

vince me that there is any great hardship inflicted as a result of the conditions existing to-day, I will be amenable to reason and will vote accordingly. I have yet to learn that there is any necessity for a change. I have had 30 years' experience in Western Australia and I know that some of the unions registered under the Trade Unions Act would not agree to be registered under the Industrial Arbitration Act. I believe the same thing applies to-day, while the converse also obtains.

Hon. A. Lovekin interjected.

Hon. J. CORNELL: I did not say unions are non-political. Unions are all more or less political. I have had a rather lively experience regarding unions and I know that what may take place at a meeting is no criterion when members go to the ballot box. The fact remains that funds are used, and the law does not prevent them from being used, for political purposes. If it be deemed advisable, in the interests of the unions, to say that the funds of such unions shall not be used for political purposes, there is only one reasonable course open to those holding that view and that is to introduce the necessary legislation.

Member: But the unions will do it just the same.

Hon. J. CORNELL: Of course that is so. Some hon. members are probably more up-to-date regarding trade union matters than am I at present. I am still on good terms with many trade unions and take a lively interest in their affairs. I had the honour of being secretary of a trade union on the Eastern Goldfields for 7½ years. The membership of that organisation averaged from 240 to 250 members and I received £8 a year. Now men are connected with unions in similar capacities and although the membership is much smaller than the number I have mentioned, they get £5 a week and the assistance of a typist. That brings those individuals more up-to-date than I am. I approach this question in no carping spirit and I hope Mr. Kitson, who is qualified to express an opinion on these matters, will give his views as calmly and as dispassionately as I have. I know the Minister does not profess to be an out-and-out authority on industrial matters in Western Australia. Indeed, his native modesty would not allow him to adopt such an attitude. Every hon. member respects him for his honesty and manliness on that score. I think some other members who are acquainted with the position may express opinions that may assist in this matter.

On motion by Hon. A. Lovekin, debate adjourned.

PRESIDENT—LEAVE OF ABSENCE.

The PRESIDENT [6.6]: Before any further business is proceeded with, I would like hon. members to grant me leave of ab-

sence for three consecutive sittings. I have had a rather flattering invitation from Bruce Rock and from contiguous centres. I have not seen that part of the State and I would like to avail myself of this opportunity to visit those centres. In addition, I think I can do a little good from other standpoints as well. In passing, I would like to point out that this is the third session I have had the honour of occupying the Chair and I have not been absent for one day, with the exception of a week last year, through circumstances over which I had no control. That being so, I have taken the liberty of asking hon. members to grant me leave of absence for three consecutive sittings. In the circumstances, when the House meets on Tuesday next, it will be the duty of hon. members to elect a deputy President. I will formally move—

That leave of absence for three consecutive sittings be granted to the President on the ground of urgent private business.

Question put and passed.

House adjourned at 6.8 p.m.

Legislative Assembly,

Thursday, 11th September, 1924.

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

QUESTION—NORTH-WEST DEPARTMENT.

Mr. LAMOND asked the Hon. S. W. Munsie (Honorary Minister): What has been the annual cost of administration of the North-West Department?

Hon. S. W. MUNSIE replied: The annual cost of administration of the North-West Department is as under:—1921/22, £2,243; 1922/23, £3,433; 1923/24, £4,011.

BILL—NOXIOUS WEEDS.

Message.

Message from the Administrator received and read recommending the Bill.

Recommittal.

On motion by the Minister for Agriculture, Bill recommitted so far as to allow amendments appearing on the Notice Paper to be made.

Mr. Angelo in the Chair; the Minister for Agriculture in charge of the Bill.

Clause 26—By-laws:

Mr. TEESDALE: I move an amendment—

That after "by-laws," in line 6, the following be inserted:—"To prevent the spread of seeds of noxious weeds by the wheels of aeroplanes."

For some time past have I been corresponding with the Federal Government with a view to preventing the spread of double-gees in the North, particularly in clean areas. I have not had much success up to the present, but it was decided to have some attachment affixed to the wheels of aeroplanes in order to clean them on their leaving infested ground. However, it was found that certain risks attached to those devices, and so they were removed. Nothing has since been done. Until about three years ago we had no double-gees in certain districts of the North-West, but unfortunately those districts are now becoming heavily infested. Where, previously, but few double-gees were to be found in the Roebourne and Onslow districts, since the aeroplanes have been arriving from Carnarvon they have brought large quantities of double-gee seeds. It is a very serious matter, because this pest depreciates the price of wool possibly to the extent of 2d. per lb. I do not know exactly what can be done, except by cleaning the ground where the aeroplanes pick up the seeds. That could be achieved without very much expense. It has been said that motor cars carry these seeds about the country just as much as do aeroplanes. However, I do not think that is so, because the seeds are not numerous along the roads. We must have this thing attended to. If the Federal Government will not do it, it would be a reasonable charge on the aeroplane company. They cannot with impunity distribute these pests throughout the clean districts of the North. The amendment will empower the department to make by-laws to cope with the position.

The MINISTER FOR AGRICULTURE: I have every sympathy with the hon. member's intention, but I do not know how it is to be carried out. It is admitted that aeroplanes are responsible for the spread of this weed by carrying the seeds on their wheel tyres. But the aeroplane landing grounds are Commonwealth property, and

nothing that we here can do will have any effect. I regret that I cannot see how we are to meet the hon. member's wishes.

Mr. Taylor: Have the road boards no control over the landing grounds?

The MINISTER FOR AGRICULTURE: No, nor has the State.

Mr. Teesdale: Has the company bought those grounds?

The MINISTER FOR AGRICULTURE: I am informed by the Crown Law Department that it has.

Mr. Teesdale: With all due respect, it cannot have bought the grounds on the pastoral leases.

The MINISTER FOR AGRICULTURE: In the circumstances, it will not be possible to meet the wishes of the hon. member, much as I desire to do so.

Hon. Sir JAMES MITCHELL: I think the Minister might well take the proposed power in the Bill. I am not sure that he has not the right to clear Commonwealth grounds of a serious pest such as double-gee. If the aeroplane company has acquired the right to use the landing grounds, the Minister, I am sure, can find a way out. It would be extraordinary if the Commonwealth Government were to raise any objection to the Minister taking action against the users of those grounds for spreading the pest. The Minister could, if necessary, go upon Commonwealth ground and eradicate the weed at any time, if he was prepared to take the consequences. I hope he will allow the amendment to be made.

Hon. W. D. JOHNSON: The Bill does not say we are legislating particularly against Commonwealth aeroplanes. It is possible private aeroplanes may go to the North, and may land in parts infested by double-gees, and spread the pest. If we had tackled this problem, instead of neglecting it, in its initial stages, it would have been a fine thing for the country. The neglect has cost Western Australia a great deal. Any representation that might be made from this State to the Federal authorities would carry more weight if it were supported by legislation of this kind. The Minister might well reconsider his attitude. The law could surely be enforced against the company owning the mail aeroplanes.

Mr. STUBBS: The wheels of motor cars are far more important as factors in this matter than the wheels of aeroplanes. It must not be imagined that the aeroplanes are spreading this weed in the North-West to the extent suggested by the member for Roebourne.

Mr. TAYLOR: If the amendment were embodied in the Bill, and Commonwealth grounds were cleared at the cost of the State, I do not know that the Federal authorities would interfere. It might be a wise thing for the State to keep these grounds clear. Of course, it is no use a State Parliament attempting to enforce anything upon the Commonwealth authorities, who realise their powers and never fail to carry them out. The double-gee is the

worst form of noxious weed, so far as wool is concerned, that we know of. The Minister would be well advised to accept the amendment.

Mr. MARSHALL: I support the amendment, and cannot see why the Minister should take exception to it. It does not, however, go far enough, and there should be added to it the words "And other vehicles." The local authority should have power to prevent the spread of this noxious weed, which may yet prove a great hindrance to the cotton growing industry of the North.

The MINISTER FOR AGRICULTURE: I am prepared to accept the amendment, but it should find a place in another part of the Bill. I do not take exception to it, but do not think it will carry us very far. The local authority could not enforce the law against the Commonwealth, but the amendment may be used as a lever to induce the Commonwealth to do something. The proposal of the member for Murchison is unnecessary, because local authorities would have all the power requisite to deal with that particular matter. I suggest that the amendment be embodied in the first paragraph of the clause.

The CHAIRMAN: The amendment would be irrelevant in the place suggested by the hon. member. I could accept it if it came in after the word "noxious weeds" in line 5 of the clause.

Mr. TEESDALE: I thank the Minister for his suggestion, and I accept it. The hon. gentlemen's attention should be drawn to the fact that the Federal Government, while owning the regular landing grounds, certainly do not own the emergency landing grounds which are being established in many places.

The Minister for Agriculture: In that case the local authorities would have power.

Mr. TEESDALE: The emergency landing grounds are being chosen in a very haphazard fashion by inspector after inspector, the last inspector generally rejecting the selection of his predecessor. Frequently land is cleared, and deprived of valuable shade trees, for the purpose of being made an emergency landing ground, and then is abandoned. The Federal Government do not own the emergency landing grounds, because they are situated on commonages. I am sure the Commonwealth would recognise that the expense involved in this amendment is very small indeed, having regard to the important purpose to be served.

Mr. LATHAM: I fail to see any particular necessity for the amendment, because Clause 4 provides for all this, and the first paragraph of Clause 26 gives the necessary power of enforcement. The only advantage of the amendment will be to draw the Federal Government's attention to the fact that there is a spread of noxious weeds by aeroplanes.

Amendment, as altered, put and passed.

New Clause:

The MINISTER FOR AGRICULTURE:
I move—

That the following be added to the Bill to stand as Clause 29:—"On a report being made to the Minister by any local authority that any noxious weed is growing upon any Government railway reserve, stock route, or camping ground, or unoccupied Crown lands within one mile of cultivated land, all such reserves, routes, grounds, or lands shall from time to time be cleared by the Minister for Lands and the Commissioner of Railways respectively."

This new clause represents a request made by members of the House. I hope there will be no argument about it.

Mr. Latham: None at all.

Mr. Thomson: We merely express our thanks.

New Clause put and passed.

Bill again reported with further amendments.

BILL—JURY ACT AMENDMENT.

Recommittal.

On motion by the Minister for Justice Bill recommitted for the purpose of further considering Clauses 6 and 12 and a new clause.

Mr. Angelo in the Chair; the Minister for Justice in charge of the Bill.

Clause 6—Amendment of Section 11:

Mr. SLEEMAN: I intend to move that this clause be struck out. It appears that under it women are not to serve on juries unless they send in a written requisition to a resident or police magistrate to be placed on the jury list, and the clause also prescribes a property qualification. Women should not be called upon to send in any requisition at all, and the property qualification is class legislation and should be abolished altogether. Many thousands of women in this State have no property whatever of their own, and under the clause as it stands would be for ever debarred from sitting on a jury. In last night's paper the statement was made—perhaps the wish was father to the thought—that I had missed my opportunity, the Bill having gone through. In fairness to me, the Press might correct that statement.

The CHAIRMAN: I cannot accept an amendment to strike out the clause. The hon. member must vote against the clause when it is put.

The MINISTER FOR JUSTICE: This matter was fully discussed on the second reading. The effect of striking out the clause and inserting in its place what the member for Fremantle has put on the Notice Paper would be to place every woman on the jury list, possibly without

her knowing anything about it, and she might unexpectedly find herself summoned to serve on a jury.

Mr. Richardson: Why shouldn't she?

The MINISTER FOR JUSTICE: There is no general desire on the part of women that that should be so. The condition in question was inserted by the Government without pressure from or application by any organisation. The Bill merely gives women the opportunity to get on the jury list.

Mr. Richardson: That is only "kid-stakes." I favour giving the lot. If there is no general desire on the part of women to serve on juries, why did you put this in the Bill?

The MINISTER FOR JUSTICE: Because the Government intend to give women the right to hold any position they desire. The Government do not wish to force women to undertake specific functions they do not care for. The principle is democratic.

Mr. Teesdale: If you force women to undertake these duties, you will have to provide a list of exemptions for women who, for instance, may be in a certain condition. Otherwise they will be forced to attend the court.

The MINISTER FOR JUSTICE: No, that would not apply. The matter was fully discussed during the second reading stage. While some hon. members seemed to think there was no necessity for women to have this opportunity, the consensus of opinion generally seemed to be that women should have the right to sit on a jury, but that there should not be any compulsion about it. The clause as it stands meets the wishes of those hon. members. It gives recognition to the fact that women if they desire to accept these specific responsibilities, should have the opportunity of doing so. I oppose the amendment.

Mr. NORTH: I support the contention of the Minister. The clause provides women with an opportunity to serve on juries if they so desire, but it does not insist upon them undertaking the duties. If the same exemption were granted to men, we would have no juries at all.

Mr. MILLINGTON: The clause apparently is in the nature of a concession.

The Minister for Justice: Not a concession, but a right.

Mr. MILLINGTON: My experience goes to show that the women who will avail themselves of this provision have demanded it as a right. Those who insist upon this right desire to shoulder their full responsibilities of what they are pleased to term the "equality of opportunity."

The Minister for Justice: What about the rest of the women?

Mr. MILLINGTON: The Government have apparently adopted a middle course, placating those who desire to have their names enrolled on the jury list and at the same time not compelling the vast majority

of women who do not desire it, to be troubled with this responsibility.

Mr. Richardson: The Government are trying to shelve the matter.

Mr. MILLINGTON: No great principle is involved. Only those who desire to have their names enrolled will be affected. This is in the nature of an experiment, and it will be interesting to ascertain how it works out.

Mr. Sampson: Has there been any demand for this by the women generally?

Mr. Taylor: There is no demand.

Mr. MILLINGTON: I do not believe there has been a general demand by women for it.

Mr. Richardson: The Government are under a wrong impression.

Mr. MILLINGTON: There are a few women who desire the right and the clause meets that demand. As it is an experiment, the clause meets the position.

Mr. Richardson: No fear! Let us go the whole hog!

Mr. MARSHALL: The member for Leederville put up the best argument in favour of the amendment. He admitted there was a demand for this right on the part of some women. The women who will avail themselves of this provision will be what some people regard as "sticky-beaks." If a woman is selected on a jury there will be other women who will say: "Yes, she wanted to get on the jury; she sent her name in. We knew she would do that."

Mr. Richardson: That is right.

The Minister for Justice: Mere tittle-tattle!

Mr. MARSHALL: The clause issues an invitation to women who desire to act as jurors to send in their names so that they may be enrolled. Many women do not usually probe the private affairs of others, but, influenced by their consciences, they may desire to do what they regard as their duty. Those women, however, will know that if they accept this responsibility and are called upon to serve on a jury, they will be regarded as "sticky-beaks."

Mr. Sampson: Stamped as "sticky-beaks."

Mr. MARSHALL: Women should be placed in the same position as men in relation to juries, with certain reservations. If that were done and all were placed on an equality, no one would know whether the woman juror had expressed a desire to serve on a jury. If the clause stands and the right to exercise the privilege is voluntary, only one section of the women will be affected. That section will be those who are always desirous of pushing a certain part of their bodies into other people's business.

Mr. Richardson: The less desirable section.

Mr. MARSHALL: And they are the very people we do not desire to see on the

jury. The other section will know that those women sent in their names.

The Minister for Justice: That is so.

Mr. MARSHALL: That is neither just nor fair. There should be no discrimination that will play up to the inquisitive section of the community.

The MINISTER FOR LANDS: I would draw attention to the ruling given last night regarding amendments. It means that we can only discuss the proposal to strike out the clause, and if all that is intended to be dealt with by way of amendment is discussed now, members will have no further opportunity, when the present question is put and agreed to, of discussing the member for Fremantle's further amendment.

Mr. E. B. Johnston: I hope last night's ruling will not be taken as a precedent.

Mr. Taylor: It was wrong.

The MINISTER FOR LANDS: The Bill contains an innovation inasmuch as it is the first time that legislative authority is proposed for women acting on juries.

Mr. Richardson: But you limit it.

The MINISTER FOR LANDS: As I said last night, if I were to agree to the proposal before us now, I would have to go into lodgings! I simply rose to point out, however, that if we discuss the whole matter now, we will be debarred from debating the member for Fremantle's further amendment when he moves it.

Mr. TAYLOR: This proposal to liberalise the jury list in favour of women, in order to make the sexes equal, is put up as a democratic movement. I am not prepared in this Chamber or elsewhere to try to improve on the Deity's work. He did not make the sexes equal, and I do not think we can make them equal by legislation. I have always understood that woman was made superior to man, and now members want to bring her down to the level of man and I am not going to help them. I do not see any necessity for women to sit on a jury, but if there is a necessity and the necessity rests with them, the clause provides that they may make application.

Mr. Hughes: That would humiliate them.

Mr. TAYLOR: The Minister in moving the second reading said it was designed to elevate, not humiliate, them. When members drag poor old democracy into a jury Bill, they are hard-pushed for argument. I shall not support the proposed amendment, and I shall vote against the clause.

Mr. HUGHES: Unless we are permitted to refer to the proposed amendment, as well as to the clause, we shall not be able to adequately discuss this question. I think the ruling given is wrong.

The CHAIRMAN: I have not given a ruling. "May," at page 253, in dealing with the objects and principle of an

amendment and the debate thereon, states—

This may be effected by moving to omit all the words of the question after the first word "That" and to substitute in their place other words of a different import. In that case the debate that follows is not restricted to the amendment, but includes the motive of the amendment and of the motion, both matters being under the consideration of the House as alternative propositions. I rule that these are alternative propositions and that members are in order in discussing both.

Mr. HUGHES: Much has been said about giving women the right to serve on juries if they make application. That is a very offensive way of giving a right. Clause 7 of the constitution of the Australian Labour Party provides, "Full citizen rights for women." That indicates the attitude members on the Government side should adopt to this question.

The Premier: The clause gives women the full right to serve on a jury if they so wish.

Mr. HUGHES: I disagree with the Premier's interpretation.

Mr. Taylor: They will have an advantage over men, who have to serve without being consulted.

Mr. HUGHES: Labour members stand for equality of the sexes. One of their claims is equal pay for equal work irrespective of sex.

Mr. Sampson: But those are mere words.

Mr. HUGHES: The hon. member has done nothing but indulge in words. Three years ago he was going to solve the problem of fruit marketing, but he succeeded in doing nothing, and now he is doing his best to borrow the brains of the hated Labour Government in Queensland.

The Premier: Now he wants another Labour Party to give effect to their policy.

Mr. HUGHES: Yes. I have no objection to lending the hon. member the brains of the Labour movement. God knows he needs them.

Mr. Teesdale: You would not be able to contribute any.

The CHAIRMAN: Order! Members must not reflect upon each other.

Mr. HUGHES: Our platform sets out that male and female must be put in the same position. There should be no discrimination between the sexes.

Mr. North: But the amendment prescribes discrimination.

Mr. E. B. Johnston: Would you give a man the right to say he would not serve on a jury?

Mr. HUGHES: No, there is not the same reason for granting man an exemption. If a man has sufficient reason, he need not serve on a jury.

Mr. Davy: It is the hardest thing in the world for a man to get off a jury.

Mr. HUGHES: It is not so hard as the hon. member thinks. I admit it would be inconvenient for a mother with a young family to sit on a jury.

The Minister for Railways: Yet you would compel her to sit?

Mr. HUGHES: No; there is a special provision in the proposed amendment whereby a woman may obtain exemption.

The Premier: Your argument is just as strongly against the amendment as against the clause.

Mr. HUGHES: No, it is our duty to give equal rights, and if we grant women an exemption, there is good reason for so doing.

The Premier: A man has not that exemption.

Mr. HUGHES: He can secure exemption if he has a good reason.

The Premier: On your argument you must oppose the amendment as well as the clause.

Mr. Taylor: He is floundering.

Mr. HUGHES: The member for Mt. Margaret, with a political career such as his, should not talk to Labour men. His career is one long line of treachery.

Mr. Taylor: You put your career and character alongside mine and see how you get on.

The CHAIRMAN: Order! Members must not reflect upon each other. I ask the member for East Perth to stick to the question.

Mr. HUGHES: It is not right that only those who make application should be permitted to sit on juries. That will be a humiliation, and I am certain such a thing was never intended. The amendment will give full citizen rights to women. If the Bill is going through with objectionable conditions which are not in accordance with the platform of the Labour Party, it can go out altogether so far as I am concerned.

Mr. PANTON: I hope the clause will be struck out. I am not concerned whether anything takes its place. We have already decided that we are going to abolish special juries, the only reason for that course being the property qualification. The clause under discussion will allow those women who are prepared to make application to be placed on a jury on the consideration that they have £50 worth of freehold property, or £150 in cash. If the clause is carried it will mean that any woman who applies for enrolment must have one of these qualifications.

The Minister for Lands: Not in the Bill but in the amendment.

Mr. PANTON: The objection I have to the clause is that it amounts to class legislation in so far as the women of the State are concerned. The great majority of the working class have no property qualification to entitle them to make application to be placed on the jury list.

The MINISTER FOR JUSTICE: What the member for East Perth made a great

song about is in respect of the amendment, and not what is contained in the Bill. It is all a matter of tactics; there is no difference in principle. The principle is the same; in the Bill one thing is set out and in the amendment another. The Bill sets out that women can be enrolled in a certain way while the amendment declares that they can be jurors in a different way. Just because there is a difference in tactics, the member for East Perth is prepared to swallow his principles regarding special juries, and is prepared to defeat the Bill. He declared that if he did not get his own way the Bill could go. If the amendment is defeated and he still wants to move in connection with equality of principle when getting on the jury list, without any qualification, we will not deny him the right.

Hon. W. D. JOHNSON: I want to emphasise the point raised by the Minister. I cannot see what all the fuss is about. The clause provides that any woman wishing to go on the jury may apply in writing accordingly, while the amendment provides that any woman not wishing to go on the jury may write in and say so. Whether we pass the clause or the amendment, certain women will have to write letters, pay postage and despatch their notices to some authority. The test of the two, the clause and the amendment, is which will cause the lesser number of women to write notices. If the amendment be passed, women in all parts of the State will be constrained to send in an enormous number of notices. Thus the amendment will be responsible for a lot of revenue to the Commonwealth Government, and for irritating thousands of women. Still, I cannot see why members should get so heated over the discussion. Both the clause and the amendment say that women shall write notices. We have to consider which of the two will give the women the least trouble. The question of a monetary qualification is a totally different one. I do not think it worth debating.

Mr. Taylor: We have already passed it.

Hon. W. D. JOHNSON: We are not going to make the world better or worse by providing that a juror shall have a monetary qualification of £150. I do not like these pettifogging little reforms. If the question were worth raising, I should say it is not property that qualifies a juror, but education; ability to judge evidence and to discriminate between right and wrong.

The Premier: It is not even that.

Hon. W. D. JOHNSON: Well, if we were to make it education instead of property, it would still be of no value. But, as I say, debating these pettifogging little things only irritates us and prevents us from dealing with bigger questions awaiting our attention.

Mr. SLEEMAN: I am surprised at the remarks of the hon. member. The other night we heard him holding forth over the £500 qualification for a special juror. To-

day he sees no harm in a qualification of £150 for a common juror.

The CHAIRMAN: We are discussing Clause 6 now.

Mr. SLEEMAN: But you have ruled that we are entitled to discuss the amendment also. On first coming into the House I expected it would be an education to me, that I would learn quite a lot here.

The Premier: You will, too, ere long.

Mr. SLEEMAN: But after hearing the arguments used here I am not at all sure that members take their business seriously; rather does it seem that they are here to amuse themselves.

Hon. Sir James Mitchell: It is refreshing to hear a young man lecturing old men.

Mr. Teesdale: He has not found his way about the House yet.

Mr. Taylor: He has not yet discovered all the reading rooms here.

Mr. SLEEMAN: I have heard disappointing remarks from members who have been Leaders of the House. Take the Leader of the Opposition, who asked, was not the husband to be consulted before the wife was allowed to go on the jury. Does the hon. member think we are still in the dark ages, when the wife was regarded as a chattel of the husband?

Hon. Sir James Mitchell: Well, who is to look after the children while she is away?

Mr. SLEEMAN: Then the hon. member said he hoped no eligible bachelor over 30 would be tried before a jury of ladies, because they would show him no mercy. Apparently that is the hon. member's opinion of the ladies of Northam. Then the member for Roebourne (Mr. Teesdale) declared that women were too illogical to sit on a jury. I do not think they are more illogical than is the hon. member himself.

The CHAIRMAN: I am afraid the hon. member is making a second reading speech.

Mr. SLEEMAN: I do not think the Committee knows where it is.

Mr. Teesdale: That is not bad for a new chum.

Mr. SLEEMAN: This is my fourth attempt to get this amendment before the Committee. We have had on it the Solicitor General, the staff of the House and the Ministers, yet I am now told it is not in order. It is time the Legal Practitioners' Act Amendment Bill was put through so that we might get some bush lawyers who could properly direct us. Women sit on juries in Germany, while in Ohio they sit on the Supreme Court bench. The Scottish legislation provides that the enactment relating to the qualifications of jurors shall apply to women in like manner as to men. Yet members here declare that if a woman wants to sit on a jury she must write in and ask permission.

The Premier: But your amendment makes the same mistake, if it be a mistake.

Mr. SLEEMAN: If my leader cannot see any difference between the amendment and the clause, I can. Surely there is all the difference in the world between having

to ask to be put on the jury and having to ask to be left off.

The Premier: That is not the Scottish law.

Mr. SLEEMAN: Well, let us adopt the Scottish law. The amendment will delete the property qualification, not only for women, but also for men. I hope it will be carried.

Sitting suspended from 6.15 to 7.30 p.m.

Clause put and passed.

Clause 12—Insertion of new section to stand as Section 19:

The MINISTER FOR JUSTICE: I move an amendment—

That after "who" in line 3 of Sub-clause 2 the words "is not summoned or" be inserted.

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

Bill again reported with a further amendment.

Report Stage.

The MINISTER FOR JUSTICE: I move—

That consideration of the Committee's report be made an order of the day for the next sitting of the House.

Mr. MARSHALL: I desire to draw attention to the fact that a great number of members were not notified that the House had re-assembled.

The Premier: The bells were rung.

Mr. MARSHALL: The bells did not ring upstairs, and in consequence the clause has been put through against the desire of a number of members.

Mr. SPEAKER: I am informed that the bells were rung for the usual period.

Member: They did not ring upstairs.

Mr. Taylor: The bells were rung as usual.

Mr. MARSHALL: I can bring five members who were in the billiard room to state that the bells did not ring.

Mr. SPEAKER: I am informed by the Clerk that the bells rang, and I must accept his statement as correct.

Mr. CORBOY: I was in the Chamber and observed the clerk switch on the bells, and heard them ringing throughout the building.

Question put and passed.

BILL—STANDARD SURVEY MARKS

Received from the Council and read a first time.

BILL—UNCLAIMED MONEYS ACT AMENDMENT.

Returned from the Council without amendment.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 26th August.

Mr. DAVY (West Perth) [7.36]: I assure the House it is with no feelings of self assurance that I undertake the difficult duty of criticising this Bill. It is the most important measure that has so far been brought down by the Government, and if I dared to predict I would say it is the most important that is likely to be presented this session or perhaps even during the life of this Parliament. War in the ordinary sense is a hideous disaster that befalls mankind from time to time. We are to-day suffering from the results of the latest specimen of that disaster, which came upon us ten years ago. It is difficult to predict just how long we shall continue to experience the results of that disaster. If the ills produced by industrial war could be measured by the loss of wealth and the creation of human unhappiness occasioned, it might be found that its debit balance was even higher than that of an ordinary war. Therefore any honest attempt to create machinery to prevent industrial war merits the most serious consideration from those who take a view of things outside their own petty interests, and deserves nothing but fair-minded and well informed criticism. I ask members to at least give me credit for endeavouring to be fair-minded, even if they agree that I am not as well informed upon industrial matters as I should like to be. I want the House to believe I have honestly accepted the invitation of the Minister when he said, "I invite the House, in view of the broad issues, to apply itself to the task of making this Bill an effective measure." With all respect to the Minister he might have had a better chance of getting the measure regarded from the purely non-party viewpoint if he had omitted from it certain short and innocent-looking amendments that contain matters of the most controversial nature. We might have been in a better position to argue the merits or demerits of the Bill in a fair-minded and non-party spirit if he had omitted from his remarks such words as he used when he referred to an organisation in Melbourne as comprising the principal commercial cormorants in the Eastern States. Those words, however suitable for the hustings in the conflict of political strife before elections, are not the words that should be used by a gentleman holding the honourable and responsible position of Minister for Works. Whatever method the Minister has adopted to place his views before the House, I hope I shall gain the comment that I have been fair-minded. I congratulate the Government on bringing down a Bill to amend the Industrial Arbitration Act. That statute is seriously in need of amendment; I said so in the course of my campaign. I compliment the Minister on his eloquent address and on the deep

knowledge he displayed of industrial legislation. I ask members to learn one lesson at least from the historical sketch of arbitration law in Australia so ably given by the Minister, namely, that democrats in the true sense of the word are to be found outside the ranks of the Labour Party just as much as inside. A true, deep, and sincere desire to improve the conditions of mankind and increase the happiness of our fellow creatures is not a monopoly of those who have come into Parliament through the ranks of trades unionism. The Minister commended, as men who had displayed the true democratic spirit, such Australians as Charles Cameron Kingston, Samuel Griffith, Alfred Deakin, and Walter James. Referring to Sir Walter James—

Mr. Panton: He has slipped a bit since.

Mr. DAVY: He is to-day just as much a radical as when he was a member of this House.

The Minister for Works: Nonsense, he is the greatest Tory in the country.

Mr. DAVY: He is no more a crusty Tory than is the Minister. I speak of him from an intimate knowledge acquired from day to day. None of those gentlemen the Minister commended for their democratic principles rose from the ranks of Labour. If in those days there had been an official Labour Party they could not, under normal conditions, have been members of it. I am not saying that members opposite err in this direction, but I do ask them to be fair and realise that one may well possess the truest democratic principles even though one may not see eye to eye with the particular method by which it is carried out by those who make up the Labour movement, or by members opposite, their supporters and their constituents. I could elaborate on that argument for a week, and could quote some of the truest benefactors of human beings, who initiated legislation, such as the factory laws, moved for the abolition of slavery within the British Empire, and did a host of other things. Many of these men were not only not members of the Labour Party, but belonged to the titled aristocracy of England. I do not propose to pay any particular attention to the Minister's apology for arbitration. I use the word apology in its true and original sense, the defence of it. I do not think that an apology for arbitration for the settlement of industrial disputes is necessary in this House. I believe every member of the House agrees that industrial arbitration as the only so far discovered method of abolishing industrial disputes, has come to stay.

The Minister for Works: I had in mind the conference that was held recently, representative of one of the parties in the House, that carried a motion in favour of the repeal of arbitration.

Mr. DAVY: I think all members of this House believe that industrial arbitration has come to stay. At this stage of our civilisation it is the only discovered proper method of abolishing industrial war-

fare. I would quote the words of Mr. Justice Higgins, who has been referred to with respect and approval as a democrat and an authority on the law of arbitration. He said that industrial arbitration was a new province for law and order, and a province out of which very few citizens to-day honestly wished to see law and order driven. The Minister has described this measure as the matured consideration and judgment of many persons who have had a long experience of industrial arbitration. I hope he will not take offence when I say it is a pity that matured consideration and judgment have been unable to produce anything more original than the measure before the House. This is a typical piece of scissors and paste legislation. The new clauses, as members will discover from an examination of the Bill, have been borrowed almost entirely from other Acts of Parliament of Australia and New Zealand. There is very little evidence of original thought in the Bill from beginning to end.

Mr. Lambert: Is it any the worse for that?

Mr. DAVY: I do not say whether it is or not. I make that comment without any desire to be offensive.

Mr. Lambert: We have not seen any evidence of great originality from you.

Mr. DAVY: The hon. member has not had time to see the calibre of my brains. He may find later that I do possess an occasional flash of originality. I wish members first of all to consider what is the nature of the Act it is proposed to amend. The title of the principal Act is "An Act to amend and consolidate the law relating to the settlement of industrial disputes by arbitration, and for other relative purposes." I postulate, firstly, that in so far as the amendments to that principal Act do not relate to the settlement of industrial disputes by arbitration and for other relative purposes, they should find no place in a Bill to amend that Act. I postulate, secondly, that in so far as any provision of the amending Bill tends to fetter the hands of arbitrators who endeavour to settle industrial disputes by arbitration, it should not find any part in this Bill. Apparently my postulates are not going to be granted. I see many clauses in the Bill, apart from their merit, that apply to these postulates, many that are properly in the Bill from that point of view. They are put there with a view to amending and consolidating the law relating to the settlement of industrial disputes by arbitration. There are many machinery clauses that aim honestly and candidly at remedying existing defects. On the other hand there are many clauses which offend against both of these postulates. There are clauses which have no relationship whatever to the settlement of industrial disputes by arbitration. I would quote the clauses relating to apprentices. There are many which tend to fetter the settlement of industrial disputes by arbitration, such

as the clauses making mandatory a 44-hour week.

The Minister for Works: We will put that down to your inexperience.

Mr. DAVY: I do not deny that I am inexperienced, but that is something I hope will be remedied. What are the present defects of the arbitration system? They may be expressed in three words—delay, delay, delay. The court has for years past been seriously overburdened with work. The applications for the consideration of awards have been, I believe, put back for as much as a year or more. I have been told—I do not guarantee the statement—that there are at present pending a hearing as many as 169 applications for enforcement of orders. I believe one could safely wager that there are nearly 100 applications for enforcement of orders awaiting hearing. The Industrial Arbitration Court reminds one of the Chancery one reads about in Charles Dickens of 60 years ago. If a man once got into Chancery in those days he was there for life. It appears that once a case gets into our arbitration court, it may be there, if not for life, for many years. There are three honest endeavours in the Bill to remedy this delay. The first is the appointment of a whole-time President of the Arbitration Court. Since the inception of the court the President has been a judge of the Supreme Court, who has also been called upon to attend to his ordinary judicial duties. It is proposed that the president shall not be permitted to do anything but the work of the arbitration court. The second honest attempt to get rid of this delay is found in the provisions that enable the court to delegate its duty to industrial boards, boards of reference and other subordinate bodies, and also to delegate the duties of dealing with enforcement orders to industrial magistrates. Finally, the third endeavour to remedy the delay is to provide that the Industrial Arbitration Court shall periodically define the basic or primary wage as opposed to the secondary wage, instead of endeavouring to define it on the hearing of every application for an award. With the general principle of these three endeavours I cannot quarrel, for there is a lot to be said for each. I should like to make some remarks, firstly, on the question of the whole-time president, and the constitution of the court. At the moment we have a president who is not whole time, and we also have two lay members of the court. It is proposed to appoint for seven years a president, who need not be a Supreme Court judge. We are to continue the present system of having two lay members. I quite agree there is no particular reason why the president of the arbitration court should be a judge of the Supreme Court; there is no reason why the president should be selected from amongst the existing judges of the Supreme Court. I am convinced that whoever is appointed, once

he is appointed, should have exactly the same tenure of office, and the same security of position, as a Supreme Court judge. I do not care what the president is called, but he must be given the same position as a Supreme Court judge. I need not tell members that the present system of appointing judges and securing their offices is a comparatively modern one. Up to 150 years ago in the old country, from where we have inherited our judicial and legislative systems, judges were the creatures of the Government. They were accordingly not honest; they were corrupt. When that was realized it was finally decided that a person could not occupy a judicial position unless he was given absolute security of tenure. Some weeks ago there was a rather acrimonious debate in this House on the question of the retirement of a certain police magistrate. I do not propose at this juncture to reopen that subject, but I do say that from the acrimony of that debate one lesson emerges as clear as crystal. It is that every person who is called upon to exercise judicial functions, must, in the interests of the community, throughout the whole time he occupies that position, be given absolute security of tenure. That is the transparent truth that arises from that debate. For not one moment of the time, when a judicial person is exercising his judicial functions, should he be at the mercy of any person or Government in the community. In the same way I say that whoever the Government appoints to the position of president of the Arbitration Court must be given the same tenure of office as a judge of the Supreme Court. He must be appointed for a lengthy period—I would say at least 20 or 30 years—and he must be paid a sufficient salary to make him financially independent, and it should be impossible to dismiss him except, on the vote of both Houses of Parliament, for misconduct. I am satisfied that if one gives even a person of corrupt tendencies such a tenure of office as that, such a security, that person, whether he wants to or not, will endeavour to do what he thinks is just. The human mind is logical, and unless it is swayed by some base motive of self-interest it cannot help tending towards the right and proper course in giving judgment on a dispute. But if one gives a man no security of tenure, then, however fine a man he be, he runs the risk of considering at times on which side of his bread the butter is. If we are going to appoint a president of the Arbitration Court under this Bill, we may find the right man in a walk of life where his earning capacity is small. Say we put him on the bench and give him £1,500 or £1,750 a year, and he knows that at the end of seven years he is liable to go: he will be more than human if he does not keep one eye on what is likely to be the wish of the Government in power, even if he does keep the other eye on what is justice. But particularly will

he keep that one eye on the Government in power as his term of seven years begins to run out. The next question which arises is, for what purpose do the lay members of the court exist? I believe that even amongst expert industrialists there is considerable difference of opinion as to whether the Arbitration Court should be a one-judge court or a three-judge court. At present the president is assisted by two lay members, who are supposed to be judges in the same sense as the president is. They take an oath, upon accepting office, faithfully and impartially to perform their duties. In practice, as every member of this House knows perfectly well, they are not even expected by the community at large to be impartial. When they get on the bench they are nothing but super-advocates, advocates sitting in the pocket of the judge who is deciding the matter. It is said, and the Minister himself has said, that it is of the utmost importance to both sides that their respective points of view should be represented up to the last second. Another thing which has been said is that it is important we should have on the arbitration court bench, as members of the court, persons who have a practical experience, as opposed to a theoretical knowledge, of industrial matters. The former argument is not a good one, because, after all, if a judge has listened to the case for days or weeks, and has taken careful notes, and has heard the able arguments on each side, he does not want to listen to any more of particular views once he has closed the hearing of the case. I think that perhaps that custom of keeping the super advocates in the pocket of the judge even after he has left the bench may have been the cause of the fact that the hearing of an application for an award may have closed down for weeks and weeks before the award is actually delivered. The three members of the court apparently re-try the whole case after the hearing in open court. Now with regard to the necessity for having practical experts on the bench, there is this answer: a practical expert in the engineering industry is of no practical value whatever as regards the haking industry. So that if we select these experts, they are of value only in certain cases. However, if the court feels the need for having a genuine expert to assist it in its deliberations, then it is given power, under Section 68, Sub-section 10, of the principal Act, to appoint assessors—one assessor to represent each side. As a matter of fact, the president is bound to take that course on the application of either party to the dispute. When that need arises—and it may be a real and very important need at times—the court has power—

The Minister for Works: The power has never been used.

Mr. DAVY: I believe it has not. That is an astonishing thing. The power might have been of great use to the court at times,

I should think. Therefore I am strongly of opinion that the best way to meet this difficulty in the reconstitution of the court would be to appoint one single judge to conduct the court, abolishing the lay members. The judge should be given absolute security of tenure, the same tenure as a judge of the Supreme Court has. I agree that there is no particular point in having this judge selected from members of the legal profession. Here again, no doubt, I shall be accused, as I was last night, of being biased by the fact that I am a lawyer. I do think, however, that the community take up rather an extraordinary attitude in declaring that while certain members have special qualifications in the way of legal knowledge and legal training, which has always been admitted to be the most fitting training for a judge, they will appoint perhaps the most important judicial person in the State not from among the specially trained group of people. I do think that it would be a mistake, though I do not feel strongly about the matter, not to ensure as far as possible that the man who is going to occupy the position in question has had a legal training. That is my view of the proper thing to be done with the court. The next solution for delay offered by the Minister is the delegation of duties. He proposes that the court shall have power to delegate certain of its duties, or indeed the whole of its duties if it thinks fit, to industrial boards, to boards of reference, and to demarcation boards. There are really two views on this question, and I think both are arguable. The first is that as far as possible there should be no delegation, but that if the work of the court becomes too great for one judge, then we should appoint a deputy judge, and, if necessary, another deputy judge, and so on. The other point of view is that that course must not be taken. If the work of the court becomes too great, however, we must have delegation. Personally I incline to think that the second is the right view. I hold that all arbitration awards should, if I may use the expression, flow out of one spout. The comparison which is offered by those who uphold the first theory, the deputy judge theory, is that in courts of law if one judge cannot do the work the Government appoint another judge, and so on. But the two positions are not truly analogous. The work of a judge in a court of law is more or less stereotyped. He has first to get the facts, and then has to apply law to them. The law is more or less laid down. Certainly at nisi prius, in those trials by single judges, hearings of first instance, the law does not enter into the question very largely. It is only when one gets to the Full Court of Western Australia, or to the Federal High Court, that one gets the law as understood at the moment being actually altered. It is only in those courts that one gets anything like legislative functions carried out by judges. But turning to the Arbitration

Court we meet with a totally different position. Every award delivered by the Arbitration Court is in the real sense of the word, from the point of view of the citizens, a piece of legislation. That being so, in order to ensure that we shall not have two laws which conflict with each other carried the same day, or operating within the same period, I am inclined to hold that all those awards should, as I said before, flow out of the same spout. That can only be attained by the system of delegation which the Minister proposes under this Bill. I think he is wise in taking that attitude.

The Minister for Works: That is one original proposal. That power does not exist anywhere else.

Mr. DAVY: Does it not? Then I give the Minister that credit.

The Minister for Works: That is the first point you have made.

Mr. DAVY: I did not say there was no original work in the Bill.

The Minister for Works: Yes, you did. You said there was not one original idea in it.

Mr. DAVY: I think not. However, I will not argue that point. The staff on my right will verify that. But as to the actual method of delegation proposed by the Minister, I would prefer to leave that to other speakers on the Bill, because there is enough to be said otherwise. I am inclined to think the Minister has rather overdone it. I will go with him as far as industrial boards, and perhaps a step further, to boards of reference. Boards of reference have, I understand, proved of great value under the Commonwealth Conciliation Act. But the positions are not quite analogous. Under the Commonwealth Act the Commonwealth Arbitration Court may be called upon to investigate matters from one end of Australia to the other. Our court is not faced with such a wide dominion. However, I do not want to criticise those boards for one moment. I merely say I think the Minister may have overdone it a little. Now we come to a last method of delegation, and that is the appointment of industrial magistrates to deal with enforcement cases. Those industrial magistrates, according to the Bill, are to have no jurisdiction where interpretation matters arise. I do not claim to have had a vast experience of enforcement orders, though I have had a little, but I am told, and it seems probable, that in almost every application for an enforcement order a question of interpretation arises.

The Minister for Works: It arises in a big percentage of cases.

Mr. DAVY: If this Bill passes as it is, the applications to industrial magistrates will not relieve the court in any way whatever. Again, if we are going to delegate this important duty of dealing with enforcement orders anywhere, it appears to me that the proper method of doing it

is to use the existing courts for dealing with questions of this kind.

The Minister for Works: The idea is not to make new appointments. The idea is to appoint three existing magistrates as industrial magistrates.

Mr. DAVY: I appreciate that that is the Minister's idea. While he is Minister, he will give effect to the idea, as he says. But there may be a different Minister with a different view of the right way to carry this out. I would suggest that this Bill be framed in such a way that any application for an enforcement order may be made before any court of summary jurisdiction. After all, if there is any question of interpretation, then under this Bill the industrial magistrate will not be able to deal with it. So that any matters which could be dealt with by the industrial magistrate would be of a minor kind. All that the industrial magistrate will be able to decide is as to certain matters of fact, and certain matters relating to the imposition of penalties. I think it is a bad move to appoint special industrial magistrates, especially where power is given to appoint as industrial magistrates mere justices of the peace. This job ought to be done, as far as possible, either by all the courts of summary jurisdiction, or the list of industrial magistrates should not include justices of the peace. If the Government are going to appoint special industrial magistrates, then I say they should appoint the stipendiary magistrates who exist to-day. Finally, we come to the third plan for overcoming delays, and that is the periodical fixing of the basic wage by the court. If that means that the court, instead of upon the hearing of each application starting off by finding the primary wage and then finding the secondary wage and adding the two together, is to find the basic wage periodically, so that on the hearing of an application it starts with the basic wage found and has only the secondary wage to find, then it appears to me to be a sound scheme indeed. I am not sure whether the finding of the basic wage should not be done periodically at fixed intervals. I am sure, however, that in the finding of that basic wage, it is not right to give to all unions the power to demand to be heard. I foresee most complicated and long-winded hearings whenever the finding of the basic wage comes under review. The Bill provides that whenever this inquiry is held, every union—that includes employers' unions as well as those representing employees—will have the right to be heard, and the court shall allow "such reasonable costs as in its discretion it may think fit." I do not see the necessity for that provision. It will lead to complications that will defeat the object of the measure.

The Minister for Works: The court will have power to allow costs to only those whom the court asks to appear before them.

Mr. DAVY: I am afraid that is not so. As I read it, the clause sets out that the court may allow such reasonable costs as in its discretion it may think fit, of and incidental to the presentation of the case of the workers and of the employers respectively.

The Minister for Works: You will find that the court will decide who will present the case. Power is provided for that.

Mr. DAVY: If it is intended that certain people are to be chosen to present the case, I cannot see any provision for that in the Bill. If the Minister can point out any such provision to me when we are dealing with the Bill in Committee, he will somewhat remove my objections to this part of the Bill. I do not know how many unions there are in Western Australia, but I suppose there are, say, 100.

The Minister for Works: There are several hundreds.

Mr. DAVY: Then, to allow each of several hundred unions to appear before the court when dealing with this question—

Mr. Marshall: Including the medical and legal unions.

Mr. DAVY: They would not allow us there. I will deal with that aspect later on.

Mr. Heron: You are not on the bread line.

Mr. DAVY: To allow every union the right to come before the court on this question is to encourage a lot of babblers to appear and clog the machinery of the court. This matter should be left entirely to the court, who should find the basic wage from time to time and call such evidence as may be deemed necessary to enable that to be done. In many instances it will not be necessary to hear any evidence. The court will have before them the statistician's figures relating to the value of the sovereign from time to time. They will probably have occasion to refer to the findings in the Harvester case, which may be modified from time to time by the different standards set up. As a general rule, they should be able to determine the basic wage without the necessity for much evidence, although power may be given to the court to call for such evidence as they think fit. These are the three schemes advanced for the abolition of delays, and I find some merit in them. What I find no merit in is the proposal, in the new clause relating to the basic wage, to deny the right of the court to act as a true arbitrator. That is contained in the interpretation clause that sets forth that the basic wage shall be based first of all on a five-roomed house. Arbitration is arbitration, or it is not. As I understand it, arbitration consists of a judgment on the merits after having heard both sides. Arbitration with restrictions of the kind I have indicated is arbitration

with loaded dice. The court will be allowed to decide between parties on certain lines to be left to the discretion of the party who happen to be in power at the present time. That is wrong. That is all I have to say regarding the general machinery of the Bill. I want now to refer to certain provisions of the Bill, which I think the Minister ought to have left out of it. They are matters that are controversial in the highest degree. The first is an apparently most innocent little amendment proposed to the definition clause of the Act. The effect of the proposal is to enable the court to grant preference to unionists should the court see fit to do so.

Mr. Holman: Quite right, too.

Mr. DAVY: I speak sincerely, and I want hon. members to believe me when I say that I think it is wrong to give the court power to award preference to unionists.

The Minister for Works: Your union is a compulsory union.

Mr. DAVY: It is not. As you know, Mr. Speaker, your union and my union, to which the Minister has referred, is not for our protection but for the protection of the public. We have no minimum wage; the wage fixed for us is the maximum.

The Minister for Works: You fix your own basic wage.

Mr. DAVY: We have a maximum wage above which we cannot charge. If we charge a penny piece over and above that maximum, our client has the right to have our bill taxed and we will be brought to book and punished by the Barristers' Board. This carping talk about the legal profession being a trade union is simply born of ignorance and bred of jealousy. However, I do not wish to be dragged away from the point; we are not discussing the legal profession at the present time. Humorous members sitting on the Government side of the House will always have their little joke about lawyers being trade unionists. I am not opposed to trade unionism. I have sufficient sympathy and understanding to appreciate the attitude of trade unionists towards men who are not trade unionists. I would lack understanding and sympathy with my fellow creatures if I did not. The Labour Party always claim to be peculiarly a party possessed of humanitarian sympathies towards their fellow creatures, and it has therefore always been a matter of amazement to me that they are willing to adopt the attitude of compulsion and say to a man, "You shall join the union, or your wife and children shall starve."

Mr. Taylor: You do not understand humanitarianism.

Mr. DAVY: I will quote to members opposite from their industrial bible, that work by that hon. and learned gentleman, Henry Bournes Higgins, entitled "A New

Province for Law and Order." Under the Commonwealth Act, I might mention, there is provision giving the court power to award preference to unionists.

The Minister for Works: Just the same power as we ask for in the Bill.

Mr. DAVY: Yes, and a very bad power too. Mr. Justice Higgins comments on it in his book. I would commend to hon. members those references appearing on pages 16, 17 and 18. They open with the paragraph commencing, "But then comes the difficult question of 'preference to unionists.'"

The Minister for Works: I hope you will read the lot of it.

Mr. DAVY: I shall not.

The Minister for Works: I thought you would not.

Mr. DAVY: I will lend the book to any hon. member who desires to peruse it. This is what Mr. Justice Higgins said in concluding an argument regarding preference to unionists—

After all, the direct way for unionists to counteract unfair preference of non-unionists is for the unionists to excel—to give to the employer the best service. It is nearly always found that employers prefer a first-class man who is a unionist to a second-class man who is a non-unionist.

Then he goes on to say—

The only case in which the court has ordered preference is the case of a tramway company which deliberately discriminated against unionists and refused to undertake not to discriminate in future. It is to be observed that the court is not given power by the Act to order that the employer shall not discriminate against unionists in giving, or withholding employment.

If the Minister proposed to amend the Act by giving power to the court to order that an employer should not discriminate against a unionist in giving or withholding employment, I would be with him. It would be right to give the court such power. On the other hand, however, the Minister proposes that we should import into the Act this most tyrannical power to be conferred upon the court to insist that a man shall join a union or get out.

The Minister for Works: The quotation that you have read shows that that power has not been used tyrannically. It has been used in one instance only.

Mr. DAVY: I never pay any respect to an argument of that description. I do not care whether the power has been used tyrannically or not; I object to such a provision.

The Minister for Works: Higgins said it is essential for industrial peace.

Mr. DAVY: He did not.

The Minister for Works: He did so. I will read it to you later on.

Mr. DAVY: What he says is that while there is no power for the court to forbid

any discrimination, that power may be necessary. It would be all right to provide that the court may order that discrimination against trade unionists shall not take place. I think it is wrong to permit any such provision of preference to unionists.

Mr. Holman: Applications are received by the court every day for preference to unionists.

Mr. DAVY: And none are granted.

Mr. Holman: They should be.

Mr. DAVY: That is the hon. member's view. I am expressing my own.

Mr. Holman: But it shows this is necessary.

Mr. DAVY: I anticipate having a stormy passage regarding these points.

Mr. Holman: Don't build yourself up for it.

Mr. DAVY: I will say what I want to say, despite what hon. members may do, unless they take to physical violence. The next matter I take exception to, and my views are shared by those sitting on the Opposition side of the Chamber, is to be found in another apparently innocent little amendment. I refer to the one that seeks to bring what are called domestic servants—I prefer to call them home helpers—within the scope of the definition of "a worker." An endeavour was made to bring such ladies within the ambit of the Act last session, when the then member for West Perth (Mrs. Cowan) moved an amendment—

The Minister for Works: She did not move it.

Mr. E. B. Johnston: She gave notice of it.

Mr. DAVY: She proposed an amendment to provide that wives should be workers within the meaning of the Act. I regard her action as a very effective piece of satire in response to the proposal to include domestic servants. Naturally Mrs. Cowan's intention was misinterpreted, and many people considered she seriously intended to proceed with her suggestion. That was not the position at all. There are many serious objections to be raised against the proposal to bring domestic helpers within the ambit of the Act. In the first place they do not require protection under that legislation, because the supply of domestic helpers in Western Australia has been for many years past, and always will be, far below the demand. The result is that they can demand, within reason, their own terms. Members who have required a domestic helper in their homes have probably had to spend weeks in waiting before receiving any application from one. It is a difficult thing to find girls in this State who will take on that kind of work. The next point is this: if the Bill become law in its present shape it will be impossible for any person to do more than 44 hours work in a week. So we are going to have this spectacle: the mother of the family, the one woman in the house, working anything up to 80 hours per week, and

the other woman in the house, probably a younger, more robust woman, working 44 hours per week. That would be a travesty of justice. I know from experience just what hours have to be worked by any woman who has three or four young children in the average Australian house. It would be a monstrous thing that one woman, the responsible head, should have to work 80 hours per week, while another should knock off at the end of 44 hours. Moreover, how are we going to define work in domestic service? On the rare occasions when I am honoured by my wife's company to the pictures, before we go out we have to get a guarantee from our domestic help that she is going to be at home, and will keep an eye on the kids. She is working when doing that, undertaking a domestic duty. The only definition of domestic work one can offer is, "Doing something or staying somewhere because one has to." Both those things would be regarded as domestic work. If we are to have domestic servants brought within the ambit of the Act, no wife will be able to go out at night at all.

The Premier: What about the wife that has no domestic help?

Mr. DAVY: I don't wish to be misunderstood. Of course not everybody in the community is fortunate enough to be able to get domestic help; the great majority are not. But surely the Premier would not grudge it to those women who are able to relieve their burdens by getting a little domestic help!

The Premier: No, no, but even if she has a little help for 44 hours, it is a great advantage over those who have no help at all.

Mr. DAVY: I quite agree. But that is not the point. The next objection I have is that if the Bill become law a union secretary will have the right to go into a private house when he likes, in order to see whether proper records are being kept. Personally I would regard that as intolerable; not that a union secretary should come into my house against my will, but that any person should do so. The next person whom it is proposed to include as a worker is the insurance canvasser. As I understand it, he is one who canvasses for business of an insurance nature, and is paid a commission on the business he secures. He does his work when and how he likes. He is under no control in that respect. Nor is there any limit to what he may earn. He may fluke a commission on a big policy and so perhaps earn £50 or £60 in one hit, whereas on the other hand he may work hard the whole week and earn nothing. But it seems to me that before we can make people subject to the Arbitration Court there must be a true contract of service between employer and employee. So, I say, it would be against the spirit of the Bill to include canvassers. The next provision that appears to me to be wrong—there are two of them—confers on the court the power to

make retrospective awards. In the first place, such awards must inevitably be one-sided. If the award means an increase of wages, of course the employee will recover it from the employer. But suppose the almost unimaginable thing happens, and there be a reduction of wages: where does the employer come in? Of course he does not come in at all. So, the first objection to retrospective awards is their one-sidedness. The next point is this: in a manufacturing business, contracts for the delivery of goods are made sometimes up to a year or more ahead, and they have to be made on the basis of a certain price. The contractors have fixed the price, and have been delivering goods for some time at that price. Then, suddenly, out comes the retrospective award, and not only all the profit the contractors made by fixing the price for a year or more is gone, but the contractors may be involved in a huge loss. That is unjust and will put us in a difficult position when we come to compete with manufacturers abroad. Then the Bill provides that awards shall bind employers whether or not they are engaged in the particular industry. That means that if Smith employs Jones to paint his front fence, he is bound by the painters' award, although Jones does not know anything at all about painting, or about that particular award. The unfortunate Smith who wants his fence painted, but cannot paint it himself, knowing nothing about the award, has to take Jones's word for it. He says to Jones, "What do you want for the job?" and Jones says, "Nine bob a day." And if the amendment repealing the three months' limitation be agreed to, then five years and 11 months afterwards Jones will come along to Smith and say, "Five years and 11 months ago I worked for you for a week painting your fence, and you paid me a bob a day short of the award. I want the balance." With a fine show of indignation the Minister declared that under the existing law Foy & Gibson's might turn on a whole army of painters to paint their premises, and would not be bound by the award, because Foy & Gibson's are not painters. But the Minister knows well that neither Foy & Gibson's nor any other big firm would attempt to paint their buildings in the circumstances he suggests.

The Minister for Works: It is more than probable that they would.

Mr. DAVY: Nothing of the sort. Foy & Gibson's, if they want their premises painted, go to their architect, tell him what is required, and the architect lets a contract for the painting and the contractor is bound by the award. The only people who will be affected by this provision are such as the unfortunate Smith, who has to get Jones to paint his fence. It will harass the small man, compelling him to find out what all the awards are before he dare employ any person at all. The next proposition that strikes me as being wrong is that which says that awards shall bind a man even if

he does not employ anybody. Take Smith, the small baker, who bakes for himself and does all his own work: Why should that man be affected by any award? Why should he be dictated to by the court? How can he participate in an industrial dispute? What right has the court to decide a dispute between Smith, the baker, and Smith the baker, the one man, as to how many hours a day he shall work? For the only way in which Smith the baker can be affected would be on the question of the hours he works. The sole result of this amendment will be to crush out of existence the little baker, while fostering the big baker. Now I come to another point; and here again probably I shall have jibes about the lawyers' union. In the principal Act there is a proviso enabling persons charged with offences against awards, quasi criminal offences, to be represented by counsel. The Minister proposes to repeal that, proposes that when a man is charged with a quasi criminal offence, for which he may be heavily fined, that man shall be deprived of the right to be defended and have his case put with skill before the tribunal. I can only think that was an oversight on the part of the Minister. I hope he will tell us later that the repeal of that proviso was not intended. We now come to the most controversial matter in the Bill, which, however, I do not propose to become very controversial upon. It is provided that it shall be a clause in every award that 44 hours shall be the maximum number of hours worked per week. I do not propose to discuss the merits or demerits of the 44-hour week, or any other working week. I have never been able to understand how a 44-hour week can be any more a matter of principle than a week of 34 or even 64 hours. Surely it must depend upon a number of factors, so many factors as to make it impossible to regard it as a matter of principle. I should like to refer to what Mr. Justice Higgins has to say on the point. The heading of this passage is, "Hours." After a general discussion as to principles adopted, the learned judge gets down to this—

In the case of station hands, boundary riders, bullock drivers, and generally useful men employed by pastoralists, it was found impracticable to set any definite limit to the hours, except for those men employed at or about the homestead.

If it was impracticable for the Court of Arbitration, with its great experience after hearing clear and lengthy evidence and arguments on both sides, to fix any hours, how are we going to fix them? Of course we cannot do it. The questions arise, "What is work? When is a person working and when is a person not working?" I quote the case of a domestic servant left at home to mind the children. Is she on duty? How can we say that duty of one sort may be carried on for 44 hours and duty of another sort may not be carried on for a longer period? It is preposterous to say that no form of work shall extend be-

yond 44 hours. That must be a matter for the Court of Arbitration to decide. The next point is a comparatively minor one. There is provision that all secretaries of trades unions shall have the powers of inspectors under the Factories Act. That appears to me to be a highly improper provision. Section 96 of the principal Act contains a provision which is a proper one, but it is proposed to make an addition to it. Section 96 reads—

(1) Every inspector appointed under the Factories Act, 1904, shall be an industrial inspector under this Act for the whole State, and shall be charged with the duties of seeing that the provisions of any industrial agreement or award or order of the court are duly observed, etc.

An inspector under the Factories Act is a person selected by the administration to do an official job. His qualities have been tested and considered by the people who appointed him. The secretary of a trades union may or may not be a proper person to carry out these duties. He is appointed by his fellow unionists to carry out the duties of secretary of the union. He may be the most hopelessly and inconceivably impossible person to inspect anything; he may be a tactless person who would breed trouble wherever he went; yet he is to be automatically made an inspector within the meaning of the Factories and Shops Act with power of entry to see whether awards are being carried out. That is wrong. The Minister has provided for the abolition of the three months' limitation on workers for recovering the difference between the wages paid them and the award rates. The Minister said he had been unable to think of any reason for the retention of the three months' limitation. I suppose my mind must work in an entirely different way, because I can think of a reason of the utmost importance why this provision should be retained. Suppose I employ a man to do a job for me and ask him what he wants. He replies £2 10s., £3, or £6. I say, "You will do me." I am not experienced in awards and have no industrial knowledge. Five years and eleven months later, this man comes along and says, "You employed me for three years and you paid me £1 per week short. Now I want £150 please, or I take you to court."

Mr. Corboy: Is ignorance of the law a good plea?

Mr. DAVY: No, but ignorance of awards should be a good plea?

Mr. Corboy: An award is a law.

Mr. DAVY: If we throw upon every citizen the burden of knowing every award and agreement, we shall have to turn ourselves into automatic calculating machines, or carry a vast record of awards and refer to it before we employ anybody. If we give a man a special right to be paid a certain rate whether he contracts to receive it or not, it is not fair for him to sleep on

his rights for six years. Three months is ample.

Mr. Hughes: On goods he can sleep for six years; why not on wages?

Mr. DAVY: I agree that the Act should forbid contracting out, but if a man is to have the right to be employed on a contract at a certain rate and subsequently to demand money above that contracted rate, he should make the demand quickly. In these days when every man has a trades union secretary to advise him, it is not unreasonable to insist that he shall not engage in employment on conditions differentiating from the award terms and then be permitted to demand the difference, perhaps many years later. The Minister said that in almost all of the 70 enforcement cases a question of interpretation was involved, and so there might well be an honest mistake made for the time being by a big concern and by the trades union secretary and the men themselves. It might be that the rate paid was £5 10s. a week, and that five years later some bright and ambitious trades union secretary got a brain wave and discovered that the wage was £6, and the men concerned are then to have the right to hit up the company for perhaps thousands of pounds. Wherever we give a special right outside the common law, it should be exercised quickly, and not slept upon for an indefinite time. I do not pretend to have any knowledge of the apprenticeship question or the needs or difficulties of industry as regards apprentices. I have heard enough to satisfy me that there is a difficulty to get skilled artisans trained up in requisite number, and that some effort must be made to overcome the difficulty, but it seems that the provision attempted to be imported by this Bill would find a proper place in a separate measure. This is a Bill for the consolidation and amendment of the law relating to the settlement of industrial disputes by arbitration, and the provision to deal with apprentices should be embodied in a separate measure, where we would have time to consider it quite apart from the matters now before us. It should be made something more than a mere side line to the Arbitration Court. So far as I am able to speak for my party we wish to help to bring in good amendments to the original Act. We realise the need for them. The Minister knows there a good deal of his Bill that is approved of by members on this side of the House; there is a good deal that is strongly opposed, and there is a certain amount in respect of which we think some modification is required. If we are going to be met in a fair way, if our amendments are going to be considered and, where they are obviously right, allowed to go through, and if we receive some assurance to this effect, we do not intend actively to oppose the second reading. On the other hand, if the attitude is one that the Bill is going through in its present form whether we like it or not, our attitude may be different.

Mr. PANTON (Menzies) [8.58]: After listening carefully to the criticism offered by the member for West Perth, I feel agreeably surprised and well contented, more especially as he has spoken for the Opposition. The criticism was fair and not very emphatic. The hon. member stated that the policy of members on his side was one of arbitration for settling industrial disputes. That certainly is the policy of members on the Government side, and consequently I do not propose to traverse the whole of the laws of arbitration operating in Western Australia or Australia as a whole. As industrial organisation grows, so will the methods of organisation have to be altered, and likewise the methods of compulsory arbitration will have to be revised periodically. When the 1902 Conciliation and Arbitration Act was introduced, it was designed to meet the requirements of trades unionism as we knew it in Western Australia at that time. It was then practically a system of craft union. That was carried on till 1910 or 1911, but about that time a large number of workers realised the benefits of trades unionism. I refer to shop assistants, clerical workers, and various other employees, who decided to form industrial organisations, but owing to the wording elaborated by the Minister "a specified industry"—the Minister and I have some knowledge of it—it was impossible to obtain a hearing for any of those unions. The court declared that it had no jurisdiction to hear such cases, because it was impossible to say whether such employees belonged to an industry. Consequently the Labour Government of the day brought down the amending measure that became the Act of 1912. I have a vivid recollection of a very large meeting of shop assistants, who were just on the point of striking in 1912, when you, Mr. Speaker, were the means of preventing trouble. You attended a meeting in your capacity as Attorney General and explained the provisions of the new Bill. To overcome the difficulty as regards shop assistants, the full name of the union was inserted in the Act, and it is in the Act today. As time goes on it will be found necessary to amend the arbitration court system in order to keep pace with the industrial organisation. I am not optimistic enough to believe that this Bill is going to abolish strikes or lockouts. So long as human nature is what it is, that will be impossible. While one man has the right to boss another, and one set of individuals owns the means of production, or the machinery that is used for production, we shall not completely abolish strikes or lockouts. While our present social system obtains it is the duty of the House to endeavour to minimise as far as possible anything in the shape of strikes or lockouts. To ensure anything like success in this direction, we must have consistency. That is only obtainable in our Arbitration Court by the appointment of a permanent president. During the last

12 years there have been no fewer than four presidents, judges of the Supreme Court, on the bench of the Arbitration Court. I give every credit to the presidents for doing what they believed to be right. I have no intention of criticising their work, except to say that, owing to there having been so many different presidents, we have had some remarkably inconsistent awards.

The Minister for Railways: A reversal of form.

Mr. PANTON: This has been a very serious factor. Those who have represented the workers in that court have from time to time been met with a complete reversal of form. In 1912 or 1913 an organisation known as The Wholesale Shop Assistants' Union tried to obtain registration. A section of the present Act gives the president the right to say whether a proposed union shall be registered or not. On that occasion Mr. Justice Rooth decided against the wholesale shop assistants, on the ground that there was already a union to which they could conveniently belong. The Minister for Labour appeared for the metropolitan shop assistants. According to the usual procedure of law courts this ruling should have been taken as a precedent for other presidents. Within a year or two Mr. Justice Northmore, as president of the Arbitration Court, registered the waterside workers, although there was already a union to which they could conveniently belong. Then Mr. Justice Rooth, who had refused to register the wholesale shop assistants, agreed to register what was known as the Coolgardie Miners' Union, and issued a certificate to that effect. Mr. Justice Draper, as president of the court, gave a ruling that in his opinion the Act did not contemplate one judge or president altering the decision of a previous judge, or president, in such a drastic fashion. On the day, however, when he gave that decision he also gave a decision with regard to the Kalgoorlie miners' cases. It was a question of the weekly wage that Mr. Justice Burnside had awarded, and which the employers refused to pay. When we applied to the court on the question of enforcement, Mr. Justice Draper decided that Mr. Justice Burnside had no right to make that award for a weekly wage. In the one case he said that a subsequent president should not reverse the award of a preceding president, and the next minute he himself did that which he said should not have been done.

Mr. Mann: You would not expect him to follow the decision if he thought it was wrong.

Mr. PANTON: I conducted both cases, and thought I had proved that Mr. Justice Rooth was wrong and Mr. Justice Burnside was right, but Mr. Justice Draper did not agree with me in either case. In 1920 Mr. Justice Burnside gave a decision for a minimum wage at Kalgoorlie of 16s. a day. Twelve months later Mr. Justice Draper re-

duced that by 1s., and the year after Mr. Justice Northmore brought it down to 13s. 6d. The statistics that the member for West Perth (Mr. Davy) quoted are practically the same that the court invariably relied upon, and yet during the period of three years there was that big alteration by three different presidents. Mr. Justice Rooth awarded 44 hours after hearing a great deal of evidence, and Mr. Justice Draper, who heard a great deal more, awarded 48 hours. So things have gone on, and there have been these continual inconsistencies on the part of the different presidents of the Arbitration Court. I say with all respect that this has caused more discontent amongst the workers than anything else connected with arbitration. The only remedy lies in the appointment of a permanent president, whose sole duty will be to look after arbitration work.

Mr. Teesdale: For how long?

Mr. PANTON: The Bill says seven years, and I intend to support that. If he proves himself, I presume he will be reappointed. That question is open to debate. I do not care for how long the appointment is made provided the president is confined to Arbitration Court work, and is not allowed to dodge from one place to another. It has been unfair to presidents that they have been put into court and taken out again. This has been going on for the last 12 years. Mr. Justice Burnside has paid a great deal of attention to Arbitration Court work. I remember on one occasion he was in the midst of a case in the Arbitration Court that was full of technicalities, and required the whole of his time and concentration. This case was suddenly stopped, and the judge was taken into the Full Court, where he sat for three days hearing the argument of learned counsel upon a case just as full of technicalities of another description as the one he had just left. He was then sent back to the Arbitration Court. That was unfair to him, and manifestly unfair to those for whom he was endeavouring to arbitrate. We must try to overcome that position. There are three portions of the Bill that I think warrant elaboration. I propose to confine myself to those points, and at the risk of wearying the House to put before members some facts and figures that have been collected from various parts of the world concerning those points. The first, namely, preference to unionists, was dealt with by the member for West Perth. It requires a man who is closely connected with the industrial movement to realise why the workers ask for that. The Bill provides only that the court may grant preference to unionists. I regret it is put in that way, and would have preferred the word "shall" to the word "may." No argument can be used against preference to unionists being awarded by the court.

Trade unionists have been working day in and day out, giving up practically all their time, night after night, endeavouring to better the conditions of the workers in the particular industry concerned. The unions have spent thousands of pounds in Western Australia during the last 12 or 14 years, this money representing their hard-earned wages.

Mr. Teesdale: More has been spent in strikes.

Mr. PANTON: Nothing of the sort. By virtue of the fact that every award that is delivered in the State is made a common rule, and covers the whole of the industry concerned, those who are not members of the particular union obtain all the benefits accruing from the work of those who have spent their time and money in obtaining better conditions and better wages for the workers connected with the industry. I cannot understand the mentality of a man who is not prepared to put in his 6d. or 1s. a week, who will not attend meetings, will give no advice whatever, but merely sits back and criticises, and who, as soon as an award is issued, is almost invariably amongst the first to ask the trade union secretary to further his interests for employment in that particular industry. Unionists are justified in saying to men of that sort, who obtain all the advantages accruing from the work of the unions, that they ought to be prepared to share in the cost. It is all very well for a member to talk about the tyranny of trades unionism. There is no such thing. It is simply a matter of asking a man, who will derive all the benefits that can accrue from the work of the trade union officials, to bear his share of the burden. That is not much to ask. I am sorry the member for West Perth did not deal a little more fully with the basic wage. The basic wage and the 44-hour week are the two essential parts of the Bill. I propose to endeavour to substantiate those particular clauses, and to put facts before members that will show the justification of the Minister for bringing down a Bill containing them. The member for West Perth should welcome a basic wage. One of the great difficulties to-day in industrial organisation is the fact that it is almost impossible at a conference to arrive at a basic wage. If some system were devised by which industrial questions could be more frequently argued at round table conferences between the workers themselves and their employers, there would be more peace in industry. During the last six or seven years, as General President of the Labour movement, and as chairman of two dispute committees, I have attended hundreds of conferences with employers. The main difficulty, the point on which the negotiations have invariably broken down, has been the amount of the basic wage. Naturally, the

employers look after their own interests in that respect. Mr. Andrews, the General Secretary of the Employers' Federation, is at all times looking to see how the amount of the basic wage in the particular industry under discussion will affect some other industry which is to come along a few days later. Consequently the employers continue to fight for as low a basic wage as possible, while the employees, realising the danger to their comrades in accepting a low basic wage, persist in demanding that it shall be fixed as high as possible. In the end negotiations break down, a strike is started, and the case goes into court and nobody knows where the thing will stop. A basic wage fixed for 12 months would greatly relieve the position, and would result in 85 or 90 per cent. of disputes being settled by round table conferences, thanks to the stumbling block, the basic wage, having been settled by the court. In such circumstances employers and employees would be able to fix up the remainder of their differences without approaching the Arbitration Court. Accordingly I welcome the basic wage.

Mr. George: A basic wage for the lowest class?

Mr. PANTON: Yes. The court will declare the minimum wage that a man or a woman shall receive in this State. That will be the lowest wage, and a conference will build on that. At present the court differentiates between the skilled and the unskilled worker to the extent of 3s., 4s., or 5s. per day, as the case may be. But the employers and the employees will know what the difference should be in any particular industry. The member for West Perth quoted Mr. Justice Higgins's work "A New Province for Law and Order." The hon. member was stumbling over what was the judgment given, when I interjected that it was what was known as the Harvester judgment. One of the difficulties we have to face in regard to the basic wage so far as Western Australia is concerned, and indeed so far as Australia, with the exception of Queensland, is concerned, is that irrespective of whatever has been placed before the Arbitration Court on the cost of living, irrespective of how many workers, and how many workers' wives, have been put into the witness box, irrespective of how many statistics we have placed before the court, the court has invariably come back to the figures of the Commonwealth Statistician, and based those figures on the Harvester judgment by way of arriving at its award. The Harvester judgment was delivered by Mr. Justice Higgins in 1907. Now I wish to quote from Mr. Justice Higgin's work, written in 1920, what he says regarding the minimum wage—

In finding the basic wage the court uses a rough estimate which it made in an inquiry in 1907 as to "fair and reasonable

remuneration"; and the court varies the 7s. per day, 42s. per week, as then estimated, in the ratio that the cost of living has increased since 1907. For instance, if it now takes 30s. to purchase as much as could be purchased in 1907 for 17s. 6d., the basic wage is found by this formula:—17s. 6d. is to 30s. as 7s. is to 12s. The latest figures of Australia as a whole, seem to give 12s. 9d. per day, 76s. 6d. per week, nearly £200 per annum; but the trend of the cost of living is still upwards. Effect is given, as far as possible, to the difference in the cost of living in different localities. The estimates of the Commonwealth Statistician as to the variations in the purchasing power of money are made on scientific lines; and although often attacked on both sides by men who keep their minds fixed on the variations of some specific commodities, such as clothing, they have always stood every test. But there is no doubt that the rough estimate made by the Court in 1907 ought to be superseded or revised by a new investigation made after so many years have elapsed as to the absolute present cost of living

That is what Mr. Justice Higgins says regarding his own finding in the Harvester case. We have been hammering away for years declaring that the Harvester judgment is not a fair test. Not only men in the Labour movement, but men having another standpoint, have satisfied themselves that if the Harvester judgment had been based on scientific lines, the workers would have been receiving from 1s. 3d. to 1s. 6d. more per day ever since. The discontent which has existed so long regarding the Harvester judgment is justified, when one comes to realise that tens of thousands of men and women have been made aware that they have been losing from 1s. 3d. to 1s. 6d. per day all those years because of the unsoundness of the Harvester judgment. It is nearly time, therefore, that somebody made a move to reverse the Harvester judgment. We in the Labour movement have tried time after time to reverse that judgment, and have spent thousands of pounds in the attempt, but no court has yet given way; every court has invariably gone back to the Harvester judgment and the Commonwealth Statistician's figures. We say a basic wage declared by the Arbitration Court of this State should overcome that difficulty. The Minister for Works said that he expected to have statistics thrown across the floor on the question of the three children. No statistics have been thrown by the first speaker opposite. Having inserted the provision with regard to three children, we should substantiate it by the facts which have been gleaned from various parts of the world. The Minister said that although statistics might be hurled across the Chamber to prove that on an average there were not three children to every family, yet we were the men who had the big families.

Now I propose to quote from a lecture entitled "Social Obligations of Industry to Labour," delivered by Mr. Seebohm Rowntree, J.P., a large English employer of labour.

Mr. Teesdale: The chocolate man?

Mr. PANTON: Yes. This is what he said:—

Dealing first with the wages of the men, which, since 90 per cent. of them marry, must be based on the needs of married men, I think that the minimum standard, below which they should never be allowed to fall, may be thus stated: A man's wage should enable him to marry, to occupy a decent house, and to bring up a family of normal size in a state of physical efficiency, while allowing a reasonable margin for contingencies and recreation. Before we can estimate the wages which will enable a man to live according to this standard, we must decide what number of dependent children to allow for. I have recently made a detailed investigation in order to ascertain what proportion of married men have children dependent upon them, how many children, and for what number of years. I will return to this subject later, and meanwhile I may say that the inquiry shows quite conclusively that we must allow for at any rate three dependent children in estimating the human needs of men. . . . Before I pass from the subject of wages, there is one important point to which I must refer. Hitherto we have assumed that a man's wage should be sufficient to provide for three dependent children, but inquiries which I have recently made show clearly that if we only fix the minimum wage on such a basis, a very large proportion of the children of men receiving it will for a number of years be inadequately provided for. My investigation shows that 54 per cent. of these children belong to families where for five years or more there are four or more children dependent on the earnings of the father, and 38 per cent. to families where for five years or more there are five or more children dependent on the earnings of the father. These facts speak for themselves, and it is imperative to provide some means for safeguarding the larger families. In so far as the problem can eventually be met by raising the minimum wage, well and good. This, no doubt, is the ideal at which wage boards should aim. But even to fix the minimum generally at a level which will provide for a family with three dependent children means a heavy demand on the resources of industry; and at present there is little prospect of establishing a minimum sufficient for larger families. Unless, therefore, we are to continue to allow a large proportion of the nation's children to pass through some of the most critical years of their lives ill-housed, ill-clad, and under-fed, we must seek some other solution of the prob-

lem which confronts us. The only possible alternative—and I admit that it is fraught with many difficulties—is to fix minimum wages sufficient to secure physical efficiency for, say, three dependent children, and for the State to make a grant to the mother in such cases and for such a time as there are more than three dependent children.

That is not a statement by a well-known Labourite, but a statement by a careful inquirer who is also a very large employer in the Old Country. Mr. Rowntree and other employers have undertaken many experiments with a view to proving their contentions, and have succeeded in proving them. This Bill provides not only for three children, but for a five-roomed house. Probably some members may say that there is no occasion for a five-roomed house. I think, however, members will agree that if there is to be a basic wage for a man and his wife and three children, it is also essential for them to have at least five rooms, because the family will probably be mixed, necessitating at least three bedrooms. Next I wish to quote some opinions regarding the five-roomed house. The Royal Commission on the Basic Wage, which was appointed by William Morris Hughes, and which went right through Australasia taking evidence, finally decided on a five-roomed house. In the evidence given before that Royal Commission I find that Mr. Macnamara, Inspector General of the State Savings Bank in South Australia, and in charge of soldiers' homes there, declares that the predominant house being built is five-roomed and contains three bedrooms. Mr. Frederick Riley, Scaffolding Inspector to the South Australian Government for 12 years, gives evidence that from January, 1910, to June, 1920, 19,123 notices were received of new buildings, five-roomed houses predominating, and that the class of house was becoming better than it had been. In Perth Mr. William Wilford Mitchell, an estate agent for 16 years, stated that reasonable accommodation for a man and his wife and three children would be afforded by a house containing four rooms and a kitchen, with verandahs back and front, these actually providing the equivalent of another room. Mr. F. B. Tory, an estate agent of 10 years' experience, agreed that it would be necessary to have a five-roomed house for a family of five. After hearing evidence all over Australia—I could go on quoting from the Commission's report until to-morrow morning if necessary—evidence from men qualified to speak, that Royal Commission decided a five-roomed house to be essential. Going further afield, we find that Dr. Robinson, Medical Officer of the City of Birmingham, in his work on "Housing and the Public Health," says that undoubtedly the most useful five-roomed house is one having three bedrooms and two day rooms. He goes on to say—

There is no essential difference in the requirements of the rural labourer's

family compared with those of the town dwellers. More often than in the towns the parlour is dispensed with, but there are the same reasons in the country as in the town for the provision of a parlour. The house should have three bedrooms.

The Bournville housing scheme carried out by the Weoli Hill Ltd. provides for five types of houses at Weoli Hill. Type A comprises three bedrooms, a parlour, kitchen and cabinet bath. Type B provides for three bedrooms, parlour, living room, kitchen and cabinet bath. The bungalows provide for three bedrooms, living room, kitchen and bathroom. Type C provides for three bedrooms, parlour, living room, kitchen and bathroom, while type D provides for four bedrooms, a hall, drawing-room, dining-room, kitchen and bathroom. This estate will contain 700 houses and it is fair to assume that this scheme was not started without a knowledge of the requirements of an average family. Under the proposals of the Bournville Works Housing Society, the typical home in one containing three bedrooms, a parlour, living room, scullery and bathroom. The Woodlands Housing scheme, which covers an area of 20 acres, is on all-fours with the Bournville scheme. The reports of the Scottish National Housing and Town Planning Committee, presented in 1919, definitely set out that it was desirable that three bedrooms should be provided in the houses to be erected as part of the Government's housing policy. That committee made these inquiries on behalf of the Government.

Mr. North: There was no provision for verandahs.

Mr. PANTON: If provision were made for verandahs back and front, we could do with one room less.

Mr. North: The family could enjoy sleeping out.

Mr. PANTON: Yes. The committee made this most significant statement—

It is suggested that local authorities will welcome with interest the proposal of the Bristol City Council to provide a number of cottages with four bedrooms, on the ground that a number of working-class families are so large as to need this more ample accommodation.

They decided that the class of home that provided for three bedrooms was not adequate. The Women's Housing Sub-Committee of the Ministry of Reconstruction, Advisory Council, in their final report on rural housing decided in favour of three bedrooms, living room, kitchen and bathroom. The New Zealand workers' dwellings provide two types. The first provides a kitchen and living room combined, three bedrooms and a bathroom. The second provides for three bedrooms, kitchen, living room and bathroom.

Mr. Davy: This would be splendid argument to present to the Arbitration Court.

Mr. PANTON: I am presenting it to the House because I realise that other hon. members may debate the question. The hon. member did not deal with these aspects.

Mr. Davy: I would not attempt to.

Mr. North: At any rate something must be left for other members to deal with.

Mr. PANTON: I am putting up the argument in favour of this basis.

Mr. Davy: Your arguments are good, but they are presented in the wrong place.

Mr. PANTON: I do not agree with that statement, because if the Bill is passed as presented by the Minister, the basic wage will be on the requirements of a man, his wife and three children living in a five-roomed house. If that provision were not in the Bill, I would agree that it would be better to present the arguments in the Arbitration Court. If that provision is definitely in the Bill, it will not be necessary to deal with it before the court. I want, therefore, to convince members of this Chamber, and particularly those in another place, of the justice and equity of this proposal.

Mr. Marshall: Why aim at an impossibility?

Mr. Davy: Have you no confidence in the Arbitration Court?

Mr. PANTON: I have been in the Arbitration Court on many occasions. I have more faith in this Chamber. If the Bill is agreed to as presented, I shall have more confidence in it, because there will be the provisions for the basic wage and the 44-hour week. If hon. members were in a position to give an undertaking that the Bill as presented by the Minister would be agreed to without amendment, I would not need to worry.

Mr. North: You would have nothing to argue about.

Mr. PANTON: I have given hon. members who are opposed to the Bill something to comat regarding the basis for the basic wage. The clause dealing with the 44-hour week is one of the most essential in the Bill. I do not know whether it was simply camouflage, but I notice that the Press which carries considerable weight in this State mentioned in a leading article that the Bill has the usual window dressing regarding the 44-hour week. The inference was that the 44-hour week provision was inserted as a joke. The member for West Perth (Mr. Davy) practically brushed this part of the Bill aside as though there was not much in it. To the workers of Western Australia, however, the 44-hour question is the burning one of the day. The last election was practically fought and won on the 44-hour week.

Mr. Thomson: I do not think so.

Mr. Taylor: That was not quite right.

Mr. PANTON: The election, I repeat, was fought by the Labour Party on the 44-hour question, and we won on that issue.

Mr. Thomson: I do not agree with you.

Mr. PANTON: That is my opinion, and the workers will substantiate what I say. They are watching the progress of the Bill with interest.

Mr. George: Why not a 40-hour week?

Mr. PANTON: We fought for a 44-hour week.

Mr. Teesdale: Apparently that was the only good feature of your platform!

Mr. PANTON: If the hon. member perceived the Labour Party's constitution, he would find it difficult to pick out any one plank as the feature. At the present time, however, the 44-hour week is the burning question in the opinion of the workers. The reason for that is that ever since the war the Australian worker has fought for a 44-hour week. A lot of money was spent in the effort to get it, and, having got it, we lost it. As a result, one of the unions responsible for the supply of water to the goldfields went on strike. That shows what they thought of it. At least four hon. members of this Chamber spent three long days pleading with the men to go back to work and make the issue a political one. We realised that thousands of men and women would be deprived of water unless it was carried by rail under an armed crew, and we did not want that. Our representative on the Arbitration Court stated publicly that if the workers wanted a 44-hour week, they should make a political fight for it. We did so. The result is that the Labour Party were returned to power. Now we are continuing the fight, and that is why this is a burning question with the workers to-day. The chief arguments used against the 44-hour week, judging by what has been said in Parliament and has been published in the Press, are that it will mean decreased production and that it will mean that Australia will not be able to compete with other countries working longer hours. Those arguments are fallacious.

Mr. Thomson: You have Buckley's chance of proving that.

Mr. PANTON: On the question of competition, I will quote the opinion of men who have given this system a fair trial in other parts of the world. The Minister for Works pointed out, when moving the second reading of the Workers' Compensation Act Amendment Bill, that we were lagging behind regarding the compensation of injured workers. I thought I knew something about the industrial conditions of the world, for I have made a study of that subject for years past. I was much surprised, however, when I delved into statistics in preparation for this debate, to find how much we have lagged behind other countries. Prior to 1919, the workers in European countries were working from 50 to 60 hours a week. In Australia we had had a 48-hour week for many years. At an international conference held at Washington in 1919 it was agreed that the countries represented at the conference should endeavour by legislation to achieve a real 8-hour's day. In

Australia we have boasted that we worked an 8-hour day. When the Saturday half-holiday system, which is now universal except on continuous processes and on transport such as railways and trams, was introduced, it meant that the workers had to work for not eight hours a day, but anything from $8\frac{1}{2}$ to $8\frac{3}{4}$ hours per day. To all intents and purposes we have not had a real eight-hour's day in Australia. But the decision of the 1919 Washington Conference was for a real eight-hours' day. It will be agreed that during the last 35 years, or while we have had the 48-hour week in Australia as against 50 or 60 hours in other countries, Australia has progressed, and other countries have not been able to unfairly compete with her because of their longer hours.

Mr. Taylor: But we were getting an advantage because we were producing very little.

Mr. PANTON: We have gone on increasing our manufactures.

Mr. Taylor: Not in this State.

Mr. PANTON: At all events that is not the fault of the 48-hour week.

Mr. Thomson: No, it is the result of our tariff.

Mr. PANTON: That is quite another question. I do not wish to be drawn into a discussion on the tariff. It is remarkable that notwithstanding all the alleged disabilities we suffered owing to shorter hours, during 1920 there were registered in Australia 2,082 new companies, while the existing companies greatly enlarged their activities, the total nominal capital registered being £185,207,917. During the first six months of 1921 there were 737 new companies with a nominal capital of £89,989,292, while the increase in nominal capital of existing companies was £12,480,114, or a total of £102,037,406. Western Australia's share in this total was not altogether negligible. In 1920 we had 131 new companies with a nominal capital of £5,061,300, the increase in nominal capital of existing companies being £251,000, or a total of £5,312,300. During the first six months of 1921 in Western Australia we had 41 new companies of a nominal capital of £858,925, and an increase in the nominal capital of existing companies of £71,000, or a total of £929,925. That does not look as though we were stagnating.

Mr. E. B. Johnston: Some of them were pastoral companies.

Mr. PANTON: They were companies operating in this State. It does not look as if capital were fleeing from the country. At the Geneva Conference of 1922 the representatives of the countries that took part in the Washington Conference of 1919 reported what had been done in respect of the eight hours as follows:—

Ecuador: The amendments made by the Act of 8th October, 1921, to the Act of 11th September, 1916, should be noted. From that date, hours of work were fixed at eight in the day, with six

working days in the week, in commercial and industrial establishments.

Lithuania: The 8-hour day and the 48-hour week were introduced in Lithuania by the Act of 30th November, 1919. A certain number of exemptions are allowed, but in general the Act is in conformity with the Draft Convention.

Panama: The Act of 29th October, 1914, which dealt with the conditions of workers and commercial employees, established the principle of the 8-hour day with, however, certain exceptions. This Act as a whole affects the same establishments as those referred to in Article 1 of the Draft Convention. Increased rates of pay for overtime are provided.

Peru: The Peruvian Government has furnished no information with regard to the measures which it is required to take in accordance with Article 105. Hours of work in Peru are fixed by a Decree of 15th January, 1919, by which the 8-hour day is established in a large number of industries, though the principle of the 48-hour week is nowhere introduced.

Portugal: Although an attempt has been made to open negotiations, the Office has received no communication with regard to the measures taken in Portugal concerning the Draft Convention. There is no Act in existence regulating hours of work. The 8-hour day and the 48-hour week, both for industry and commerce, are established by two Decrees, date 7th May, 1919, and 8th July, 1922, the latter dealing with the application of the former.

Uruguay: The Act of 17th November, 1915, fixed at 8 in the day the legal hours of work of workers, employees, etc., throughout the whole of the Republic.

Argentina: To remedy this deficiency and to bring legislation in the future into conformity with the Washington Draft Conventions, a Bill limiting hours of work to 8 in the day and 48 in the week in industrial and commercial establishments was adopted by the Chamber of Deputies on 3rd June, 1921.

Japan: When, at a certain construction works in the city of Tokyo, the 8-hour day was recently experimented upon the Japanese workers under the supervision of an American engineer, as it is done upon the American workers, the workers began to complain that they could not stand the intensive labour and they had their hours shortened to 6½, and even then they had still to complain of their fatigue. This serves to show how difficult it would be to enforce in various industries the sudden reduction of the working hours, which requires in turn a more intensive labour and a more highly developed power of concentration, but these do not conform

to the constitution and the age-long habit of the Japanese workers, producing the contrary effect of forcing cruelty upon the workers and leaving in fact no possibility of insuring better health and of developing their personality.

Netherlands: The report to the 1921 Conference described the evolution of the movement for the regulation of hours of labour in the Netherlands. The Act passed on 1st November, 1919 was fundamentally an 8-hour day and 45-hour week Act. The daily limitation of hours of work to 8½ hours may constitute a serious divergence, but as the working week is limited to 48 hours and as the provisions of the Act evidently tend to allow a Saturday half-holiday, no real divergence seems to exist.

Poland: The reports to the 1921 and 1922 Conferences give a brief description of the situation in Poland. The legislation of this country is in close conformity with the provisions of the Draft Convention and, in some respects, is of a more restrictive character than the latter (Provisional Legislative Decree of 23rd November, 1918, and Act of 18th December, 1919, amended by the Act of 14th February, 1922).

Serb, Croat and Slovene State: The Order of 12th September, 1919, since amended by that of 18th April, 1921, does doubtless establish an 8-hour day and 48-hour week. The Bill for generalising the principle of the 8-hour day incurred active opposition in Parliament and the Act in question was only passed after it had been considerably modified as regards 6-10, which provide for the general and effective application of the eight-hour day.

Suede: As to the difficulties which up till now to the application of the 8-hour day in the Serb-Croat-Slovene State has encountered, these are principally due to the lack of professional skill prevailing in various classes of workers and to the insufficient technical and economic development of our young industries. As a result of this state of things, our workers are not yet sufficiently prepared to produce as much during 8 hours as they were accustomed to produce during 10 or 12.

So country after country has adopted the eight-hour principle. I agree with what the Minister for Labour said the other night when he declared it to be humiliating for the representatives of Australia at the last conference to find that Australia was apathetic towards this eight-hour principle. We hope that the real eight-hour day will be brought into force by the Bill. Having regard to the arguments of the Press, and of him, members opposite, that the 44-hour week means a reduction of output, it is remarkable to read the statistics relating to increases in

manufacture in Australia during 1921-22, when the 44-hour week was recognised practically right through Australia.

Mr. George: Do you contend that the increases were the result of the 44-hour week?

Mr. PANTON: No; I merely say the theory that the 44-hour week means a reduction of output and increased costs is a fallacy. The Commonwealth Statistician has made available the manufacturing statistics of the Commonwealth for the year 1921-22. Comparisons with the two previous years reveal increases in all the principal items, with the exceptions of materials used and output, in which decreases are shown consequent upon a fall of prices during the year. Following are the details for the three years:—

Particulars.	1919-20.	1920-21.	1921-22.
Number of Factories ...	10,291	17,113	18,018
Persons Employed—			
Males	280,514	292,200	293,786
Females	96,220	75,537	74,387
Total	376,734	367,737	368,173
Value of Land, Buildings, Plant and Machinery	£ 113,017,165	£ 120,486,738	£ 145,422,214
Salaries and Wages paid—			
Males	45,243,372	55,058,925	58,771,815
Females	8,871,040	7,872,703	9,132,440
Total	54,114,412	62,931,628	67,904,255
Average Salaries and Wages—			
Males	161	188	200
Females	92	104	121
Total	126	146	160
Value of Fuel used	3,850,180	7,032,488	8,191,395
Value of Material used	187,722,877	205,806,282	190,147,621
Value of Output	202,586,608	324,586,510	319,827,513
Value of Production (value added in process of Manufacture)	104,813,751	118,750,237	129,679,802

Mr. E. B. Johnston: That increase in the value of coal used was due to the increased cost of coal.

Mr. PANTON: Yes, due to the coal barons charging a big price. It will be noted that notwithstanding the decrease in the value of raw materials and the introduction of the 44-hour week, the value added in process of manufacture increased from £104,000,000 in 1919-20 to £129,000,000 in 1921-22. Mr. Wickens commented thus:—

The growth of the manufacturing industry during 1921-22 has been very substantial, amounting in terms of value to £10,959,055, which represents the increase on the 1920-21 figures in the value added in process of manufacture, the real index or measure of manufacturing production. The most satisfactory feature of the progress attained during 1921-22, however, is

indicated by the fact that, after eliminating the effects of the rise in prices, the production per head of population increased from £12 18s. 5d. in 1913 to £13 10s. 11d. in 1921-22. Consequently the decline in productivity per head of population, which had been in evidence since the war, has not only been arrested, but an improvement in productive efficiency has been effected on pre-war figures. The real productivity per head of population, which in 1919-20 was 69 per cent. of that in 1913, and in 1920-21 was 78 per cent., amounted in 1921-22 to 109 per cent.

Mr. E. B. Johnston: Are all those industries working 44 hours a week?

Mr. PANTON: Yes. The 69 per cent. was the figure for the year prior to the introduction of the 44-hour week and the 109 per cent. was the figure for the year following the introduction of the shorter working week. Those figures are fairly conclusive that the fear of decreased production under a 44-hour week is not well founded.

Mr. Sampson: You can prove anything by figures.

Mr. PANTON: That is what we have been contending in the Arbitration Court for years. We have been urging that the employers can prove anything on the figures of the Harvester judgment. The manufacturing industries showed gradual increase from 1913 to 1919-20, but here again I shall quote the year prior to the introduction of the 44-hour week and the year after it had come into operation—

Year.	No. of Factories.	Average No. of Hands.	Actual Horse-power of Engines used.	Salaries and Wages paid (corrected to Retail Price Index number).	Average per Employee.	Value added.	Total output.
1919-20	10,291	376,734	680,010	£ 55,244,738	93-00	£ 40,324,109	£ 137,864,287
1920-21	17,103	888,809	742,481	88,029,400	98-30	58,953,405	150,319,539
1921-22	18,018	365,025	...	48,847,042	118-50	81,040,822	199,809,230

(a) Corrected by wholesale price-index to represent quantitative change in production.

Those were the increases recorded in the space of two years; those have been the results in Australian industries under the 44-hour week.

Mr. Thomson: Then on your argument a 40-hour week should show an improvement on a 44-hour week.

Mr. PANTON: The hon. member is at liberty to move an amendment to that effect. Dealing now with competition, it will be agreed that Victoria is one of our chief competitors. The following industries in Victoria have the hours mentioned:—

Bootmakers 44 hours, carpenters 44 hours, bricklayers 44 hours, dispensers 46 hours, dressmakers 44 hours, engravers 46½ hours, gardeners 44 hours, hatmakers 44 hours, knitters 45 hours, lime burners 44 hours, opticians 45¼ hours, organ builders 44 hours, painters 44 hours, photographers 44 hours, plasterers 44 hours, plumbers 44 hours, printers 44 and 42 hours, printers (country) 52 hours, process engravers 44 hours, quarrymen 44 hours, sewer builders 44 hours, shirt makers 44 hours, slaters and tilers 44 hours, soft goods warehousemen 44 hours, stone cutters 44 hours, storemen and packers, 44, 46, and 48 hours, tie makers 44 hours, tuckpointers 44 hours, umbrella makers 44 hours, underclothing makers 44 hours, watchmakers 44 hours.

I have a return from Queensland showing the working hours granted in various industries by the Arbitration Court, as follows:—

Railway Employees (State) with other Railway Unions, 44; Sheep and Cattle Employees, Station Hands (State), 48; Shearing Industry Award (State), 43; Wool Scouring Employees (State), exclusive South-Eastern Division, 44; Wool-classers (State), 44; Veneer and Three-ply, South-Eastern Division, 48; Prison employees (State), 48; Cement Workers, Darra, 48; State Fishery Employees, 44; Forestry Employees (State), 44; Hospital Employees, Brisbane, 48; Hospital Employees, Toowoomba, 48; Hospital Employees, Townsville, 48; Rubber Workers, South-Eastern division, 44; Private Railway Construction, Fraser Island, 41¼; Rope and Twine Manufacture Employees, Brisbane, 48; Nurserymen, South-Eastern Division, 48; Boat-building Employees, Brisbane, 44; Boat-makers and Repairers, Rockhampton, 44; Sand, Gravel, and Metal Loading, Brisbane, 44; Phosphate Mining, Holbourne Island, 44; Hairdressers, Mackay and Townsville, 48; Rabbit Board Employees (State), 48; Irrigation Workers, Home Hill, 44; Omnibus Drivers, Townsville, 56; Employees Hume Pipe Co., Home Hill, 44; Wheat Board Employees (State), 44; Arsenic Miners, Jibbenbar, 44; Arsenic Mines, Arsenic Co., Ltd. and O. C. Roberts, 44; Firewood Cutters, South-Eastern Division, 44; Bribe Island Tramway, 44; Brewery and Distillery, L. E. Steindi, Maryborough, 44; Concrete Pipe Makers, South-

Eastern Division, 44; Wool-classers and Wool-sorters other than Shearing Industry, South-Eastern Division, 44; Tramway Construction, Nerang Hardwood Co., 41¼; Aramac Tramway Employees Maintenance Award, 44; Irrigation and Water Supply (State) 41¼; Employees engaged in Cotton Gineries and Cotton Oil Mills, 44; Carters and Drivers, Townsville, 48; Transport Workers, Cairns, 48; Sugar Field Workers, Southern District, 48; Sugar Mill Workers, Southern District, 48; Canecutters, day work, Southern District, 48; Canecutters, piecework, Southern District, 48; Brick and Pottery making, South-Eastern Division, 44; Sawmilling Industry, Central Division, 44; Sawmilling Industry, South-Eastern Division, 44; Sawmilling Industry, Northern Division, 44; Tobacco Workers, Brisbane, 44; Bridge, Wharf and Pier Construction, South-Eastern Division, 41¼; Metropolitan Water and Sewerage Employees, South-Eastern Division, 44; Builders' Labourers, Townsville, 44; Painters, Townsville, 44; Bricklayers, Townsville, 44; Sugar Refiners (State), 44; Gold Mining, Gympie—all employees, 44; Gas-making Industry, Brisbane, 44 and 48; Gas-making Industry, Northern Division, 44 and 48; Railway Construction Workers (State), 41¼. Metalliferous Mining, Mt. Morgan, 44; Metalliferous Mining, Cloncurry, 44; Metalliferous Mining, Charters Towers and Ravenswood, 44; Metalliferous Mining, Cooktown, Rossville, China Camps, 44; Townsville Harbour Board Employees, 44; Cairns Harbour Board Employees, 44; Rock-hampton Harbour Board Employees, 44; Blacksmith Strikers, Boilermakers' Assistants and Foundry Shop Labourers, etc., Townsville, 44; Ironworkers' Assistants, South-Eastern Division, excluding Brisbane, 44; Ironworkers' Assistants, Boilermakers' Assistants, Townsville, 44; Sanitary Employees, Brisbane, 48; Quarry Employees, Townsville, 44; Quarry Employees, Brisbane, 44; Quarry Employees, Gore, 44; Baling and Pastry Cooking, all sections, Townsville, 45; Biscuit and Confectionery Employees, Central District, 46; Shop Assistants, Mt. Morgan and Rockhampton, 48; Shop Assistants, Longreach and Barcaldine, 48; Shop Assistants, Charters Towers, 48; Shop Assistants, Mackay, 47; Shop Assistants, Townsville, Ayr, Bowen, and Prosperpine, 47; Shop Assistants, Hughenden, Winton, Cloncurry, etc., 47; Local Authorities, South-Eastern Division, 44; Local Authorities, South-Eastern Division and 26 other Shires, 44; Local Authorities, Rockhampton, 44; Local Authorities, Brisbane, 44; Local Authorities, Charters Towers and adjacent Shires, 44; Local Authorities, North Rockhampton, 44; Local Authorities, Townsville and adjacent Shires, 44; Local Authorities, Cairns, 44; Local Authorities, Longreach, 44; Local Authorities, Mackay, 44; Local Au-

thorities, Rockhampton Tramway Conductors, 44; Local Authorities, Port Douglas, and 17 other Shires, 48; Local Authorities, Shire of Yeerongpilly, 44; Local Authorities, Beaudesert Shire, 44; Local Authorities, Gympie Shire, 44; Turf Club Gardeners and Labourers, 44; Racecourse and Showground Employees, 44; Electric Light Labourers, Brisbane, 44; Textile and Woollen Workers, South-Eastern Division, 46; Bespoke Clothing Trade, Tailors, Pressers, Sewers, and Trimmers, Central District, 48; Tailors, Dressmakers and Clothing Factory Employees, Charters Towers, 46; Shirt Makers, Rockhampton, 44; Survey Labourers (Government) (State), 48; Survey Labourers (non-Government) (State), 48; Laundry Workers, Townsville, 44; Hotel, Boarding-house, and Cafe Employees, Mackay, 48; Hotel, Club, and Restaurant Employees, Central District, 48; Hotel and Club Employees, Northern District, 48; Restaurant, Cafe, Catering, etc., Employees, Townsville, 48; Hotel, Club, and Cafe Employees, North of Townsville, 48; Hotel Employees, Charlesville, 48; Hotel Employees, Longreach, 48; Butter Makers, South-Eastern Division, 48; Condensed Milk Employees, Toogoolawah, 48; Condensed Milk Employees, Wyreema and Colinton, 48; Cheese Makers, South-Eastern Division, 48; Distillery Employees, Bundaberg, 48; Brewery Employees, Rockhampton, 44; Brewery Employees, Charters Towers and Townsville, 44; Aerated Water Factories, Townsville, Charters Towers and Mackay, 46; Draymen providing their own turnouts, Brisbane, 48.

Practically the whole of the mining is worked on a 44-hour week.

Mr. E. B. Johnston: There are still some industries on the 48 hours.

Mr. PANTON: Yes; I am glad to note that the nurses in Queensland have a 48-hour week, as a result of legislation.

Mr. Taylor: As a result of arbitration.

Mr. PANTON: In New South Wales there was a 44-hour week, brought in in 1920-21 by legislative enactment, but reversed when the Opposition got into power. This is so far as Australia is concerned. We may now turn to Canada.

Mr. Lindsay: We might well have to get out of our own country under the 44-hour system.

Mr. PANTON: Outside Australia there is a very fair proportion of work done on the 44-hour basis. A good deal of interesting information comes from Canada. I will quote it from the Labour Gazette, of August, 1920, issued by the Department of Labour, Canada—

Beebe, Que.—Employers of Granite Cutters of Beebe, Que., and District, and Granite Cutters' International Association. Agreement in effect from July 16, 1919, to April 1, 1922, and yearly thereafter.

Hours of labour: Eight hours per day; four hours on Saturday.

Overtime: Time and one-half; double time from dark until daybreak, and Sundays and holidays.

Apprentices: One apprentice granite cutter to first four journeymen, and one to each additional six.

Montreal, Que.—Dominion Bridge Co., Ltd., and International Association of Bridge and Structural Iron Workers, No. 304, 307, Erection Employees of Montreal and vicinity and road erection employees.

Hours of labour: Eight hours per day; four hours Saturday.

Overtime rate: Time and one-half.

Kingston, Ont.—Mason Contractors of Kingston, and Bricklayers, Masons and Plasterers Union No. 10.

Hours of labour: Eight hours per day. Overtime and holidays, time and a half. Sundays double time.

Niagara Falls, Ont.—Contractors and United Brotherhood of Carpenters and Joiners of America, Nos. 713 and 2624.

2624. Agreement in effect May 1, 1920, to April 30, 1921.

Hours of labour: Eight hours and four hours on Saturday. Overtime, Sundays, and holidays, double time.

One apprentice for every five journeymen, at 30 cents per hour.

Calgary, Alta.—Calgary Contractors and Calgary Carpenters District Council.

Agreement in effect from July 1, 1920, to May 31, 1921.

Hours of labour: Eight hours, and four hours Saturday.

Overtime: Time and one-half from quitting time until midnight; double time from midnight to 8 a.m., after 5 p.m. Saturdays, and Sundays and holidays.

Edmonton, Alta.—Master Plumbers' Association, and United Association of Plumbers and Steamfitters, No. 448.

Agreement in effect from May 1, 1920, to April 30, 1921.

Hours of labour: Eight hours per day and four hours on Saturdays.

Each shop to be allowed one plumbers' apprentice, and one other for each additional five journeymen.

Guelph, Ont.—Mason Contractors of Guelph and Bricklayers', Masons' and Plasterers' Union, No. 3.

Agreement in effect from April 1, 1920, to March 31, 1921.

Hours of labour: Eight hours per day; four hours on Saturday.

Overtime: Sundays and holidays, double time.

Winnipeg, Man.—Certain local contractors, and International Association of Heat and Frost Insulators and Asbestos Workers, No. 15.

Agreement in effect from July 1, 1919, to May 1, 1921.

Hours of labour: Eight hours per day, and four hours on Saturday.

Overtime: Time and one-half from 5 p.m. until midnight and Saturday afternoons; double time, from midnight until 6 a.m., and Sundays and holidays.

Montreal, Que.—Employers, and International Association of Heat and Frost Insulators and Asbestos Workers, No. 23.

Agreement in effect from May 1, 1920, to April 30, 1921.

Hours of labour: Eight hours per day; four hours on Saturday.

Overtime: From 5 p.m. until midnight, and Saturday afternoons, time and one-half; from midnight until 8 a.m., and Sundays and holidays, double time; Labour Day, triple time.

Calgary, Alta.—General Contractors Association and Bricklayers', Masons' and Plasterers' International Union No. 2.

Agreement in effect, July 1, 1920, to May 31, 1921.

Overtime: Double time.

Hours of labour: Eight hours per day; four hours on Saturday.

Toronto, Ont.—Wood, Wire and Metal Lathers' Union, No. 97, and Employers.

Agreement in effect from April 5, 1920, to April 4, 1921.

Hours of labour: Eight hours per day; four hours on Saturdays.

Overtime: Sundays and holidays, double time.

Ottawa, Ont.—Ottawa Branch of the Association of Canadian Building and Construction Industries, and Building Trades Council.

Hours of labour: Not more than eight hours, and four hours on Saturday.

Overtime: Till 10 p.m., time and one-half; thereafter and holidays, double time.

Toronto, Ont.—Sheet Metal Section of Builders' Exchange and Sheet Metal Workers' Union, No. 30.

Agreement in effect, May 1, 1920, to December 31, 1920.

Hours of labour: Eight hours per day; forty-four per week.

Overtime: Time and one-half until midnight, and double time thereafter and Sundays and holidays.

Toronto, Ont.—Dominion Ship Building Company and International Brotherhood of Boilermakers, Iron Shipbuilders and Helpers of America, No. 128.

Agreement in effect May 1, 1920, to May 1, 1921.

Hours of labour: Nine hours each of first four days; eight hours on Friday.

All overtime, double; no work on Labour Day. Dirty work, time and one-quarter.

Montreal, Que.—Canadian Vickers Company, Limited, and Metal Trades Council of Montreal.

Agreement in effect from April 1, 1920, to June 1, 1921.

Overtime: New work and plant repairs, time and one-half; repair work on ships, double time. Sundays and holidays, double time.

Men on repair work to receive five cents per hour over regular rate.

Leading hands, 10 cents per hour over minimum of men under them.

One apprentice for every five mechanics; to serve four years, and to start between 16 and 21.

Firm to give preference to union men.

Minimum rates: Per hour, welders, machinists, plumbers, steamfitters, blacksmiths, pipe fitters, coppersmiths, sheet-metal workers, carpenters, joiners, electricians, 80 cents; yard labourers, 50 cents.

Ottawa, Ont.—Bakers' Union Local 244 and Bakery and Confectionery Proprietors of Ottawa.

Agreement in effect May 3, 1920.

Apprentices: One to five men.

Overtime: Time and one-half.

All legal public holidays to be paid.

St. Catharines, Ont.—Bakers' Union No. 295 and Bakery Proprietors of St. Catharines.

Agreement in effect May 1, 1920.

Fifty-four hours day week; night work fifty hours.

Edmonton, Alta.—Bakery and Confectionery Workers' International Union of America Local No. 276 and Employers.

Agreement in effect July 6, 1920, to April 30, 1921.

Overtime and holidays: Time and one-half. Hours of labour, eight per day.

Apprentices or helpers: Cake shops, one to every three journeymen; bakeshops, one to five journeymen.

London, Ont.—Brewery Proprietors of London and International Union of United Brewery, Flour, Cereal, and Soft Drink Workers of America, Local No. 381.

Agreement in effect May 1, 1920, to April 1, 1921.

Hours of labour: Forty-four hours per week. Overtime, time and one-half.

Halifax, N.S.—Halifax Typographical Union, No. 130, and Employers of Halifax.

Agreement in effect January 1, 1920, to May 1, 1921.

Wages: Per week, operators, machinists and handmen, day \$30.00, night \$35.00.

Hours of labour: Eight per day until May 1, 1921, thereafter forty-four per week.

Overtime: Time and one-half; Sundays and holidays, double time.

One apprentice to three journeymen.

Toronto, Ont.—Toronto Web Pressmen's Union No. 1, L.P.P. and A.U., and Publishers of the six Toronto Daily Newspapers.

Agreement in effect from June 1, 1917, to May 31, 1922.

Hours of labour: Day, eight; night, seven.

Overtime and holidays: Time and one-half; Sundays, double time.

One apprentice to every four journeymen.

Hamilton, Ont.—Employing Printers' Association and Hamilton Printing Pressmen and Assistants' Union, No. 176.

Agreement in effect from January 1, 1920, to June 30, 1921.

Hours of labour: Day work forty-eight per week; night work, five nine hour nights from May 1, 1921; forty-four hour week.

Night staffs \$5.00 in advance of day scale.

Overtime: Until 10 p.m., time and one-half; thereafter and Sundays and holidays, double time.

One apprentice for first four pressmen or fraction thereof, and one for each additional four.

Regina, Sask.—Employing Printers and Regina Printing Pressmen and Assistants' Union, No. 75, I.P.P., and A.U.

Agreement in effect from April 1, 1920, to March 31, 1921.

Hours of labour: Day, eight hours; night, seven hours.

Overtime: Time and one-half.

One apprentice to four journeymen.

Overtime: Time and one-half for first three hours; after three hours, double time; night work, \$3.00 in advance of day scale.

Medicine Hat, Alta.—Employing Printers of Medicine Hat and Redcliff and Typographical Union, No. 451.

Wage scale in effect from November 31, 1919, to October 31, 1920.

Night work, seven hours per night.

Montreal, Que.—Montreal Light, Heat and Power Consolidated and Employees, Local Union, No. 16571.

Agreement in effect June 1, 1920, to June 1, 1921.

Mains and services: Hours of labour, forty-four hours per week.

Overtime, time and one-half; Sundays and holidays, double time.

Fitting Department—Hours of labour: Overtime, holidays, and grievances, as above.

Hochelaga Gas Works: Overtime, time and one-half; Sundays and holidays, double time.

Montreal, Que.—Montreal Light, Heat and Power Consolidated and Blacksmiths of the International Brotherhood of Blacksmiths, Forgers and Helpers.

Agreement in effect from June 1, 1920, to June 1, 1921.

Hours of labour: Forty-four hours per week.

Overtime: Time and one-half; Sundays and holidays, double time.

Ottawa, Ont.—Gas Workers' Union, No. 16517, and Ottawa Gas Company.

Agreement in effect May 15, 1920, to May 15, 1921.

Hours of labour: Eight per day, four hours on Saturday.

Overtime: Time and one-half; after fourteen hours and Sundays and holidays, double time.

Machinists: 70 cents; blacksmiths, 64 cents.

Regina, Sask.—City of Regina and International Brotherhood of Electrical Workers, Local No. 572, Light and Power Employees.

Agreement in effect April 1, 1920, to March 31, 1921.

Time and one-half for overtime until 10 p.m., thereafter double time.

One apprentice lineman to four journeymen.

One could go on for a considerable time giving instances of the actual hours worked in different parts of Canada. But here is a summary covering many of the cases in point—

Extracts from the "Labour Gazette" published by the Department of Labour, Canada, August 1920:—

	hours.
Niagara Fall, Ont.: Carpenters...	44
Merriton, Ont.: Carpenters ..	44
Edmonton, Alta.: Plumbers ..	44
Guelph, Ont.: Bricklayers, etc. ..	44
Winnipeg, Man.: Asbestos workers	44
Montreal, Que.: Asbestos workers	44
Calgary, Alta.: Bricklayers, etc.	44
Toronto, Ont.: Lathers ..	44
Ottawa, Ont.: 7 building unions ..	44
Toronto, Ont.: Sheet metal workers	44
Toronto, Ont.: Shipbuilding ..	44
London, Ont.: Breweries ..	44
Halifax, N.S.: Typo. ..	44
Toronto, Ont.: Typo. ..	44
Montreal, Que.: Gas distribution	44
Montreal, Que.: Blacksmiths ..	44
Ottawa, Ont.: Gas stokers, etc. ..	44

Then we come to America. There are several States in America where the hours worked are less than 48.

UNITED STATES DEPARTMENT OF LABOUR.

Bureau of Labour Statistics—Monthly Labour Review, May, 1921.

Hours of Labour in Building Trades of Massachusetts.

Occupation.	Hours of Labour per week.	
	July 1, 1914.	July 1, 1920.
Bricklayers	45.1	44.0
Carpenters (foremen)	44.4	42.2
Carpenters (house)	44.6	43.2
Decorators	44.5	42.9
Gas Fitters	45.2	44.0
Hod Carriers and Labourers	44.3	45.0
Lathers (wood, wire, and metal)	44.0	42.7
Painters	44.8	43.1
Paper-hangers	45.1	44.0
Plasterers	44.9	43.3
Plumbers	44.7	44.0
Sheet-metal Workers	45.8	44.0
Steam Fitters	44.6	44.0
Stone masons	45.2	44.0
Wiremen (inside)	44.7	44.0
	44.8	43.6

Mr. Brown: There are 42 States.

Mr. PANTON: I am not going to quote them all.

Mr. Thomson: What are the hours for the steel workers?

Mr. PANTON: Nearly all the machines in America are working 44 hours. Throughout Europe the workers have to a large extent obtained the 48-hour week, and in some places have the 44-hour week. The question of Germany coming into the market again should prove of great interest to members. The statements of public men who have travelled in Europe are rather remarkable, and are based either on the knowledge they have acquired, or on some other ulterior motive. Mr. Marks, who went through here recently after travelling throughout the world and Germany in particular, was much afraid of what was going to happen when Germany began to export her commodities, because of the low wages paid and the long hours worked by Germany. In most countries statistics dealing with this matter are endorsed with the words "Before and after the war." That is a figure of speech we have used in Australia. In Germany, however, the words are "before and after the revolution," that took place in 1919. I was agreeably surprised to find that in Germany the hours were better than I expected. Before the war Germany was one of the great competitors in the world. If she is coming to the market again, she will become a competitor in all manufactured articles. The Germans do not work long hours, though they did so before the war, and prior to the revolution. Since that time the workers have enforced what they consider to be their rights. The number of workers employed in that coun-

try in the metal industry is 631,822; 329,453 are working 48 hours, 202,206 are working 46½ hours, and 100,223 are working 46 hours. In the wood industry, which includes furniture-making, cabinet-making, coopering, carpentering, and ship-building, of 97,328 workers 19,627 work 48 hours, 2,907 work 47½ hours, 9,563 work 47 hours, 4,079 work 46½ hours, 51,957 work 46 hours, and 9,195 work less than 46 hours. As regards the building trade, the figures run out almost the same. In the mining industry the hours are almost invariably 7 or 7½ per day. Only one mine, the Mannsfield, works 49 hours per week. In the metal industry, which operates chiefly in the Rhenish-Westphalian Basin, a 48-hours week is worked. An agreement made on the 1st July, 1922, covering about 300,000 workers, provides that the number of hours actually worked in any week shall be 48, the distribution to be arranged between the management of the undertaking and the workers. Soon after the revolution the South German workers secured a weekly period of not more than 48 hours. The matter could be followed right through the various States of Germany, showing that the workers have a week of from 48 to 44 hours. I consider, therefore, that we need not have any great fear as regards competition from abroad if we adopt the 44-hours principle. I shall not deal further with foreign States and the hours they work. I think I have supplied sufficient information to keep hon. members busy to find where long hours are being worked. Now I wish to submit a few quotations from men who should know something of the subject. I shall not quote from Labour leaders, or Labour "agitators," but from "captains of industry," or big employers. I will take an extract from Lord Leverhulme's "Six-Hour Day"—

We find all over the world, in the semi-civilised countries as well as in the most highly civilised, that wealth is the greatest, wages are the highest, and hours of labour are the shortest where capital invested in machine power is the greatest per head of the people. This outstanding fact has yet to be learned by both employer-capitalist and employee-worker. The employer-capitalist must get rid of his infatuation for the error that low wages and long hours of toil for the employee-worker mean cheaper production and consequently higher profits.

Mr. Thomson: You are unfortunate in selecting a man who advocates a black Australia.

Mr. PANTON: But he works white employees.

Mr. Thomson: He said we could not develop Australia without black labour.

Mr. PANTON: We can disagree with him on that subject. Most employers, I think, are now convinced that low wages and long hours are not conducive to cheap production. One of the chief reasons why Australia does not compete as well as we

might wish against America, is the want of effective modern machinery. In this connection Lord Leverhulme declares—

But we have learned much during the last three years on the subject of fatigue, overwork, and excessively long working hours. We have proved conclusively that prolonged hours of toil, with resulting excessive fatigue, produce after a certain point, actually smaller results in quantity, quality, and value than can be produced in fewer hours when there is an entire absence of overstrain or fatigue.

Lord Leverhulme quotes Dr. Vernon on the health of munition workers—

The report of Dr. Vernon on the health of munition workers gives facts which will remove any doubts existing in the mind of anyone as to the six-hour working day. In that report he states that from experiments spread over thirteen and a half months upon the output of workers making fuses, a reduction of working hours was associated with an increase in production, both relative and absolute.

Mr. Davy: That production was a matter of production without relation to cost.

Mr. PANTON: It was production in relation to long and short hours. Commission after Commission conclusively proved, by exacting tests, that it was possible with less hours of work to obtain from the same machinery, performing the same operations, a larger output. That was always the result, and it is a matter which must not be overlooked. The old argument that production will suffer through reduction of hours must strike hon. members as obsolete. It is easy for the member for Kataning (Mr. Thomson) to laugh, but I defy him to produce any satisfactory evidence to the contrary from any man worth listening to. I took the opportunity of following the member for West Perth (Mr. Davy) because I wished to place before hon. members opposite something that would give them an opportunity of going into statistics with a view to disproving my contentions. I have hunted up all the information I could get; and Mr. Barker, the General Secretary of the Labour Movement, has, I suppose, delved more deeply for this information than any man in Western Australia, or even in Australia. He has given both sides of the question, and the evidence in support of short hours is overwhelming. Hon. members can refer back to the time when men were working 70 hours per week, and when the same argument was used, that reduction of hours would result in reduction of output.

Mr. Davy: This eloquent address of yours should be made to the Arbitration Court.

Mr. PANTON: I am surprised at that statement. Surely the hon. member must realise that we are putting up a fight here to have the 44-hour week included in the Arbitration Act.

Mr. Davy: I know that, and I say it is wrong.

Mr. PANTON: That may be the hon. member's opinion.

Mr. Davy: I do not say the 44-hour week is wrong, but the inclusion of it in this measure is wrong.

Mr. PANTON: That is where we disagree. If the 44-hour week were not included in the Arbitration Act, I would agree that the Arbitration Court would be the proper place for putting up this argument. But our business is to convince the Legislature of this State of the necessity for fixing the 44-hour week by law. If the Arbitration Court finds a law directing that hours of work shall not exceed 44 per week, what will be the use of setting to work to convince that court on the point?

Mr. Davy: We say you should convince the Arbitration Court, not us.

Mr. E. B. Johnston: What does Mr. Theodore say about it?

Mr. PANTON: Mr. Theodore is leading a Government, and I have mentioned the 44-hour week granted by the Queensland Arbitration Court. I attended an Interstate conference in Queensland with Mr. Theodore, and in the Press reports of that conference many things were ascribed to Mr. Theodore which I did not hear him say. I was sitting alongside him.

Mr. Withers: Yet such statements could appear in the Press next day!

Mr. Davy: None so deaf as those who will not hear.

Mr. PANTON: That was not the position at all. I am quite prepared to abide by what Mr. Theodore said, just as I am prepared to accept what the Premier states here. The fact that the Queensland Arbitration Court granted the 44-hour week is sufficient answer to the member for Williams-Narrogin (Mr. E. B. Johnston). I will leave that hon. member to produce what he claims the Premier of Queensland said. It is useless for members of this Chamber to generalise. We have had a fair trial of the 44-hour week elsewhere and we have proved, with the aid of Commonwealth statistics, the increase of manufactories, the increase in the number of employees, and the added prosperity that has followed. I could go on for hours quoting material I have collected but I will save that information to reply to the member for West Perth (Mr. Davy) should he put up an argument regarding the 44-hour question. I was rather sorry that he did not put up a fight on that point. There is altogether too much generalisation on these matters regarding the effect the proposals will have upon the industries of Western Australia. I hope when dealing with the Bill members will cease generalising and answer arguments with facts that they may collect. I hope they will

not content themselves by saying merely that the 44-hour week will prove harmful and is not justified.

Mr. Thomson: The Bill is like the curate's egg, good in parts.

Mr. PANTON: The Minister for Works has had a long experience in the Arbitration Court and many of us have been associated with him. We know the trials we have been confronted with regarding the work of the court. I can honestly say that arbitration has not had a fair trial in Western Australia.

Mr. Thomson: Why?

Mr. PANTON: Because of the absence of facilities to enable unions to get before the court. The member for West Perth was not far wrong when he said some 160 cases were pending. Some of them, particularly those referring to enforcement, have been waiting for hearing for upwards of two years. When an award is obtained, the secretary of a union or some official is given permission to police it. Without that assistance, an army of public officials would be required to do the work. There have been very few complaints by employers as to the methods adopted by these union officials who have the right to look through the firms' books. Each official has specialised in his own particular industry. When they encounter deliberate breaches of the award they have no alternative but to take proceedings. By the time the case is to be heard anything from 12 months to two years may elapse. Witnesses drift away and the unions have to withdraw their plaints. In such circumstances there is no incentive to go ahead with the work. There is no incentive to approach the court to secure an award. The unions know that they cannot enforce those awards because of the lack of facilities to enable them to approach the arbitration court and get decisions. That is why arbitration has not had a fair trial.

Mr. Thomson: You misunderstood me. You referred to the Arbitration Court; I referred to arbitration.

Mr. PANTON: I was referring to the Arbitration Court as we find it to-day. The most successful years we have had were 1919, 1920, and 1921. During those years arbitration was practised by means of round table conferences. The Minister for Works at that time was general secretary of the Labour movement in this State. I had the honour to be the general president. Each week we were at the office of the Employers' Federation, at least four or five times, dealing with various disputes. These negotiations were carried on and there was no necessity to go to the court. That system can be renewed to-day.

Mr. Taylor: Does that apply to the Eastern States as well?

Mr. PANTON: They have compulsory wages boards there. What I referred to

were voluntary conferences between the employers and the employees.

Mr. Taylor: Does that apply to the Federal Arbitration Act?

Mr. PANTON: There are some delays in the Federal Arbitration Court too, but there are not so many Federal unions as there are State organisations. A Federal award, when issued, applies throughout Australia, and has a currency of three years or so, not of 12 months as often obtains in connection with State awards. I appeal to members to give the Bill full consideration. The clause dealing with the 44-hour week is no mere flag-flapping or window dressing. I know more about this question than does the member for West Perth. If the 44-hour week clause be defeated, there will be a large number of disappointed and discontented men and women in Western Australia.

On motion by Mr. Thomson, debate adjourned.

House adjourned at 10.18 p.m.

Legislative Council.

Tuesday, 16th September, 1924.

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The House met at 4.30 p.m.

DEPUTY PRESIDENT, APPOINTMENT.

The Clerk announced that, in the absence of the President on leave, it would be necessary to appoint a deputy president.

The COLONIAL SECRETARY: I move:

That the Hon. J. W. Kirwan take the Chair as Deputy President during the absence of the President.

Question put and passed.