	Mr. Nulsen
Mr. Hawke	Mr. Read
Mr. J. Hegney	Mr. Sewell
Mr. Hoar	Mr. Sleeman
Mr. Johnson	Mr. Styants
Mr. Lawrence	Mr. Tonkin
Mr. May	Mr. Kelly

(Teller.)

Pair.

Ayes.	Noes.
Mr. Hill	Mr. W. Hegney
Mr. Totterdell	Mr. Marshall
Mr. Nalder	Mr. Rodoreda
Mr. Mann	Mr. Coverley

Clause thus passed.

Clause 11—Applications for inquiries respecting elections:

Proposed new Section 36A—Applications for inquiries respecting elections:

Hon. A. R. G. HAWKE: I move an amendment—

> That in lines 2 and 3 of Subsection (1) of proposed new Section 36A the following words be struck out:—"or person who, within the preceding period of 12 months, has been a member of an industrial union."

This part of the clause proposes to give the right to stipulated persons, who claim that there has been some irregularity in the election of officers, to apply to the court for an inquiry. We have no objection to a member of a union seeking an inquiry, but we object to the right being given to a person who is no longer a member but who was a member at some time during the preceding 12 months. Such a person should be able to prevail upon a member to take the complaint to the court. If persons who are no longer members of a union are to be given this right, we can foresee all sorts of ill-grounded complaints being lodged and given plenty of publicity of an unfavourable kind, and all sorts of propaganda being used against the union without any justification whatever. When some persons cease to be members of a union they become very bitter. They have all sorts of personal axes to grind and could cause a union much embarrassment and probably expense by complaining to an officer of the court, even if there was no justification for the complaint. The position is fully covered by the fact that any member of a union may claim an inquiry.

This should be wide enough without bringing in persons who are no longer members, who have no responsibility for the management of the union's affairs but who perhaps have a personal grudge or grievance because they have been unable to make the progress they expected in the union. I could name persons who have been in unions but for some reason or other are no longer members and would cut one's throat without any payment. It has to be remembered that some of those persons would have been justifiably expelled from unions for treachery. Yet we are going to give them the right by law to lodge an application to the court for an inquiry to which all kinds of publicity could be given through those newspapers which specialise in sensationalism. It is not a fair proposition.

The ATTORNEY GENERAL: We have to consider this provision in relation to the rest of the clause. It is to protect a former member of a union who has been expelled in all probability because he protested at the result of an election. That actually took place under a similar provision in the Federal Act. Mr. Short, who has put up a great fight for proper industrialists, was expelled by the communistic people who got control of his union by a faked ballot. As soon as he protested, he was expelled from the union under the union laws. Had it not been for a provision of this sort, he could not have gone to a Registrar of the court and applied for an inquiry.

The result of that inquiry was that it was held that irregularities had taken place, the ballot was declared invalid and another ballot was held under the supervision of the court. This was won by Mr. Short. It is all very well to say any member could do this, but it would be very difficult for any member to do it because he might get the same medicine as Mr. Short and be shot out. I do not think it is unreasonable to allow a member over a reasonable period to go to the Registrar and say that in his opinion a ballot was irregular. There would be no publicity because these inquiries are of a preliminary nature. The Registrar would make inquiries himself and decide whether further action was warranted. If he concluded it was a case of pure vindictiveness and there was no basis for the complaint, he would not submit the matter to the court for investigation and there it would end.

I am not bound hard and fast to the period of 12 months. If members think a lesser period—say, six months—would be reasonable, I would be prepared to accept such an amendment. But I think it is reasonable that a member who has been expelled because of election trouble, should have a right to lodge an appeal within a reasonable period.

Mr. GRAHAM: If there has been any tampering with the ballot, it is surely reasonable to assume that more than one person would be aware of it and desire to have the situation put in order. The Attorney General does not seem to have read the provision we are discussing. Even with the proposed amendment it would provide that where a member of an industrial union claimed that there had been irregularity, he could lodge an application for an inquiry by the court. It does not say he has to ask permission of the executive of the union and thereby incur their displeasure and be expelled. The first thing these bad people in control of the union would know would be that the claim had been lodged.

The Attorney General: And out he goes.

Mr. GRAHAM: If he goes out it is too late, because the claim has been lodged and the inquiry set in motion.

The Attorney General: Possibly. But what is his position?

Hon. J. T. Tonkin: It is no different from what it would be if he were expelled first and then lodged his application.

Mr. GRAHAM: That is the point I was going to make. This is no protection to a member from the penalty of being expelled because, if it has not been done, it could be done next week or in six months' time. But the executive committee would know nothing whatever about it. Their first information would be that certain particulars were sought by the Registrar. I do not think anybody on this side wants to protect or defend a situation where there has been something corrupt or dishonest in the conduct of an election, but I take the strongest exception to a person who may not have been expelled, but who has left the industry and resigned from the union, is working somewhere else and has had no interest in the organisation for a period of up to 12 months after that time, being able to inform against the organisation.

Mr. Styants: He may have become an employer in the meantime.

Mr. GRAHAM: That is so. I am certain the Attorney General will agree that the position he desires to safeguard will be amply covered if the amendment of the Leader of the Opposition is accepted.

The ATTORNEY GENERAL: I do not know whether the Leader of the Opposition would care to withdraw his amendment with a view to moving to strike out the words down to "of" with a view to a further amendment being incorporated. I am not agreeable to striking out the whole provision but am agreeable to altering the period of 12 months. Perhaps the Leader of the Opposition would withdraw his amendment and deal with the matter in two stages?

Hon. A. R. G. HAWKE: I accept the suggestion of the Attorney General.

Amendment, by leave, withdrawn.

Hon. A. R. G. HAWKE: I move an amendment—

> That in lines two and three of Subsection (1) the words "or a person who, within the preceding period" be struck out.

Amendment put and negatived.

Hon. A. R. G. HAWKE: This is an extraordinary situation. The Attorney General has tricked us.

The Attorney General: I am sorry. I said I would agree to the next amendment.

The CHAIRMAN: If the Leader of the Opposition desires, he may move to alter the word "twelve", because the clause remains as printed.

Hon. A. R. G. HAWKE: I move an amendment—

> That in line three of Subsection (1) the word "twelve" be struck out and the word "two" inserted in lieu.

Amendment put and passed.

Hon. A. R. G. HAWKE: I move an amendment—

> That at the end of paragraph (b) of Subsection (1) of proposed new Section 36B., the following words be added:—"and shall impose costs against the applicant if the application is considered to be frivolous or vexatious.

I understand the Attorney General will accept this amendment.

The ATTORNEY GENERAL: This will not have much application, because the provision only concerns the preliminary inquiry by the Registrar. There will be no hearing. It is only if he decides there is something that should be inquired into by the court that a hearing takes place. The word "shall" in the amendment should be "may". Subject to the Leader of the Opposition's agreeing to make that alteration, I shall not resist the amendment.

Hon. A. R. G. HAWKE: I agree to the use of the word "may" where the word "shall" appears.

Amendment, as altered, put and passed.

Mr. McCULLOCH: I move an amendment—

> That in lines 2 and 3 of Subsection (4) the words "if of opinion that" be struck out.

A person should be given the opportunity of objecting to action being taken under the preceding subsection. A person who has the custody of ballot papers must, according to a later provision, keep them for 12 months. He may be away when the Registrar wishes to act under this subsection.

Mr. NEEDHAM: If the member for Hannans wants to make this provision mandatory, he must move for the deletion of the word "should" where it appears in the proposed subsection, and for the insertion of the word "shall" in its place.

The ATTRONEY GENERAL: I think members have misunderstood this provision. A person who wishes to dispute an election may make a complaint to the Registrar, and at any time afterwards the court may authorise the Registrar

to inspect the ballot papers and take such steps as are necessary to make these preliminary inquiries. It might be someone outside the union that was concerned. It must be left to the court to say that there is some person who should be notified, and that is what this provision does.

Mr. STYANTS: I think the Attorney General has misunderstood the member for Hannans. In 99 cases out of 100 when an inquiry of this kind is conducted by the Registrar, it would be either the returning officer or deputy returning officer that was concerned in any irregularity alleged to have taken place in the conducting of the election. The member for Hannans says that that person should have the right to object to any action being taken before the Registrar commences his inquiry. This provision says that the court has to be of the opinion that the person has the right to object. I think that right exists irrespective of the opinion of the court.

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

Ayes	20
Noes	21
Majority against	1

Ayes.

Mr. Brady	Mr. McCulloch
Mr. Butcher	Mr. Moir
Mr. Graham	Mr. Needham
Mr. Guthrie	Mr. Nulsen
Mr. Hawke	Mr. Read
Mr. J. Hegney	Mr. Sewell
Mr. Hoar	Mr. Sleeman
Mr. Johnson	Mr. Styants
Mr. Lawrence	Mr. Tonkin
Mr. May	Mr. Kelly

(Teller.)

Noes.

Mr. Abbott	Mr. McLarty
Mr. Ackland	Mr. Nimmo
Mr Brand	Mr. North
Dame F. Caroll-Oliver	Mr. Oldfield
Mr. Cornell	Mr. Owen
Mr. Doney	Mr. Perkins
Mr. Grayden	Mr. Thorn
Mr. Griffith	Mr. Watts
Mr. Hearman	Mr. Wild
Mr. Hutchinson	Mr. Bovell
Mr. Manning	

(Teller.)

Pair.

Ayes.	Noes.
Mr. W. Hegney	Mr. Hill
Mr. Marshall	Mr. Totterdell
Mr. Rodoreda	Mr. Nalder
Mr. Coverley	Mr. Mann

Amendment thus negatived.

Hon. A. R. G. HAWKE: I move an amendment—

That in line 8 of Subsection (5) the words "One hundred" be struck out and the word "fifty" inserted in lieu.

Amendment put and passed.

Hon. A. R. G. HAWKE: I move an amendment—

That in line 9 of Subsection (5) the word "twelve" be struck out and the word "six" inserted in lieu.

Amendment put and passed.

Hon. A. R. G. HAWKE: I move an amendment—

That in line 9 of Subsection (5) the words "or both" be struck out.

Amendment put and passed.

Proposed new Section 36B—Action by Registrar:

[*Mr. Perkins resumed the Chair.*]

Mr. STYANTS: Proposed new Subsection (6) of 36B provides that where a member or ex-member of an organisation has made an application for an inquiry to be held into alleged irregularities in connection with a ballot, and the Registrar has given his decision, there is no appeal and the decision shall not be questioned in the Supreme Court or any other court. While I have no desire to see the decision of the Registrar made the subject of an appeal to the Supreme Court, or any other court with the exception of the Arbitration Court, I believe that some appeal should be made available under this legislation. Therefore, I move an amendment—

That in line 2 of Subsection (6) the word "not" be struck out.

If my amendment is agreed to it will permit either the informant, or the union concerned, to appeal to the Arbitration Court against the decision of the registrar.

Amendment put and passed.

Mr. STYANTS: To complete my intention it now becomes necessary to go a little further. Therefore, I move an amendment—

That in Subsection (6) all words after the word "Court" in line 3 be struck out.

Amendment put and passed.

The ATTORNEY GENERAL: In view of those amendments it is now necessary to make it clear that the court can hear an appeal. I move an amendment—

That at the end of Subsection (6) the following words be added: "within the time and in the manner prescribed, and the Court may hear and determine the appeal."

Amendment put and passed.

Proposed new Section 36E—Interim orders:

Mr. McCULLOCH: I move an amendment—

That in lines 11 and 12 of paragraph (d) of Subsection (1) of proposed new Section 36E the words "or another person specified in the order" be struck out.

As it reads at the moment, the Registrar can appoint a member of the Employers' Federation, or anybody else, to conduct the affairs of the union when an inquiry is

being made. Surely a union can get a suitable person within the union to take over its affairs while an inquiry is proceeding.

The ATTORNEY GENERAL: I do not think it would be advisable to agree to this. The court may desire to appoint pro tem an officer of the court, a chartered accountant or some other suitable person, and we should not deprive the court of those discretionary powers. Generally speaking, the court would not appoint anyone unless he was a member of the union, but it is possible that no member would want to take over the job.

Mr. McCULLOCH: I cannot follow the Attorney General's argument. Surely it would be possible to get one member of the union to take over the job and it would be ridiculous if somebody outside the union could be appointed. I cannot see why the Attorney General should want an outside person to be able to take control of the union while an inquiry was being held.

Mr. GRAHAM: I am astounded to think that the Attorney General disagrees with this amendment. To my mind there is absolutely no room for argument because it is a perfectly plain proposition. Surely, if a person is to be appointed he should be a member of the union, and it is extraordinary to contemplate that an outside person who has no interest in the union, knows nothing of its affairs and may be in direct opposition to it, can be appointed to a most responsible office while an inquiry is being held. Then, he can perhaps completely wreck that industrial union. If we agree to allow the court to have the power to place somebody in that office, it is only fair that he should be a member of the organisation concerned. I appeal to the Attorney General to regard the amendment as reasonable.

Mr. LAWRENCE: I am also amazed at the attitude of the Attorney General and I appeal to him to reconsider this matter. As a former secretary of a union I know the functions of the office. In an attempt to convince the Attorney General, I will cite an example. On the whole waterfront the union revolves about the union secretary and his knowledge of its constitution and working rules. Many of those rules are recognised as a result of custom and are not written. Therefore, to call in as secretary an accountant or some other person to fill the office, would leave the union in a hopeless situation.

A similar position would be created in the A.W.U. where the secretary is called upon to make decisions on the working rules, and every other union is in the same position. Although Mr. Bogue, the Industrial Registrar, has knowledge of the constitution of various unions he still would not know one working rule about the operations of those unions. I therefore ask the Attorney General to allow the amendment to be accepted.

Mr. STYANTS: The main argument put by the Attorney General was that the office in dispute and on which an inquiry was being held might be that of treasurer and thus it would be necessary to appoint an accountant to fill the position temporarily. That argument does not hold one drop of water. How many industrial organisations in this State have accountants acting as their treasurers? I warrant that there are not three. In the event of a disputed election the officer appointed should be the secretary or the president. Surely it is not going to be held that someone outside the organisation would be able to fill the position better than an officer of it. In some cases the court could be depended upon to appoint a member of the organisation, but to make certain that it does not we should agree to the amendment proposed by the member for Hannans.

The ATTORNEY GENERAL: I do not know whether members have envisaged this position: Say there is a major dispute over an election and one section of the unionists is in favour of a certain point of view and another section holds the opposite view. What is the court to do? Only a comparatively small number of men would be suitable to conduct the routine affairs of a union pending the settlement of a dispute. From which faction is the court to choose this suitable man? Why not fill the office that is in dispute, pending the settlement of the trouble, with someone who is neutral? Surely we can trust the discretion of the court, which seeks only justice and peace and not trouble.

Mr. Styants: This legislation is a fine instrument of peace to give to any court.

Mr. GRAHAM: This has nothing to do with strong differences of opinion over any matter—

The Attorney General: Over an election.

Mr. GRAHAM: —held by sections of a union; it has to do with elections. It is all very well for the Attorney General to assume that because of strong feelings on either side, it would be unwise to appoint one of the interested parties to that position. If there has been any funny business with the election it is more than likely that it would pertain to the whole of it. Whilst the singular is used in this clause, it would, of course, include the plural. Are we to have the extraordinary position of the office of treasurer, president, trustee or any other filled by persons who are foreign and in no way related to the organisation or its interests?

The Attorney General: One could imagine that if the court went mad.

Mr. GRAHAM: This provision enables the court to go mad, because it gives it power to go beyond the membership of the union. I suggest that where a union has 50 members or up to 5,000 or 10,000, as is the position in Western Australia, the court should find—and it is right and proper that it should—one person in the organisation who could become the secretary or president or hold any other office in dispute. The Attorney General should appreciate, too, because it has been said so often at different stages of the discussion, that the whole tenor of the amendments to the Industrial Arbitration Act will cause the workers and union members to adopt a different attitude towards the Arbitration Court.

The Attorney General: I do not admit that at all.

Mr. McCulloch: You are pushing them into it.

Mr. GRAHAM: Instead of being a friend and conciliator, the court is to become more and more punitive. It is absurd to think that the court will not be able to find somebody from the ranks of the organisation. I appreciate that there are some provisions on which the Attorney General may not want to give way, but there is no need for him to dig in his toes to a reasonable request such as this. He shuld have some regard for the dignity of the union. I hope he will not insist that the provision should remain in the Bill.

Mr. McCULLOCH: My object is not to upset the Bill. I can visualise the position of one particular union on the Golden Mile, where, if any inquiry was necessary and an outsider was appointed as secretary, it would create great disharmony. The reason would be that it is not necessary to appoint an outsider. Surely among all the officers of the union the Registrar could find one individual to take the place of him to whom the inquiry relates. Why aggravate the men? We have harmony at present. Why not leave it like that? We only ask that somebody in the union be appointed to the position while the inquiry lasts. Then, if the result should be against the individual, let them have another election to fill his position. We are not asking for anything to which the union is not entitled.

The ATTORNEY GENERAL: I do not want to be obstructive, but, if I recall correctly, this provision was availed of recently, in the case of the election of, I think, Mr. Phillips, and Mr. Short was the man objecting. Somebody was appointed to control the office funds, pay the rent and so on. That is all that was done. Members opposite say "why cannot we get a union member?" The answer is because he has his own job to do.

Mr. May: Do you think that action is justified in this State?

The ATTORNEY GENERAL: One does not pass an Act only for today; one must be prepared for future contingencies. I can see nothing wrong with somebody being appointed by the court to look after the office, the records, etc. while the election is being held. I can understand the member for Hannans objecting to a president being appointed. That would not be done by the court, which would merely appoint someone to take care of the office. An unskilled man could not be put in; if told to do it, he might very well refuse and say he had his own job to do. The court would not think of appointing secretaries or presidents.

Mr. Graham: Were does this Bill suggest it will not.

Mr. LAWRENCE: I am surprised that the Attorney General should still press this point, because the position is that a secretaryship has to be filled after an election is declared void. The Attorney General suggests the court should put in an accountant or an officer to look after the office and so on. I want to make it clear that the secretary of a union is the hub around which everything revolves. He has to make decisions on working rules.

The Attorney General: What happens when you have not got a secretary?

Mr. LAWRENCE: These working rules would not be known to an accountant or to the Registrar, because they come about per medium of custom.

The Attorney General: What happens if you have not got a secretary?

Mr. LAWRENCE: As far as a secretary is concerned, the Attorney General should realise that there are many men in the unions today who have held executive positions and have now retired. Any of them could be appointed, or some other suitable person could be relieved of his duties temporarily by taking his annual leave so that he could be appointed. It could be arranged along those lines, and there would be no disruption or interference in the affairs of the union by an outsider. A secretary must be fully conversant with the rules of the union. I would not object to a man being appointed by the court to keep the books or handle the cash, etc., but I would object to him filling the position of secretary.

The Attorney General: The court would not do it.

Mr. LAWRENCE: If that is so, why not agree to strike out the provision? We want the court to have a straight-out

power to put somebody in that position, and we want it to be someone who is a member of that union with a working knowledge of its rules.

Mr. JOHNSON: It would appear to me that the Attorney General has missed the major point in relation to the amendment. He is visualising an occurrence in which the running of the office is in doubt. Had he had a little more experience in connection with the actual working of a trade union, he would appreciate the difference. What Opposition members are claiming is not concerned with the employment of an accountant or a typist, but with an office such as that of the secretary.

The Attorney General: But that is not your argument. You are applying it to anyone.

Mr. Lawrence: We do not want an accountant; we want a member of the union.

Mr. Styants: We do not want a man off the street put in to take the position.

Mr. JOHNSON: This provision deals with officers subject to election, not to appointments to minor positions. The rules of practically every union provide that such offices as we have in mind must be filled from the ranks of the organisation. The Minister spoke about the situation that would arise where a union was divided. Even in the largest unions there are faction fights, but they do not amount to a complete division. Always there are members not taking part in either of the contending factions and they act as conciliators to heal the breach. If it is necessary to appoint someone temporarily to fill an office, invariably there is some suitable person not associated with the faction fight who can act as a stop-gap.

Mr. MOIR: I believe the amendment is highly necessary. The Minister said that the court could appoint someone who was not a member of the union purely for the purpose of administering the office of the union. That is one of the least of the problems. Whatever circumstances may apply in connection with the election, the business of the union must be kept going. The job of looking after the interests of members generally is a big one.

A serious dispute can flare up in a very few hours, and there are generally plenty of experienced members of the union available to carry out the business of the organisation, with a knowledge of the industry and the conditions applying to employment. It might be an ex-official of the union who would be available. The court should call on the union to suggest a panel of names from which a choice of an officer to act temporarily could be made. In the event of a dispute arising in connection with the election of an officer, all rancour arising from the trouble would be dropped if such a person were appointed so that the business of the union could be dealt with. Many difficult situations could arise. Surely the interests of the members of the union concerned should not suffer just because something was wrong with a ballot, an inquiry had to be held and the court had to arrive at a decision. I ask the Attorney General seriously to consider accepting the amendment.

Mr. MAY: I cannot be accused of having stonewalled the Bill, and so I propose to give the Attorney General another angle from which to consider this matter. Let him have regard to the industrial record of this State, and I challenge him, or any other member of the Government, to point out an instance where it has been necessary to make use of legislation such as this. This provision is based on Commonwealth legislation. Instances of irregularities have occurred in the Eastern States and thus the Attorney General is bringing us to the level where such legislation has been found necessary. That is not fair to the unionists of this State. Had there been an instance of irregularities here, I would not oppose the provision, but the industrial record of our workers does not warrant its inclusion. The job of the secretary of a union is to be out amongst the members looking after their interests. When some misunderstanding has occurred in the coal industry, how many times have the union officials travelled to Perth to discuss the matter? In consequence, it has always been possible to reach an amicable agreement. I hope the Attorney General will approve of the deletion of the words.

Mr. McCULLOCH: If the Attorney General will not agree to the deletion of the words, I would be prepared to compromise to the extent of inserting after the word "office" the words "with the exception of the positions of president and secretary." It would not be fair to interfere with the two main positions in a union. If members knew that an outsider had been appointed to take full control, more harm than good would result. I hope the Attorney General will not be adamant.

The ATTORNEY GENERAL: I am prepared to accept the principle suggested by the member for Hannans, but the words could not be inserted after "office," because that would preclude the appointment of a member. The words could be added after the word "specified" so that that portion would read "or another person specified other than the positions of president or secretary."

Mr. STYANTS: Although the Attorney General insists that the court would not appoint an outsider, he will be creating

machinery for the court to do so. His was specious argument when he said that all the person would be required to do would be to open the office each day and pay the staff at the end of the week. I wonder whether he has any idea of the numerous and varied duties that a president or secretary must undertake during the week. What would happen in his legal office if the principals were deposed and a person without legal knowledge were installed and did nothing but open the office and pay the clerks at the end of the week? The interests of the firm would be seriously jeopardised.

If the court ordered another election, it would probably take a month, and meanwhile, particularly in the case of a large organisation, the interests of the members would be completely neglected. The person put in the office might know nothing of industrial matters, and yet important compensation cases, claims for overtime, claims for penalty rates and scores of other questions might require attention.

The Attorney General: I do not think the court would be so foolish as to do that.

Mr. STYANTS: But provision is being made whereby that could happen, and the Attorney General should ensure that no such loophole exists. The Minister says that in the event of a dispute it would be desired to put in a person who was impartial. But the merits of the dispute would not be inquired into by the person appointed to fill the position pro tem. He would have nothing to do with the inquiry. His job would be to look after the other interests of the members, apart from the inquiry. There are plenty of competent men available to take over the job of president and secretary if those officers are involved. Every union has a committee of management and at least half-a-dozen members of that committee would be competent to carry on the affairs of the union.

There is no excuse whatever for this provision. There are ample safeguards, and the legislation would not be jeopardised or undermined by saying that, in the event of the chief executive officer being involved in a dispute which would prevent him from carrying out his ordinary duties for a period of a month, a competent member of the union should take over rather than that the court should be allowed to appoint somebody from outside with no knowledge whatever of the organisation's activities.

The ATTORNEY GENERAL: I do not want to seem obstinate, but I would point out that this provision was drafted originally at the instigation of Dr. Evatt. He described it as having his full support and the support of his Government, and it was introduced into the Commonwealth Act as late as 1949. The amendment has not been placed on the notice paper; and when Dr. Evatt and the Labour movement of Australia think that this provision is necessary, I am not going suddenly to alter a clause like this and substitute something which I do not understand.

Mr. Lawrence: Do you know whether this provision has been put into operation?

The ATTORNEY GENERAL: Yes.

Mr. Lawrence: When?

The ATTORNEY GENERAL: When Mr. Phillips was removed from the Ironworkers' Union during a dispute, someone was put into the office.

Mr. Lawrence: A member of the union.

The ATTORNEY GENERAL: An outsider.

Mr. McCULLOCH: In view of the Attorney General's remarks, I would be prepared to withdraw the amendment, provided that he would agree to have inserted after the word "specified" the words "other than for the positions of president or secretary."

The ATTORNEY GENERAL: I think that this should be left to the court when there is an emergency. This has been carefully drafted by the law officers of the Commonwealth and of this State. It was conceived by a very great lawyer, Dr. Evatt, and introduced by a Labour Government and passed. I cannot see why members opposite should object to it. I do not know what effect the hon. member's amendment would have. I would like to oblige him, but I cannot.

Mr. GRAHAM: I think the Attorney General is asking for trouble. He rose about five or ten minutes ago and suggested that an amendment along these lines would be acceptable to him. In view of that, I called on the member for Hannans and wrote out for him what I think were the precise terms to which the Attorney General agreed.

The Attorney General: I did not agree. I discussed it with you. I said I did not know what the meaning was.

Mr. GRAHAM: I am not divulging anything that took place in a private discussion, but I think the Attorney General will be astonished if he looks at the "Hansard" report of his remarks when he was on his feet the time before last. I thought something was being achieved in the fact that I was able to prevail on the member for Hannans to agree to the Attorney General's proposition, which does not nearly cover the objections we have raised.

Now the Attorney General decides he will go back on the proposition, which means that we will have to continue to fight and insist that a proper approach

be made to this matter and that unions be allowed a little bit of dignity. Surely they have some rights! This Bill gives authority for people to call for all sorts of documents and to inspect the private business activities of the unions. We are allowing a provision where, notwithstanding that an election has been held, somebody else may be installed temporarily in the position. But the Attorney General wants to go further and have some outsider appointed who is not interested in the union and knows nothing about it.

Most decidedly, the Attorney General should not endeavour to deceive us by suggesting that the person so appointed by the court to the position of secretary would attend only to a few formal matters, such as the paying of rent and so on. The fact is that he would be the secretary, clothed with full powers and responsibility. If there were an industrial dispute or advice to be tendered to men on the spur of the moment, he would be the one to attend to it. As the member for South Fremantle could inform this Committee, there have been occasions when he has been called out of bed at night to go down to the waterside to settle industrial disputes and avert stoppages. The individual appointed to a position like this must have some knowledge of the industry. He must be one in whom the workers have some faith and confidence. While they might not fully approve of the selection made from one of their number, at least that would not be an affront to them by comparison with the proposal that an individual should be appointed to such an office who knows nothing whatsoever about the job. We have conceded 99 per cent. of what the Attorney General wishes in this clause but we have occupied an hour on this matter.

The Premier: The amendment is not even on the notice paper, a most unfair position.

Mr GRAHAM: I agree that it is more satisfactory and fair for amendments to be on the notice paper, but the Premier must have some regard for the fact that we are kept out of bed half the night; that our days are dislocated and affairs to which we usually attend have had to be put to one side.

The Attorney General: I have been in the same position.

Mr. GRAHAM: That is so, but the Minister has a whole battery of officers to assist him, whereas we have not. We have not deliberately avoided putting amendments on the notice paper for the sake of being irksome to the Attorney General.

The Attorney General: I will have this considered in the Upper House if you like. I cannot have it considered here. I do not know what it means.

Mr. GRAHAM: My suggestion is that, for preference, he accept the amendment first submitted by the member for Hannans or, if he thinks that is going too far, the second suggested amendment. But at the same time, so that there may be no misunderstanding, he should agree, if upon examination tomorrow it is found that too much is being given away, or there is something wrong with the subclause as then worded, to recommit the measure for the purpose of further considering this matter. If the alteration is not made here, I am certain it will not be agreed to at the other end of the building.

The Attorney General: It might not be.

Mr. GRAHAM: In order to avoid further delay I suggest he follow the course I have just submitted, otherwise he must be prepared for much more time to be devoted to the matter.

Mr. LAWRENCE: I feel that due regard has not been given to the matter, especially by the Premier, who has been absent during this debate.

The Premier: He has been in his seat ever since it has been raised.

Mr. LAWRENCE: That is so.

The Premier: You just said I was not.

Mr. LAWRENCE: The Premier just leaned over to the Attorney General after he had more or less agreed to the further amendment moved by the member for Hannans and whispered, "No, not them. The president and secretary are the two main men," or words to that effect, which shows that the Premier and the Attorney General cannot understand that we do not object to the clause in principle. But we do realise that the president and secretary are the two main men in the union. If on the waterfront there was a disputed election which was declared void because the ballot was not what it should be, the court could not appoint any member of the management committee to the position of secretary. Is there anyone outside of the union who could be put in the job? I know from experience that it would be impossible to fill it properly from an outside source.

Because of the clause, any person appointed to the position would remain as secretary and could cause untold damage not only to the union but to the industry concerned. This applies to practically every union. The provision does not make commonsense, and it is not fair to give power to the court to say that the only person it considers eligible is some member of the Employers' Federation. The Premier shakes his head but that could happen because a stevedore who worked on

the waterfront for ten years could eventually become an industrial officer in the Employers' Federation.

The Premier: It is evident that the court would give first consideration to a member of the union.

Mr. LAWRENCE: The clause does not state that at all. That opinion would certainly not hold water when it came to legal argument. A servant of the Employers' Federation could be appointed.

The Premier: Why go to extremes?

Mr. LAWRENCE: Because this is an extreme matter. That person would have access to all the union's business. It might be preparing a log of claims to go before the court, and what would happen then? The person who acted as secretary could return to the Employers' Federation and then the cards would be stacked against the union's advocate in the court, which would be most unjust. The suggestion made by the member for East Perth should be considered by the Attorney General. Any union would object to a person from an outside source interfering in its administrative affairs; and especially when he started to make mistakes in regard to the working rules. We are not asking for anything very important here, but simply that if an officer has to be replaced, because an election is invalid, the court shall have the power to select the person. Tonight there has been considerable co-operation on both sides—

The Premier: On this side.

Mr. LAWRENCE: I disagree with that. How could we tell the members of our unions that we did not oppose this provision?

The Attorney General: "Hansard" would prove you opposed it.

Mr. LAWRENCE: One can not supply copies of "Hansard" to 10,000 odd union members. I think the Government should co-operate with us on this point.

Hon. A. R. G. HAWKE: The Attorney General could save a lot of time by an assurance that he would give further consideration to the compromise suggested by the member for Hannans. If the Government would accept that compromise, the clause could be recommitted at an appropriate stage.

The ATTORNEY GENERAL: I will consult the Parliamentary Draftsman in an endeavour to get a suitable amendment drawn up. I would suggest the inclusion of the words "Provided that in the event of a suitable member being available the court shall give preference to such member," or something of that kind.

Mr. Styants: That would be all right.

The ATTORNEY GENERAL: I will go further. If that is acceptable, I am prepared to have it inserted now and if any further alteration is necessary, the clause can then be recommitted.

Mr. McCULLOCH: In view of what the Attorney General has said, I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

The ATTORNEY GENERAL: I move an amendment—

> That the end of paragraph (d) of Subsection (I) of proposed new Section 36E the words "provided that in the event of a suitable member being available the court shall give preference to such member" be added.

Amendment put and passed.

Mr. BRADY: I think the arguments advanced against the provision we have just dealt with apply even more to the words in the following subsection which read, "and notwithstanding anything contained in the rules of the industrial union, be deemed, for all purposes, to hold office," because in this case the man might be there for twelve months. The Painters' Union might have a rule that the holder of the office of secretary must be well versed in the trade. That would be so that he would have enough knowledge to advise members about working under certain circumstances or with certain materials, for instance. I think the same amendment should be made to this provision as was made to the last.

The Attorney General: That refers to this provision.

Mr. BRADY: It was recently proved that the use of certain metal products from Wundowie in the painting trade could be injurious and if the secretary of that union had not sufficient knowledge, he could not advise members in a matter such as that. I think we should include the words "a person approved by the union."

The ATTORNEY GENERAL: I think the hon. member misunderstands the position. The word "person" in this subsection refers only to someone who has already been appointed under the previous provision and, in accordance with the amended wording we have just agreed to, he must be a member of the union, where possible. Once he has been appointed, he must be able to hold that position irrespective of any particular rule of the union. This is only an administrative provision, which follows the other. The person must be a member of the union except where it is undesirable that he should be appointed.

Hon. E. Nulsen: Then there would be no harm in accepting the amendment.

The ATTORNEY GENERAL: Yes, there would.

Mr. STYANTS: I object to the words "and notwithstanding anything contained in the rules of the industrial union." Under the parent Act—and there is nothing to depart from that in any amendment here —the Registrar has sole right to refuse the registration of the rules or constitution of a union, if there is anything in them which he considers should not be included. If that is so, why should we give the court, the Registrar or anyone else the right to over-ride any of the union's rules?

The Attorney General: But it does not.

Mr. STYANTS: If the Attorney General will look at the Bill, he will see that from here to the end of the Bill there are half-a-dozen places where somebody has authority to over-ride the rules of a union, even though those rules have been approved and registered by the Registrar. The words I quoted are redundant and should be struck out. I suggest that the Attorney General agree to an amendment to strike out these words.

Hon. A. R. G. HAWKE: I think the Attorney General could agree to this amendment without weakening the proposed new subsection. As far as I can judge, these words have been placed in the Bill in a spirit of abundant caution.

The Attorney General: All right.

Mr. BRADY: In view of the Attorney General's remarks, I move an amendment—

> That in lines 4 and 5 of Subsection (2) the words "and notwithstanding anything contained in the rules of the industrial union" be struck out.

Amendment put and passed.

Proposed new Section 36F—Procedure at hearing:

Mr. GRAHAM: Subsection (4) of proposed new Section 36F is a departure from the parent Act; it will allow a picnic for members of the legal fraternity. I agree that where a dispute concerns an interpretation of the rules of a union, it may be necessary for legal advice and assistance to be obtained, but the present wording of the subsection is too much of an invitation for legal practitioners, and will mean a heavy burden on small unions because if one side engages counsel, in order to make a balance, the other side is more or less bound to do the same. I want to make it read that legal practitioners "may" be allowed to represent parties at proceedings under this division. Then it would mean that there would still be an exclusion of members of the legal fraternity, but the court may allow legal representation to be engaged for proceedings under this division. Therefore, I move an amendment—

> That in line 3 of Subsection (4) of proposed new Section 36F the words "are allowed" be struck out and the words "may be allowed by the court" inserted in lieu.

Mr. STYANTS: I do not approve of the amendment because I do not agree with the principle of legal practitioners appearing in the Arbitration Court and neither does the majority of the unions registered with the court.

The Attorney General: This amendment refers to disputed returns.

Mr. STYANTS: Section 67 of the Act prevents legal practitioners appearing before the Arbitration Court.

The Attorney General: And this amendment deals only with the disputed returns.

Mr. STYANTS: It would not apply to anything else?

The Attorney General: No.

Mr. STYANTS: That makes it more acceptable to me.

Amendment put and passed.

Mr. GRAHAM: I move an amendment—

> That at the end of Subsection (4) the words "unless the Court orders otherwise" be struck out.

Amendment put and passed.

Mr. MOIR: I move an amendment—

> That after the word "Division" at the end of Subsection (4), the words "provided all parties expressly consent thereto" be added.

If the amendment is passed, the section will then conform to the relevant section in the Act. It will allow legal practitioners to appear in court, but only with the consent of both parties.

Amendment put and negatived.

Proposed new Section 36G—Functions and powers of Court:

Mr. STYANTS: I move an amendment—

> That in lines 1 and 2 of paragraph (d) of Subsection (3) of proposed new Section 36G, the words "notwithstanding anything contained in the rules of the industrial union" be struck out with a view to inserting other words.

This is consistent with the same principle in the last amendment to which the Attorney General agreed.

The Attorney General: I am prepared to accept the amendment.

Mr. GRAHAM: I think the member for Kalgoorlie in his amendment should stop at the word "in", because subsequently he intends to insert something that is incon-

sistent with the rules of the union. In effect, he would be eliminating certain words and then putting them back again.

Amendment put and passed.

Mr. STYANTS: I move—

That the words "consistent with the rules of the union" be inserted in lieu of the words struck out.

Amendment (to insert words) put and negatived.

On motions by Hon. A. R. G. Hawke proposed new Section 36H amended by striking out the word "hundred" in line 5 of Subsection (2) and inserting the word "fifty" in lieu; by striking out the word "twelve" in line 6 of Subsection (2) and inserting the word "six" in lieu; and by striking out the words "or both" in line 6.

Mr. GRAHAM: I move an amendment—

That Subsection (3) of proposed new Section 36J be struck out.

Only a few moments ago the Attorney General agreed to the striking out of the words "notwithstanding anything contained in the rules of the industrial union." This is checked by the Industrial Registrar and it should be his job to ensure that the new elections would be in accordance with the rules. This provision would give authority to do anything in connection with the election by departing from the rules of the union in any degree or in any particular that might be imagined. In order to be consistent I move accordingly.

Amendment put and negatived.

Mr. McCULLOCH: I move an amendment—

That in line 2 of Subsection (1) of proposed new Section 36K, after the word "has", the words "or has not" be inserted.

Subsection (2) reads exactly the same and Subsection (1) would be redundant. The insertion of these words will cover the whole position and I will then move for the deletion of Subsection (2).

Amendment put and negatived.

On motions by Hon. A. R. G. Hawke, proposed new Section 36L amended by striking out the words "one hundred" in line 11 and inserting the word "fifty" in lieu; by striking out the word "twelve" in line 12 and inserting the word "six" in lieu; by striking out the words "or both" in line 12; and Subsection (7) of proposed new Section 36M was amended by striking out the words "one hundred" in line 15 and inserting the word "fifty" in lieu; by striking out the word "twelve" in line 16 and inserting the word "six" in lieu; and by striking out the words "or both" in line 16.

Mr. BRADY: Does the provision in Subsection (9) of proposed new Section 36M mean that, if an irregularity occurred through the action of the returning officer or by reason of a breach of the rules, the election would stand?

The ATTORNEY GENERAL: When the court appointed an officer to conduct an election, that would be deemed to be final.

Mr. Brady: Even if there were irregularities?

The ATTORNEY GENERAL: There might be some little irregularity, but we could not keep on having elections.

Mr. STYANTS: I do not think the Attorney General's interpretation is correct. The proposed new Subsection (1) provides that a union may request the Registrar that an election be conducted, and I think the proposed new Subsection (9) means that an election so conducted is not to be invalidated only by reason of an irregularity in the request.

The Attorney General: That is right.

Mr. STYANTS: Will the Attorney General explain what is meant by the reference in Subsection (1) of proposed new Section 36N beginning, "A person who, without lawful authority or excuse." I can understand what is meant by lawful authority, but what could be a lawful excuse for impersonating another individual?

The Minister for Education: Those things must be left to the court.

Hon. A. R. G. HAWKE: In paragraph (a) of Subsection (2) of proposed new Section 36N the words "or to induce" appear. Do they relate to the words immediately preceding or to the words immediately following? If they relate to the subsequent subparagraphs I shall object to their inclusion.

The ATTORNEY GENERAL: I think they relate to the former portion, meaning that a person who offers violence to induce the things set out in the subparagraphs. However, I will obtain the advice of the Solicitor General and, if I am not right I shall have the clause recommitted for further consideration.

Hon. A. R. G. HAWKE: I accept that assurance. When the Attorney General consults the Solicitor General, I hope he will have the words more clearly related to the preceding ones so that there will be no shadow of doubt as to the actual meaning.

The Attorney General: If the Solicitor General considers there is any doubt, I will have it remedied.

Mr. STYANTS: I think the words undoubtedly apply to the subsequent subparagraphs by reason of the word "or"

being used. If the word "or" were struck out, I think the meaning would be as suggested by the Attorney General.

Mr. NEEDHAM: I move—

That progress be reported.

Motion put and negatived.

On motions by Hon. A. R. G. Hawke, Subsection (3) of proposed new Section 36N amended by striking out the words "one hundred" in line 2 and inserting the word "fifty" in lieu; by striking out the word "twelve" in line 3 and inserting the word "six" in lieu; and by striking out the words "or both" in line 3.

Proposed new Section 36P—Court may order secret ballot:

The ATTORNEY GENERAL: As proposed new Section 36P stands, a ballot can be taken only for the purpose of ascertaining the views of a union. No ballot can be taken to discover the views of members of a union that has been deregistered. That was not the intention of the Government. It was thought that if the court saw fit, a ballot should be taken to ascertain the views of members of a deregistered union. I move an amendment—

That in line 3 of proposed new Section 36P, after the word "union," the following words be added:—"or where registration of an industrial union has been cancelled, that the views of the persons or a section or class of the persons who were at the time of the cancellation members of the union."

Amendment put and passed.

Hon. A. R. G. HAWKE: I move an amendment—

That the following proviso be added:—

Provided that the result of such secret ballot shall be conclusive and shall invalidate any right to impose penalties which might have been imposed before the secret ballot was taken.

This provision deals with the ordering of secret ballots by the court. The court may order that a matter be submitted to a vote of members of an industrial union or a section of the union or a class within the union, and the ballot has to be conducted in accordance with directions given by the court. If a ballot is held under those conditions, presumably the result will be legally binding. If the ballot goes against what the union had previously decided without a ballot, then the result is legally binding upon the union and all its members and becomes, as it were, the law of the land. If it is not carried, and the previous policy of the union is upheld, the ballot should equally be binding on the other parties and interests concerned, and consequently the union and its members should not then be called upon to suffer penalties which might have been impossible before the ballot was held and the matter decided by the members of the union.

The ATTORNEY GENERAL: I think the Leader of the Opposition would be wise to withdraw this amendment. It would be impossible to tie the hands of the court. The object of this provision is merely to ascertain the views of members of a union or of a union lately de-registered. It would be impossible to have the court's hands bound by a decision of this nature, because it would simply mean that an award could be altered. If a ballot were taken in connection with the metal trades strike, it would mean that the Government would have to pay the margins.

Hon. A. R. G. Hawke: Absurd!

The ATTORNEY GENERAL: Yes, it would, because no penalties could be imposed and the hon. member says that the result shall be conclusive. I cannot agree to the amendment.

Hon. A. R. G. HAWKE: I had feared that the Attorney General had a case against this amendment which would make some appeal even to me.

The Attorney General: Not at this hour.

Hon. A. R. G. HAWKE: But on what the Attorney General has said, he has no case.

The Attorney General: There is a case.

Hon. A. R. G. HAWKE: The Attorney General has not put it forward. I could put up a fairly good argument against this amendment myself, but the Attorney General has not done so. Therefore I certainly press the amendment. We are going to compel a union by law to take a secret ballot of members on some subject dictated by the court. If the ballot goes against what was, up to the taking of the ballot, the policy of the union, the union and all its members have to be bound by the result of the ballot. If the ballot goes the other way, apparently the union obtains no advantage whatsoever. Evidently this secret ballot business is loaded in the one direction. The unions could not win at all in any degree by the taking of a secret ballot. All they could do all the time would be to lose, even though they won as it were. That is the weirdest possible kind of arrangement. Fancy legalising that sort of procedure! I am astonished that the Government wants a provision of this kind.

The Attorney General: You have misconceived the object of it.

Hon. A. R. G. HAWKE: I am in some confusion now as to the object of the secret ballot provision.

The Attorney General: I will tell you.

Hon. A. R. G. HAWKE: I hope the Minister will. All he has told us up to date is, in effect, that the unions cannot win by taking a secret ballot—not in one instance out of a hundred. Then he exaggerated by saying that if he were to agree to my amendment, the union, by taking a secret ballot ordered by the court, could vote for increased margins for its members, and that would be legally binding upon the court.

The Attorney General: Upon the union.

Hon. A. R. G. HAWKE: Would the employers take such a vote as something which legally bound them to pay 10s. a week extra?

The Attorney General: It would be binding on the union, and conclusive and final, so that it could never agree to anything else.

Hon. A. R. G. HAWKE: Yes. It would be union policy until such time as the court ordered another secret ballot. The Attorney General is going to make the secret ballot proposition one-way traffic, so that the unions will never win even though the members vote overwhelmingly in support of the unions' policy. I never imagined, when I drafted this amendment, that we would obtain from the Attorney General the admission we have now got from him.

We on the Opposition side have up to now supported the principle of secret ballots, but the Attorney General has put us in a position where we can no longer do so because we find we will be loading the dice one hundred per cent. against the unions and the unionists. The Attorney General's proposition is that secret ballots are to be held when ordered by the court; they are to be legally binding only when they favour the court and the employers, and never to be legally binding when they favour the pre-determined policy of the union. That is fascism, surely—only one candidate and one result. We thought that in supporting the principle of secret ballots, we were supporting something based upon true democracy, and that the result of the ballot, irrespective of which way it went, would be legal.

The Attorney General: It is not binding on anyone.

Hon. A. R. G. HAWKE: Does the Attorney General suggest that if a union conducts a secret ballot, ordered by the court on the question as to whether a strike shall take place, and the majority vote that a strike shall not take place, it is not binding upon the officials of the union; that if in the face of such a decision the officials start a strike, it would be legal? Of course it would not be. It would be illegal, and the union officials responsible would find themselves before the court, and they would be found guilty of the offences with which they would be charged, and would have all these penalties imposed upon them. They would finish up in Fremantle Gaol.

The Attorney General: They might.

Hon. A. R. G. HAWKE: Conceivably, it might be their proper place. So the result of the ballot would be binding when it suited, but when the majority of the members of the union made a decision which did not suit the court or the employers, then the result would not be legally binding. We cannot imagine a more rotten and one-sided proposition than that. I was willing to co-operate with the Government in making the speediest progress possible tonight on the Bill, but the Attorney General has thrown a real E.O.S. —extra out size—spanner into the works. It would be wise for progress to be reported so that members of the Government can have a close look at this. I hope that when we next meet on Tuesday, the Premier will make the result of the ballot conclusive and binding, and not have it loaded in one direction.

Progress reported.

House adjourned at 12.8 a.m. (Friday.)