Legislative Council

Wednesday, 3rd September, 1952.

CONTENTS.

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

QUESTIONS.

SUPERPHOSPHATE.

As to Estimated Quantity to be Railed.

Hon. A. L. LOTON asked the Minister for Railways:

(1) What is the anticipated tonnage of superphosphate that the railways will be able to haul for the period from the 1st October, 1952, to the 30th June, 1953?

(2) What is the anticipated tonnage to be hauled for each month of that period?

(3) What amount was collected as the result of the impost of 2s. 6d. surcharge on superphosphate?

The MINISTER replied:

(1) 125,000 tons.

(2) October, 1952, 5,000 tons; November, 1952, 10,000 tons; December, 1952, 10,000 tons; January, 1953, 12,000 tons; February, 1953, 14,000 tons; March, 1953, 16,000 tons; April, 1953, 18,000 tons; May, 1953, 20,000 tons; June, 1953, 20,000 tons.

(3) £12,577 from the 1st January, 1952, to the 30th June, 1952.

HOUSING.

As to Stored Components of Pre-cut Homes.

Hon. G. BENNETTS asked the Minister for Railways:

Is he aware—

(1) That the 17 pre-cut houses which have been in the railway goods sheds at Southern Cross for the past seven months, are being damaged by white ants?

(2) That a gang of at least 10 men have for the past three weeks been working, sorting out the affected parts of these houses?

(3) That the same trouble is being experienced with pre-cut houses which are stored in the wool sheds at Fremantle?

The MINISTER replied:

(1) White ants were detected in a portion of only one of the houses.

(2) The gang was engaged for about a week examining the components and spraying to prevent further damage.

(3) No. No railway houses are stored in wool sheds at Fremantle.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. H. S. W. PARKER (Suburban) [4.37]: The debate on this Bill has been very interesting, and all sorts of statements have been made, many of which, I am afraid, were somewhat inaccurate. The general trend of the argument has not really been against the Bill but against the Government's alleged inactivity in connection with the recent strike. Certain statements were made concerning the parent Act. The original Act came into force in 1900 and was amended on many occasions. The measure we are now considering came into existence in 1912. In 1924, certain amendments were brought forward by the late Mr. Alex McCallum, a Minister in a Labour Administration. They did not meet with favour in this Chamber and, as a result, the Bill went to managers and there was a very long conference before the consideration of the measure was completed.

The present Act, I think, owes its existence very largely to the late Mr. E. H. Harris who was extremely well versed in industrial arbitration and to whom the thanks of the community are due for the excellent work the court has been able to perform under the legislation. We have now before us a Bill to further amend that Act, and this has come about because flaws have been discovered which allowed the spirit of the Act to be flouted materially. Until comparatively recently, there was no such thing as a political strike but, unfortunately, the political strike has become all too common, and the law does not permit the Arbitration Court to deal with a dispute of that nature. By a "political strike" I refer to a strike the origin of which is political, and not industrial, and, as examples, I might refer to the strike of the waterside workers and the recent metal trades strike. The last mentioned was not an industrial strike because it arose from a decision given in the Eastern States—a ruling that did not affect workers in Western Australia.

The present definition of the term "strike" in the Act is as follows:—

> "Strike" includes any cessation of work or refusal to work by any number of workers acting in combination or under a common understanding with a view to compel their employer or to aid any other workers in compelling their employer to agree to or

accept any terms or conditions of employment or with a view to enforce compliance with any demands made by any workers on any employer.

The recent strike did not come under that definition. The employees had no complaint against the employers, their only grievance being that in the Eastern States a conciliation commissioner did not grant certain margins. The strike was very cleverly engineered. As members know, whatever legislation is passed, there are always some people who are able to get over certain of its provisions; in other words, it is commonly said that one can drive a four-in-hand through such sections.

There were four unions in this State that were able to do that on this occasion. They were the A.E.U., the moulders, the boilermakers and the A.S.E. They formed what is called a federation; a body that could be compared to a football council consisting of representatives of various clubs. It had no legal status, but no doubt was of great use to the unions concerned. That was the council which decided that certain sections of the employees should not work. Two members of the unions said they would strike and the others said they would not There was no vote taken of any union to see whether the members favoured the strike, and so none of those unions committed any offence.

Members will appreciate that it was therefore necessary to alter the definition of "strike", and that has been done by adding the following:—

(e) substituting for the interpretation, "strike" the following interpretation—

"strike" includes—

(i) a cessation or limitation of work or a refusal to work by a worker acting in combination or under a common understanding with another worker or person.

(ii) a refusal or neglect to offer for or accept employment in the industry in which he is usually employed by a person acting in combination or under a common understanding with another worker or person.

That would catch the person outside who was egging the worker on to strike. There is an addendum, which reads—

unless and until in any particular case the court declares the particular cessation, limitation, refusal or neglect not to be a strike.

There is nothing in a strike until and unless action is taken against the union or individual for striking, and that action can be taken only in the court. The first thing the court wants to know, of course, is whether there is a strike. It has been suggested that if a man and his wife employed on a station decided to leave—they would obviously decide in collaboration with each other—that would constitute a strike. Even assuming that that were so, would anyone be game to go to the court and ask it to declare solemnly that that man and his wife were on strike? An employer would never dream of doing that.

Hon. L. A. Logan: There is a heavy fine provided.

Hon. H. S. W. PARKER: Mr. Fraser quoted a legal opinion, which is rather interesting, because it is dated the 7th August and the Bill was not introduced in another place until 6.30 a.m. on the 6th August. That opinion commences—

The writer has now had an opportunity of perusing the Bill to amend the Industrial Arbitration Act, 1912-1950. We understand that you require the writer's comments on the Bill as a matter of urgency, and you will appreciate that we have had little time to consider it, and you should, therefore, accept the following comments as being matters of first impression.

Paragraph (3) of the opinion reads—

The definition of "strike" has been very materially altered and basically the reason for it is to overcome Morrison's case. You will recall that in Morrison's case the Full Court held that a cessation of work by workers acting in combination did not amount to a strike unless the cessation was for some industrial reason. You will notice in the definition as contained in the Bill the reason for the stoppage is quite immaterial, and furthermore, whereas under the definition in the Act stoppage must take place by workers acting in combination—

This is the portion that was quoted—

—under the new definition it would be sufficient if a worker was acting in combination with a person who was not a worker. Should a worker be offered a job in an industry in which he is usually employed, and should he, having discussed the matter with his wife, agree not to take it, then that action would constitute a strike as that word is defined in the second subparagraph.

But the learned gentleman who gave that hasty opinion—

Hon. G. Fraser: Which he has never corrected.

Hon. H. S. W. PARKER: —which he has never been asked to correct—or he would have done so, as he would have been only too glad to collect another fee—does not go on to say, "The Arbitration Court

will decide whether it is a strike or not." I am not going to disagree with that legal opinion. Why should I?

The Minister for Agriculture: For the reason that you have not obtained your fee.

Hon. H. S. W. PARKER: That is one reason. In all probability he is correct. If one asked that same lawyer if it were an assault for a woman to box her husband's ears, he would say "yes."

Hon. C. W. D. Barker: Mr. Burt, who drafted that opinion, is the best authority in Western Australia on the subject.

Hon. H. S. W. PARKER: The hon. member can say what he likes about him.

Hon. C. W. D. Barker: He made most of the assertions in regard to this legislation.

Hon. H. S. W. PARKER: I am not going to detract from what Mr. Burt or anybody else has said.

Hon. G. Fraser: That is unusual.

Hon. H. S. W. PARKER: It is unusual.

Hon. G. Fraser: Very unusual.

Hon. C. W. D. Barker: He is the accepted authority on the subject.

Hon. H. S. W. PARKER: Is he?

Hon. C. W. D. Barker: Yes, did not the hon. member know?

Hon. H. S. W. PARKER: I suppose his assertions were placed in the Bill. Members will see, therefore, why it is essential to alter the definition of "strike" and will also realise the good reason why it is necessary to say that the Aribitration Court should decide whether it is a strike, irrespective of the opoinion of Mr. Burt or anyone else. That deals with that aspect. One can see how cleverly the Metal Trades Federation was able to work in such a way that everybody would be immune under the Act as it now stands.

It has been suggested that the Act has stood the test of time. Most measures stand the test of time until a flaw is found in them. I venture to say that during the course of this session we will have several Bills to rectify Acts because flaws have been found in them. That is why we are here. We are here to protect the innocent. It is essential that the arbitration laws be tightened and also that all dealings between employer and employee be dealt with by the Arbitration Court. Nothing in the world can stop strikes, in the same way as nothing in the world can stop murders. What we can do, however, is to penalise strikers and employers who cause lock-outs. We can do something in an endeavour to prevent strikes and point out the folly of attempting to break the arbitration laws.

Surely the recent strike is an excellent example of how many people suffer through the action of a few. That strike was absolutely stupid and ridiculous. No one gained but the communists. I do not think people generally realise what the Disputes Committee of the A.L.P. is. When unions became powerful the leaders of the labour movement realised that one union, by throwing its weight about, could put a lot of its fellow workers out of employment. So, wisely and properly, the trade union movement said, "We will form a disputes committee." Broadly speaking, the work of that committee is to prevent a union going out on strike until it gets the approval of the Disputes Committee. That was because such action would affect many others in the trade union movement and the Disputes Committee was set up to protect other unions.

What happened in this case? As soon as there was a possibility of the strike ending, people came from the Eastern States, one of whom admitted he was a communist and the other would not say whether he was or not. Before they returned they decided to insist on the margins issue. The State Disputes Committee did its utmost to bring reason to bear but failed badly. It could do nothing. I do not think it has been suggested at any time by the trade union leaders that margins should be fixed by any body other than the Arbitration Court. That is a sine qua non upon which we all agree; not the political party or the Premier but the Arbitration Court.

Again I ask: What happened? The men have returned to work and those who misled them have returned to the Eastern States. All is going well and the workers have gained nothing, because they must still approach the Arbitration Court with their demands. But the good, loyal, honest worker is still out of employment as a result of their actions. Is it not our duty as members of Parliament to protect those people against the strong militant group which is making use of them for ulterior purposes? Quite obviously, the alteration of the definition of the word "strike" will not affect the honest union or unionist. it is impossible to attempt to stop a strike by law, but if a strike occurs then the court can say, "You must have a ballot", and one will be held to decide whether the men shall go back to work.

What is wrong with that? Who suffers from a strike? Firstly, those on the lower wage scale; secondly, the people and, finally, the economy of the State. Yesterday's paper outlined how the economy of the State has been affected. Who wants consequences such as those to happen? Obviously, that is the one and only object of the communists. Some few years ago the communists were instructed as follows: "Join the trade unions; get into a trade union and gain control; but do not let anyone know you are a communist because if they find you out, they will expel you." That was some time ago. They did not lose anything by it. They

did not care anything about the workers, but the unfortunate dupes lost. The leaders lost nothing.

The first desire of the communists is to upset transport. I am not one of those who say that everyone who goes on strike is a communist. Far from it! However, the communists make use of such strikes for their own ends. We know that communists are no fools. They are not going to lose anything. They make others do their jobs. It is well known that the objective of the communists is to upset our transport system and thus unbalance our economy. When the transport system fails, it prevents the despatch of super to the country areas. The effect of that is to reduce the quantity of food supplies available to the people. As soon as food supplies are reduced, the State is not far from a revolution.

A day or two ago I was perusing the issue of the London "Punch" dated the 23rd July, 1952. I found that it contained an extract from the "Daily Express" published in that city, and I will read the extract to indicate to members that the recent strike in this State was not a singular upheaval, but was part and parcel of the scheme adopted by the communists. This is the extract—

> Some of the delegates said that the decision to keep going slow would mean that more trains would be dropped from the mid-week schedules... One of the men warned as the meeting broke up: "We are a little section of the railway that could stop it working tomorrow—just by refusing to service the engines. The public will feel the effect of this within a couple of days. No engines have been serviced this week-end".

That might have been written about the recent strike in Western Australia. Does that not indicate that the dispute was communist authorised and led? I cannot understand the opposition to the Bill, the object of which is merely to prevent the unfortunate workers being led astray and losing their hard-earned pay.

Hon. C. W. D. Barker: I am just afraid of what use may be made of this measure.

Hon. H. S. W. PARKER: The hon. member had a lot to say about the Bill. I do not know in which way he voted, but I know that some of his political colleagues went on the hustings and strongly objected to the Commonwealth Government having power to deal with communists. If the Commonwealth had that power, the recent strike would not have occurred.

Hon. E. M. Davies: That was not the point. The issue on that occasion was that the Commonwealth Government wanted to have the power written into the Constitution.

Hon. H. S. W. PARKER: Of course it did.

Hon. E. M. Davies: We do not know who might be in power some years hence.

Hon. H. S. W. PARKER: We can expect that those who will be in power will be people of good sense.

Hon. N. E. Baxter: It might be Dr. Evatt.

Hon. H. S. W. PARKER: Of course he might be in power.

Hon. C. W. D. Barker: You do not know how I voted on that occasion.

Hon. H. S. W. PARKER: Of course I do not.

Hon. C. W. D. Barker: My feelings on the question were really sincere.

Hon. H. S. W. PARKER: The hon. member refers to the statements he made?

Hon. C. W. D. Barker: Yes.

Hon. H. S. W. PARKER: I will deal with them later. Let members cast their minds back and ask themselves who called the recent strike. For what purpose was it called? Who tried to settle it? Did the Disputes Committee? Did any of the members of Parliament other than the Government?

Hon. G. Bennetts: I do not think that it did very much.

Hon. H. S. W. PARKER: Why did not the strikers follow the advice given them? What was the final settlement? It was simply a cases of "go back exactly where you were when the strike started"—and the men have lost six months' pay!

Hon. L. A. Logan: The trouble was that some of the strikers secured work elsewhere.

Hon. H. S. W. PARKER: I am certain that the people of this State were quite satisfied with the terms of the final settlement. The only complaint voiced in the House in that respect was that the settlement was not achieved earlier. That is very curious. The men's leaders could not settle it, nor could their party leaders. The unions themselves could not settle it, so how on earth could the Government be expected to settle it? It is also interesting to note that it was only on the eve of Parliament meeting and with the knowledge that a Bill to amend the Industrial Arbitration Act was to be introduced that the move for settlement was made.

Let members consider the efforts made to prevent the legislation being introduced in another place—all night sittings and so on. The purpose of the Bill was neither more nor less than to help the rank and file of the unions. Why the objections to the Bill? We have been told by Labour speakers that all reasonable unions already have provision in their rules for the holding of secret ballots. I have reason

to believe that is correct. Therefore what does it matter if provision is made along those lines in the Bill? The truth is that from time to time unions are badly led. They have unreasonable leaders who will endeavour to avoid the taking of ballots. The Bill will prevent that tendency. Then the question was raised as to who would pay for the ballots. Who pays for them now? Why cannot those who pay now continue to do so? The Bill goes further and provides that the Attorney General can authorise payment for a ballot that may be held. If the court should authorise the holding of a ballot and suggest that the Government should pay the cost of it, no Attorney General would dare go against the suggestion of the court.

As for the Bill causing trouble between employer and employee, why should it have that effect? On the contrary, it will protect the interests of the rank and file of the unionists. There is nothing to cavil at in that respect at all. It will simply provide the men with the same free and fair rights of decision as they exercise when they elect members of Parliament at the secret poll.

Hon. C. W. D. Barker: I am not against the holding of secret ballots.

Hon. H. S. W. PARKER: Some of the hon. member's colleagues are opposed to that provision in the Bill.

Hon. C. W. D. Barker: I am not.

Hon. H. S. W. PARKER: I am certainly glad the hon. member is in favour of it. The holding of secret ballots prevents the creation of bosses in unions. We have been told that we should have here, to a great extent, the system adopted in America. Mr. Barker suggested that America and Scandinavia were the countries we should follow because the relationships established between employer and employee there were so favourable. I gathered from his remarks that he favoured the American system.

I will tell the House what the American idea is. Mr. Samuel Gompers, who has been described as the father of industrial unionism in America, said that the unions sat on the sideline and saw that whatever party was in power did the right thing by the workers. In America the industrialists will not tolerate the creation of a political Labour Party, and I therefore agree with Mr. Barker when he also says that there should be no such organisation as the Australian Labour Party.

Hon. C. W. D. Barker: I did not say that!

Hon. H. S. W. PARKER: In effect, the hon. member said so because he would like us to adopt the American system. He advocated the adoption of the American system very strongly. I would remind him that in the United States collective bargaining is in operation. If the hon. member knows anything about conditions in America, he will realise that under collective bargaining the union gets what it can for workers in a particular undertaking such as, for instance, the Ford motor works. The bargaining applies only to the one factory, and there is no such overall award as we have in this State.

Hon. C. W. D. Barker: That is right.

Hon. H. S. W. PARKER: In America they can do as they like. They have backyard mechanics and backyard factories. There is no award covering those people. The individual employer can pay what he likes to the men he can employ. No award stipulates the rate of pay and each employer makes his own arrangements.

Hon. E. M. Heenan: Do you favour the American system?

Hon. H. S. W. PARKER: Of course I do not. I favour the arbitration system, which exists only in Australia, and it has stood the test of time.

Hon. L. A. Logan: The A.C.T.U. does not believe in it.

Hon. H. S. W. PARKER: I think it does, but not when the decision goes against it! I feel that Mr. Barker does not desire that we should have backyard factories here at which employers could have men working under sweated conditions and wages, where they would not be covered by an award of the Arbitration Court.

Hon. C. W. D. Barker: They cannot get away with it so easily in America.

Hon. H. S. W. PARKER: They get away with it so easily in America that recently when a gentleman I know was in that country, he made inquiries about the conditions that operated and said he could not understand why employers there did not have some provision covering all workers in the same type of industry, which would be applicable to all employers affected. He was told that if one firm found that another firm was paying bigger wages than the former was paying, those concerned with the management of the former firm simply wondered how the other concern could pay higher wages and make profits. They would come to the conclusion that there must be something wrong with their management and they would investigate the position from that standpoint.

The management would not immediately increase the wages paid to their employees, because they could get so many men that there was no such necessity. The man in charge of a backyard factory, if he can obtain workers, pays them any wage he likes. The only way that could be overcome would be by adopting a system such as we have in Australia. Now, however, we are tightening up the arbitration

law for the purpose of helping the rank and file of the unions against the actions of some of their leaders, and we are told that it will cause friction! I can understand some union leaders being opposed to the legislation because they desire power and they will lose it if the Bill becomes law. On the other hand, the unionists themselves will acquire the power, and that is as it should be.

Hon. E. M. Heenan: Have you in mind the union leaders to whom Mr. Schnaars referred?

Hon. H. S. W. PARKER: What did he say?

Hon. E. M. Heenan: I quoted his remarks.

Hon. H. S. W. PARKER: I am afraid I have forgotten what the hon. member said.

The Minister for Agriculture: He would be qualified to know, for he was at one time a union secretary.

Hon. H. S. W. PARKER: There are a number of union secretaries who are excellent fellows; there are others who are of the same type as the communists. There are some who seek mainly to benefit themselves and do not care what happens to the members they are supposed to help.

Hon. E. M. Heenan: That applies to all sections.

Hon. H. S. W. PARKER: That is so. Even among the committee members of a football team we find good and bad. The Bill, in my opinion, gives greater freedom to unionists to express themselves through the ballot box. To use Mr. Barker's expression, I sincerely believe that is so. I believe the Bill will operate in the interests of fair play to all members of the union and to the public generally, and also that its objective is to spoil the power of some of the communist leaders, and of others who are undisclosed communists.

Some of these people, on occasions, make fools of the union leaders and of men who are good, honest, loyal workers and union members. Broadly speaking, I have nothing against members of unions. They are a fine lot. I come across them in various walks of life. I cannot understand why there should be any objection to the Bill. I am sure that when it becomes law the great majority of unionists will welcome it. I, like many other members, have been told by a number of unionists that Mr. McLarty did the right thing; and I sincerely believe he did. I hope he will always be firm on the principle that the proper body to decide all industrial matters is the Arbitration Court. I support the Bill.

HON. J. McI. THOMSON (South) [5.17]: I support the second reading of the Bill because it will empower the Arbitration Court to deal more effectively and expeditiously with industrial disputes such as we have experienced in recent months. I commend the Government for bringing down the Bill, but I would rather have seen it introduce the measure before it did—even if it had meant calling Parliament together earlier—so that the strike could have been settled before it was, thus preventing to some extent, a wilful waste of time and public money.

We cannot continue to permit disruption such as we have witnessed in our State. The court is the only authority capable of dealing with these matters. It inflicted what penalties it could in connection with the recent strike, but beyond that it was not effective in getting the men back to work. Nothing much happened until Parliament was called together and the Bill introduced. As it was proceeded with, it became obvious to those who instigated the strike, that something had to be done by way of a return to work.

I am convinced, from my association in various parts of my province that the majority of the rank and file members of trade unions fully endorse the action of the Government in bringing down a measure of this nature. I have heard the objections of the various members opposing the Bill, to the definitions of the terms "strike" and "lock-out." I have sufficient confidence in the Arbitration Court to know that it will administer the amendments contained in the Bill in the same impartial manner as it has administered the other laws coming within its jurisdiction. Therefore I think the objections raised are non-convincing, because I believe the workers as a whole, have every reason to be satisfied with the present set-up of our industrial arbitration system.

Hon. G. Fraser: We are.

Hon. J. McI. THOMSON: They are satisfied to a point, apparently. For the Arbitration Court to function more effectively it must be given powers beyond those it already possesses, and I am sure the passing of this legislation will confer such powers on it. Those of us in Parliament—and those who are out of Parliament, too—who are concerned with the future welfare of the Commonwealth, view with great concern the coming here—which we recently witnessed—of industrial leaders, as they call themselves, bearing allegiance to a communist power.

Hon. R. J. Boylen: That is a figment of your imagination.

Hon. J. McI. THOMSON: It is not, and I think in this regard I am voicing the opinion of many others. They pay allegiance to a communistic policy which is not according to our way of thinking. If we sit back and allow them to come here and disrupt our industrial life by inciting

discontent amongst the workers, we will only have ourselves to blame for whatever the result may be.

Hon. E. M. Heenan: You ought to read the list of names of those who are going away with the peace delegation.

Hon. J. McI. THOMSON: We have to deal effectively with these people, and because I can see such a way in the Bill, I am supporting it. Among the many clauses in the measure there is one which contains provision for a secret ballot. This is a very effective weapon.

Hon. R. J. Boylen: There is provision for a secret ballot now.

Hon. J. McI. THOMSON: That is so, but I am glad to see it in the Bill.

Hon. R. J. Boylen: What necessity is there for it to be included?

Hon. J. McI. THOMSON: It is there for a specific reason. By a secret ballot, the members of unions will have an effective weapon to use against subversive influences without fear of retribution from their fellow-employees. The Bill will help to safeguard our way of life which we have enjoyed for many years. It is endangered now, so that it is only right that the Government should carry out its duty by submitting a measure of this nature. I support the second reading and trust the Bill will pass without amendment.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland—in reply) [5.25]: I thank members for the interest they have taken in the Bill, and the contributions—many of them very interesting and well informed—they have made to the debate. Some of them have been outstanding! If I may, without being invidious, refer to one in particular—that of Mr. Hearn—I might say that I think the subject matter he presented was interesting and informative to every member. Mr. Logan, Mr. Cunningham and Mr. Henning all furnished points that were apropos of the Bill, and I think they gave an accurate indication of the opinion of the majority of the House.

The members of the Opposition, as was their right, also voiced their opinions, and they have given us some points to which, probably in Committee, I shall reply. Many of them, of course, have already been covered by the remarks of those who have spoken. Most of the criticism levelled has been on two grounds, firstly the effects of the Bill on the workers, and, secondly, a criticism of the Government which, apparently in the opinion of the critics, should have handled the strike better and brought it to a much earlier conclusion.

In commenting on that latter aspect, I would like to reply to a remark by Mr. Thomson. He suggested that the Government might have brought the strike to an earlier conclusion by calling Parliament together sooner than it did, and having the legislation passed before this. Throughout the strike the Government was active in doing all it possibly could to bring it to an end. Almost every week there was some development from which it appeared that the strike would be settled.

We knew that if and when we brought down this Bill, as we intended to do, time would be taken up in the process of calling Parliament together, in preparing the Bill, in presenting it to Parliament, in going through the gauntlet of debate in both Houses—sometimes acrimonious debate—during the course of which we could not be sure how it would emerge, having the Bill, when it became an Act, proclaimed; and then in the steps the court would have to take once it was passed and proclaimed.

Even under the Bill when it is passed, as I hope it will be, it will not be exactly easy for the court to say that a strike in progress has to be stopped. The President of the court has to call the leaders into consultation, and he has to demand certain things. He may require ballots to be conducted. All these things take time. The court processes are of necessity slow, but the Government, at one level or another, has all along been active in trying to bring the strike to a conclusion.

In one sense it is not necessary to spend much time in replying to the debate as the speeches have given us a fair idea of the support, or otherwise, the Bill will receive. It is necessary, however, that I should give some of the background to a few remarks that have been made. I have already mentioned that we repeatedly had the impression that the strike was coming to an end. On two occasions we had leaders over here from the Eastern States and hardly a week passed without some of the leaders of the A.L.P., or the strike leaders or members of the other organisations concerned, going to the Eastern States and conferring. Then there was the aspect of the strike itself.

When the dispute commenced over the question of double the margins—I do not think for one moment that the strikers themselves ever expected to receive it—a certain number of men in the running sheds at East Perth were pulled out. Those men knew that, so far as the engines were concerned, we were in a better position at that time to stand a stoppage of work in that particular section than we had ever been because more engines were in service and the condition of the engines was better than it had ever been previously. They knew, and we knew, that we could go at least for a couple of months without being unduly worried about a build-up of engines requiring attention.

During that time the leaders of the strike called mass meetings and that was the men's opportunity to tell the officials that they had made a gesture and that the Government had refused to agree to the demands. The leaders could then have recommended that the men go back to work and allow the ordinary process of negotiation to take its course. That was the course that everybody expected the strike to take. Well-informed men in Labour circles expected that that is what Gibson and his associates would do.

At that time there was a meeting of the A.C.T.U. Congress in Adelaide and at that congress, after consultation with the A.E.U., instructions were sent to Gibson and his associates to submit their dispute to the official body, the Disputes Committee of the A.L.P. At that stage Gibson said that he received directions from the Eastern States but later on the Eastern States authorities repudiated that suggestion and said that the settlement of the strike was entirely in the hands of the strike leaders in this State.

Hon. L. A. Logan: Passing the buck.

The MINISTER FOR TRANSPORT: That is what it appeared to be from time to time. At one stage, when the rank and file were getting fed up with being out of work and with apparently no sign of any move on the part of the leaders, one man named Crowley organised a meeting of protest at Midland Junction. That was when Cranwell and Monk were over here and the strike committee got busy and went around to the 300 men who had promised to attend the meeting. Members of the committee said that the men should wait for the mass meeting on Saturday. They stated that the "big fellows" had seen McLarty and that on Saturday the strike would be off. On the night the meeting was to be held only a handful of 20 men arrived, the meeting became a fiasco and Crowley felt he had been left out on a limb. I cite that as an example of the tactics that this little group of strike leaders—these militants—adopted, and the way in which they directed the course of the strike.

On one occasion they had promised to meet the Railways Commission in regard to a certain point. The Commission rang up Mr. Symons and was informed that Gibson was not there but he would be in by one o'clock. They rang up at one o'clock and were told that Gibson had been in but had gone out to lunch. They rang again at two o'clock and were told that he had been back again but had gone out for the afternoon. That was the type of evasion that was continually being practised while we attempted to bring about a meeting and resolve the points at issue between the industrial officers of the Commission on the one hand and the strike leaders on the other hand. That is the type of person who it is claimed the Premier should have met.

They used to hold mass meetings at which only certain members of the rank and file were admitted. Those that attended the meetings were carefully screened and the meetings were held behind closed doors. At the end of the meetings statements used to be issued to the effect that the strike leaders had received certain instructions from the gatherings. But there was no one to check on those statements except odd rank and file members who supported the proposition. The meetings ran something like this: The chairman would get up and read out a motion to which he said he would accept no amendment. That motion would contain all sorts of provisos in which unionists sincerely believed but because they were not allowed to amend the items they did not want, they had no option but to accept it. If they attempted to speak, they were howled down and there was constant intimidation exercised on the men who wished to speak. They were stopped from exercising their right of free speech and an opportunity to give expression to their views.

Hon. L. A. Logan: Those are the type of people that some members of this House are trying to look after.

The MINISTER FOR TRANSPORT: That is the sort of thing we are trying to correct. Curiously enough, while the men at East Perth were out, there was actually a build-up of the work being done by their fellow members in the workshops at Midland Junction. Prior to that time we had been doing 13 major engine overhauls a month but when the work at East Perth stopped, the number of major overhauls performed at Midland Junction increased from 13 to 15. We are rather proud of one thing and that is that the apprentices, despite all sorts of pressure upon them, steadfastly resisted those overtures and kept at their jobs right throughout the strike.

The strike committee was busy issuing a barrage of scurrilous leaflets and I have a number of them with me. One leaflet shows a cartoon depicting a clenched fist on which is inscribed "Trade union unity" with Mr. McLarty prone on the ground holding up a Bill labelled "Industrial Legislation." That is supposed to point to trade union unity and solidarity but curiously enough, on the back page, there is a strong paragraph about the A.W.U., which is accused of body-snatching because it attempted to form a union in the Fremantle area.

A good deal of criticism was levelled at the Government because it did not make a settlement on the eight points which were submitted. It was alleged that all of those points were finally ac-

cepted. That is not so, because several of the points that were among the eight were not accepted. Point 1 was—

(a) Immediate marginal increases of at least 15s. a week to workshop fitters, making a margin of at least 70s.; other margins of other classifications to be adjusted accordingly.

(b) The running-shed allowance of 6s. 8d. to fitters and boilermakers and apprentices and their assistants, to embrace all running shed employees, to be increased to 13s. 4d. a week; the margins of all tradesmen in running sheds to be on the same basis as the running shed fitters.

(c) Immediate consideration be given to the implementation of "service payments" to all government and private employees on the basis of that newly agreed upon with the S.E.C., namely 1s. a week for each year of service.

The Government's answer to that was that it was entirely a matter for the court to decide and the Government stood firm on its original declaration that the men would have to return to work and make representations to the court; on that basis, and that basis only, would a settlement be effected.

On most of the other points there was substantial agreement. But on the first occasion when the question of penalties was raised, the Government did not say that it would either agree or refuse to consider the question. It said that the matter was entirely one for the court to decide and it was for the court to say whether penalties would be imposed or not. The other question on which agreement was not reached until the issue was finally settled, was the question of the re-employment of the dismissed men

As some members may think this was a trivial issue, I will give them some background of what actually happened. On the 19th March, the strike leaders had what they called a "black-ball" meeting in one of the bays of the shops and they brought forward what was really a "phony" issue. About 300 men turned up at the meeting and the strike leaders told them that Tomlinsons were paying a margin while no margin was paid at the workshops. They decided to impose a black ban on some of the work that the workshops were doing for Tomlinsons. As a matter of fact, Tomlinsons had contracted to supply a number of wagons to the workshops on the condition that wheels, axles and springs would be supplied from our own workshops as the firm did not have the necessary machinery, but all the other work was performed by Tomlinsons.

A story was circulated to the effect that Tomlinsons were paying a margin of £1 per week. They do not pay a margin of £1 per week but they do pay merit money to all men whether they are skilled or unskilled, and it is based on length of service, regular attendance, punctuality, care of tools and so on. A committee has been set up to assess the entitlement of each man and at the end of each quarter the allotments are made. If a man gets the full entitlement one quarter, it does not necessarily follow that he will get the same entitlement the following quarter. One man, a leading hand, received the top merit money one quarter but at the end of the following quarter he was near the botttom of the list because he got drunk and stayed away from work.

Also, Tomlinsons do not have a superannuation scheme and there is no provision for long service leave. The system of merit money was instituted to offset the superannuation and long service leave offered by the W.A.G.R. But the men at the meeting were told of this so-called margin of £1 per week and there was a half-hearted response to the call for a black ban. About 50 men out of 300 put up their hands and as a result the work was declared black on the 19th March. On the 31st March, the Railways Commission contacted the governing officials of the unions and asked them whether the meeting was a regularly constituted one, did it have power to pass such a resolution, and did it have the approval of the governing bodies?

Every union except one immediately wrote back and said the meeting was thoroughly unconstitutional. A meeting of that kind had power only to do certain things, such as to decide canteen affairs and such like matters, but it had no power to decide union policy. One exception was the A.E.U., although Mr. Symons, in conversation with our industrial officer, Mr. Faulkner, expressed the view that it was entirely unconstitutional. Efforts were made, time and again, to get in touch with the union office, but on each occasion the answer was that one or other of the members was out and the officers were entirely evasive.

On one occasion when the reply was given that certain members were out, one of the officers went down and found them in the office. These are the types of men whom the Premier is blamed for not meeting with a view to trying to settle the strike issue. On the 22nd March, copies of minutes were sent out to each of the unions concerned. On the 25th March, the C.M.E. advised the joint committee at Midland Junction that the ban would not be recognised and that the men were expected to carry on.

On the 27th March, a letter was delivered by hand to the A.E.U. head office, asking for a reply to the previous statement; but none was received. On the 31st March, a telephone call was made to the A.E.U. office with a view to obtaining a

reply to that question, but this was still evaded. So, on the 4th April, under instructions from the Railways Commission, the C.M.E. advised the representatives of all the unions that the ban was unconstitutional and that if the men refused to work, as directed, they would be dismissed. Seven men were suspended on Friday, the 4th April, and a further five on Monday, the 7th April.

These men were subsequently dismissed, but they were told that if they liked to apply for re-employment after the strikers had returned to work, their applications would be considered, each case on its merits. Finally, there seemed to be one point at issue—and this appeared to be a disputed point—preventing the men from returning to work, and the Commission reluctantly agreed because it felt this was not a margins issue and that it had nothing to do with the original call for double margins. The Commission felt that, in view of the seriousness of the matter, it would not allow this one point to stand in the way of a settlement, but stipulated that all the other points, without reservation, should be agreed upon, leaving this point alone to be decided.

That was in line with the decision of the Government to refer the negotiating authorities to the Commission to actually have this point resolved. During the debate in another place, there was some suggestion that there should be a stoppage on the waterfront as a protest against this Bill. I mention that here mainly to indicate that the rank and file, not only throughout the State but on the waterfront itself, were not in sympathy with any move against the Bill. On Thursday, the 14th August, the Waterside Workers' Federation held a short pick-up meeting at 8 o'clock, and two members of Parliament attended.

Hon. G. Fraser: The time is wrong and the number of members of Parliament is wrong.

The MINISTER FOR TRANSPORT: I am now referring to Thursday, the 14th August; these are the details given to me.

Hon. G. Fraser: I am just showing you that your details are not correct.

The MINISTER FOR TRANSPORT: Mr. Lawrence addressed the meeting and, in addition to him so did Messrs. Troy and Hird. On Monday, the 18th August, a combined meeting of several unions, including the Coastal Docks Union and Tally Clerks' Union, was held. Three members of Parliament attended this meeting, at which Messrs. J. T. Tonkin and P. R. Lawrence spoke. The other speakers were Messrs. Harris, Troy and Hird. It was a lengthy meeting finishing at 8.20 a.m. The stevedoring industry was not consulted, and the meeting was held without Mr. Thomas's consent. Mr. Thomas did not interfere or insist on the men starting work at the scheduled time.

The topic discussed was the Industrial Arbitration Act Amendment Bill and, while it is not known exactly what the various speakers said, it is common knowledge that a stoppage of work for 24 hours was proposed as a protest against the Bill. At this meeting it was decided that each of the unions should make its own decision. On Tuesday, the 19th August, Mr. Troy held a meeting of his union. The Harbour Trust got wind of this and advised the rank and file to stir themselves and go to the meeting, which they did. When the stop-work proposal was submitted, the meeting turned it down. Mr. Troy contended that the voting was equal, but the men who attended insisted on a second show of hands, which resulted in a three to one adverse majority.

Hon. E. M. Davies: Yet you talk about secret ballots!

The MINISTER FOR TRANSPORT: On Wednesday, the 20th August, the combined unions, on considering the matter, decided that, in view of the decision reached by the outside meeting, they would formally recommend that the matter be referred to the Trade Union Council. This in reality was only window-dressing, as the council had already considered the matter and rejected the proposal. This is the first time that Mr. Troy has suffered defeat, and the whole question may be regarded as being significant.

In my own district of Bassendean and Midland Junction, where I know many of these men, I have heard their opinions and the opinions which, they advised me, were being expressed by others, that they were all in sympathy with any Bill which could check this trend of trouble, which they realised originated not here but in the Eastern States. They asked me repeatedly if the Bill contained a provision for a secret ballot. I was not willing to tell them what it contained, but they said they sincerely hoped that a provision for secret ballots was included, because if this had been the case during the past strike, the rank and file would have decided to return to work much earlier.

Hon. G. Fraser: The rank and file can have it any time they like.

The MINISTER FOR TRANSPORT: I am satisfied that the folk who dominated this movement selected their own time to start the strike and their own time to finish it. I doubt very much if anything we could have done would have brought it to an end earlier.

Hon. G. Fraser: It was done with the acquiescence of the men.

The MINISTER FOR TRANSPORT: Frankly, I do not believe it. I have heard many men say it is not so, and I am convinced that those people know what they are talking about.

Hon. G. Fraser: You have just quoted the case of a general meeting; the men can have it any time they like.

The MINISTER FOR TRANSPORT: I am instancing that to indicate that when they realise what the issues at stake are, the rank and file are not prepared to submit tamely to the dictation of some of the militant leaders.

Hon. G. Fraser: They never have to do that if they do not want it.

The Minister for Agriculture: I have attended some of these meetings, and I know the weapons that are used.

Hon. R. J. Boylen: How many meetings have you attended?

The Minister for Agriculture: Quite a few.

Hon. R. J. Boylen: Not many.

The MINISTER FOR TRANSPORT: Members know that one of the biggest difficulties which confronts an organisation, whether it be a union or anything else, is the apathy which exists among its members.

Hon. R. J. Boylen: What about the apathy of the Government?

The MINISTER FOR TRANSPORT: It can look after itself very well. I am talking about the practice of "leaving it to Jack"; that is the attitude of 90 per cent. of any organisation, whether it be a union or anything else.

Hon. R. J. Boylen: That is what you would like us to believe, but it is not correct.

The MINISTER FOR TRANSPORT: I think I have said sufficient to indicate that there was enough in the background to amply justify the Government in bringing forward this measure. I hope the reception accorded it during the second reading debate will continue through the Committee stage, and that the Bill will emerge from this House as it now stands.

Question put and a division taken with the following result:

Ayes	18
Noes	9
Majority for	9

Ayes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. L. Craig	Hon. A. L. Loton
Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. H. S. W. Parker
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. H. Hearn	Hon. J. McI. Thomson
Hon. C. H. Henning	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. R. Welsh
Hon. Sir Chas. Latham	Hon. J. A. Dimmitt
	(Teller.)

Noes.

Hon. C. W. D. Barker	Hon. E. M. Heenan
Hon. R. J. Boylen	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. G. Bennetts
Hon. W. R. Hall	*(Teller.)*

Question thus passed.

Bill read a second time.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Minister for Transport in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Section 6 amended:

Hon. G. FRASER: I move an amendment—

> That a paragraph be inserted after paragraph (c) as follows:—
>
> (d) deleting from the interpretation "Lock-out" all the words after the word "workers" in line 4 of the interpretation to the end of the interpretation;

I shall not endeavour to pull the wool over members' eyes by saying that the amendment, if adopted, would not be a serious matter for employers. We have been trying to convince members that the definition of "strike" is serious for the workers and, if it is fair to the workers to alter the definition of "strike," it is fair to the employers to alter the definition of "lock-out." For many years the two definitions in the parent Act have been similar and we fail to see why there should be any difference in future.

Evidently Mr. Parker has not a high opinion of the legal profession, judging by his remark in characterising the legal opinion I quoted last evening as only a first impression. I should think that if a legal man, after making a closer examination, found that the opinion he had given was wrong, he would immediately correct it.

Hon. H. S. W. Parker: On a point of order, I am being misquoted. I said that apparently the solicitors had not been asked, but if they had been asked, they would have been only too pleased to give another opinion because then they would have been paid a second fee.

The CHAIRMAN: I take it that Mr. Fraser had no intention of misquoting the hon. member.

Hon. G. FRASER: No, I am speaking of the effect of his statement.

Hon. H. S. W. Parker: Not in an intelligent manner.

Hon. G. FRASER: I do not profess to have any great intelligence.

The Minister for Agriculture: The point could be determined by obtaining the "Hansard" report.

Hon. G. FRASER: I claim to possess only ordinary understanding. I am prepared to stand by what I have said. That is the impression the hon. member conveyed, and I think a reference to the "Hansard" report would bear me out. I

wish to quote an interpretation from the same source regarding the definitions of "lock-out" and "strike" as follows:—

> It has always been considered that a lock-out and a strike describe similar conducts from different points of view. This would not be so if the Bill became law. The old definition of "lock-out" has been retained. An employer may prevent a worker from working for reasons which are not industrial and he can do so in combination with other employers and his conduct would not amount to a lock-out. Identical conduct on a worker's part would amount to a strike.

I am asking members to be fair. On the second reading, I said that this was class legislation. It appears that members intend to approve of the amended definition of "strike." We accept that verdict, and this being so, members should be fair by accepting my amendment. I admit that this would make things very awkward for employers, but we have endeavoured to show that the definition of "strike" would make things difficult for the workers. Let us treat all alike! We have been told that there has been no lock-out or only one lock-out in many years. That is easily explained. A lock-out could not be proved because employers are not such fools as to be caught.

Hon. H. Hearn: I suppose you are just giving your impression.

Hon. G. FRASER: Only a fool would leave himself open to prosecution under the existing definition of "lock-out."

Hon. H. S. W. Parker: What benefit would an employer derive from a lock-out?

Hon. G. FRASER: That would depend on the circumstances. There have been any number of lock-outs; almost every day they occur on the Fremantle wharf. Men are available, but work is stopped though there is still work to be done. Such cases should be brought under a proper definition of "lock-out." At present it is difficult to prove the existence of a strike. We are now making it possible to prove that, so let us make it possible to prove the existence of a lock-out.

Hon. J. M. A. Cunningham: Read the definition of "lock-out" in the Act.

Hon. G. FRASER: It says:

> "Lock-out" includes any closing of a place of employment or any suspension of work or any refusal by an employer to continue to employ any number of his workers with a with a view to compel his workers or to aid another employer in compelling his workers to accept any terms or conditions of employment, or with a view to enforce compliance with the demands made by any employer on any workers.

Amended as I suggest, the definition would read:

> "Lock-out" includes any closing of a place of employment or any suspension of work or any refusal by an employer to continue to employ any number of his workers.

The Minister for Agriculture: That would be a beautiful definition to have in the Act!

Hon. G. FRASER: Not more so than the definition of "strike" as amended.

The Minister for Agriculture: All the employer would have to do to be guilty of a lock-out would be to close his premises at dinner time.

Hon. H. S. W. Parker: Or at 5 o'clock in the evening.

Hon. G. FRASER: The position of the worker under the definition of "strike" would be precisely the same.

Hon. H. Hearn: We are not very intelligent, you know!

Hon. G. FRASER: Just because I am trying to put workers and employers on the same plane, members are squealing like stuck pigs. Let us continue in future as we have proceeded in the past!

Hon. H. HEARN: I hope members will not agree to the amendment. The arguments advanced by Mr. Fraser border on the ridiculous. What would happen if the the amendment were passed?

Sitting suspended from 6.15 to 7.30 p.m.

Hon. H. HEARN: If we adopted Mr. Fraser's suggestion, it would be a very one-sided proposition. I know that he has the well-earned reputation of being a friend of the workers, but he would make it impossible under this amendment for anyone to employ any person under any conditions. Up to date there has been no deficiency in the present definition. Notwithstanding all that Mr. Fraser said, he did not quote one instance where that definition has not proved satisfactory.

If his amendment were accepted, what would happen to a business that had become bankrupt? The people concerned would not be able to discharge the workers! Again, suppose there were a recession of trade. A firm which employed 40 hands, but only wanted 20, would not be able to discharge the others. It would be impossible for industry to carry on if the amendment were agreed to.

Hon. C. W. D. BARKER: I support the amendment because if something is good enough for the workers, it should be good enough to be applied to the employers. In the second part of the definition of "strike," a refusal or neglect to offer for or accept employment in the industry in which he is usually employed constitutes a strike on the part of the man concerned.

A similar provision should apply to the employer. Suppose an employer was not getting enough profit on a certain article and decided not to continue producing it any longer—although it was profitable to an extent—and resolved to put off his men.

That would be a lock-out for some reason other than an industrial cause. It is argued that if that occurred it would stop industry. It would do nothing of the kind. The court would decide the matter. We have had it hammered at us that the court will decide whether or not there has been a strike; and the employer would would be protected, too, because the court would decide whether there was a lock-out. Industry would not be crippled. What is fair for the worker should be fair for the employer. This Bill is murder for the worker. It will crucify him. Why not treat the employer the same?

Hon. H. S. W. PARKER: I regard the amendment as ridiculous, but I have risen chiefly to draw attention to what I said regarding a gentleman belonging to the honourable profession of which I am a member. I have here the transcript of my speech, and I did not cast any reflection on that gentleman at all. I merely pointed out his commercial ability.

The CHAIRMAN: I take it that this has nothing to do with the amendment, but is a personal explanation?

Hon. H. S. W. PARKER: It is in answer to remarks made by Mr. Fraser. After quoting the opinion given by the member of the legal profession to whom I have referred, I said—

> But the learned gentleman who gave that hasty opinion—

Mr. Fraser interjected, "Which he has never corrected," and I continued—

> —which he has never been asked to correct, or he would have done so, as he would have been only too glad to collect another fee.

I would point out that even members of my profession are commercial.

The MINISTER FOR TRANSPORT: I hope the Committee will not accept the amendment. In fact, I do not think it was brought forward seriously. It was moved in another place and very properly turned down. In that Chamber the mover said he realised the amendment was impracticable but he put forward the same arguments in support of it as have been advanced by Mr. Fraser and Mr. Barker. I submit the two cases are not parallel.

Had it not been that new conditions have entered into industrial relationships, there would have been no need to amend the definition of "strike." It was found in actual practice that a strike could occur for a political reason and not because of circumstances connected with the terms and conditions of employment; and that makes all the difference. No one can imagine a political lock-out. There was a lock-out in 1913, and that was the last anyone knows anything about. The courts have never had difficulty in interpreting the term "lock-out." If the Act were amended in this way, it would lead to wholesale unemployment.

Hon. F. R. H. LAVERY: I rise to answer a couple of questions asked by interjection. One was "When was there ever a lock-out"? My contention is that if we are going to give the word "strike" such a wide definition, it is only fair that the worker should be protected in regard to lock-outs. I want to point out what occurs almost weekly amongst the much-maligned waterside workers. We read in the Press month after month of the size of the Rottnest queue, but we never read of the number of workers who are stood down in the middle of the day, when they are willing to work for another four hours, in order to suit the exigencies of the employers' business.

Because it does not suit the shipping people who employ labour on the waterfront, to handle the ships' cargo in a certain way, men who report for work at the correct time in accordance with their roster are put off at short notice for the rest of the day. This Bill is supposed to be an attempt to keep the wheels of industry in motion; but I venture to say that, by reason of the circumstances I have mentioned, the wheels of industry are stopped by the employers a couple of times or more per week on the waterfront. Because of these minor lock-outs—for they are nothing more or less than that—trade to and from the country is held up.

Hon. N. E. Baxter: You are suggesting that the men are not getting a full quota of work?

Hon. F. R. H. LAVERY: I say that they are on call five days per week for eight hours a day, but the employer has the use of these men for seven days per week, although they have to report to the pick-ups only on five days. On the days on which there is no work for them they are paid appearance money which, in a few weeks' time, will amount to two hours' pay. Their labour is absolutely at the disposal of the employer. In many ways there are minor lock-outs of men who are willing and ready to work.

The men are taken to the vessels to work and then, while there is still plenty to be done, are informed that their services are no longer required for that day. On my interpretation of the English language that is a type of lock-out. During the debate on the second reading I said I had taken part in a lock-out when the bus company closed down in 1936, but I have dealt tonight with the waterfront as that topic seems to be kept before the public by the Press. The Minister for

Agriculture interjected strongly a little while ago, but when the worker says there is something wrong with the employer I presume the Minister—

The Minister for Agriculture: I am not that simple; you cannot bait me in that way.

Hon. F. R. H. LAVERY: I have no doubt that the Minister, like the rest of the employers, would say that the working man was wrong.

The Minister for Agriculture: You are interpreting me wrongly.

Hon. F. R. H. LAVERY: That may be so, but it is my privilege. The "Maetsuckyer" is a vessel that has brought essential cargo to this State.

The CHAIRMAN: I hope the hon. member can connect his remarks up with the amendment.

Hon. F. R. H. LAVERY: It is in connection with the term "lock-out." The "Maetsuckyer"—

Hon. R. J. Boylen: Is that a new name for the boss?

Hon. F. R. H. LAVERY: —brings valuable cargo to this State and each time there has been a stoppage the waterside workers have been blamed. The second stoppage, at all events, had nothing to do with the workers, but was engineered to make the costs of that vessel as heavy as possible in an endeavour to prevent it continuing in the service on this coast, because it was carrying cargo at a cheaper rate and giving a better and faster service than its competitors. The tactics used on that occasion were similar to those of the communists, and if members say that lock-outs do not occur, I can only reply that they are either misinformed or do do not wish to know the facts.

Hon. G. FRASER: There has been little opposition to the amendment. Some speakers have said it was ridiculous and, in doing so, only repeated what we said about the definition of "strike." In moving the amendment I said I realised that if agreed to it would place the employers in a difficult position, but I want the same treatment meted out to both employer and employee. If the Committee is to agree to the definition of "strike," I want the provision "unless and until in any particular case the court declares the particular cessation, limitation, refusal or neglect not to be a lock-out" included on this occasion.

Hon. H. Hearn: You are talking conciliation, now.

Hon. G. FRASER: The amendment seeks only to retain the same treatment for both parties as obtains under the present Act, and I think the Commitee should agree to it.

Hon. N. E. Baxter: And create chaos.

Hon. G. FRASER: I think the hon. member said by interjection last night that he would be prepared to agree to it.

Hon. N. E. Baxter: Read "Hansard" and see what I said.

Hon. G. FRASER: I want the Bill, when it leaves this Chamber, to be such that no one can throw stones at it.

Hon. H. S. W. Parker: Or use it!

Hon. G. FRASER: The amendment would be no more unfair to the employer than the definition of "strike" is to the worker. Tonight Mr. Parker verified what I had said earlier—that no legal firm of standing would give a hurried interpretation of legislation and afterwards, on finding they had made a mistake—

Hon. H. S. W. Parker: I did not say they had made a mistake.

Hon. G. FRASER: Mr. Parker said that they would have been glad to get another fee.

Hon. H. S. W. Parker: Yes.

Hon. G. FRASER: He insinuated that because they did not get another fee, they did not correct a mistake they had made earlier. If a reputable legal firm found it had made a mistake, I am sure it would send the correction without any further fee and without being requested to do so. I am sorry the hon. member has so little faith in his own profession. Finally, I again appeal to the Committee to do justice to all in the legislation it passes. If the amendment is agreed to, I will raise no further opposition to the definition of "strike" because everyone in the State will be treated similarly. For that reason I hope the amendment will be carried.

Hon. R. J. BOYLEN: I support the amendment. During the course of his remarks on the amendment the Minister stated that a similar amendment was brought before another place and was promptly dealt with. However, the Minister will remember that the amendment was lost by only one vote.

The Minister for Transport: That vote was based on party lines.

Hon. R. J. BOYLEN: I appeal to members to vote for the amendment because the two Independent members in another place did the right thing. They voted with the "ayes." The members of this Committee are also independent and they can do the same. However, I can visualise that the voting will be on party lines and will be the same as it was on the second reading.

Hon. E. M. DAVIES: I support the amendment. During the second reading debate I said that if the measure were carried, the workers would lose confidence in the arbitration system. I also said that the scales of justice should be evenly balanced. The proposed definition of the word "strike" is something altogether different

from that in the Act in so far as it applies to the worker. For the worker to retain confidence in arbitration, the definition of "lock-out" should be similarly amended.

It has been said that the new definition of "strike" would affect only one or two organisations and would not affect any decent body. If we are to accept those words literally, they can be applied to the interpretation of the word "lock-out," because we can also say that the proposed amendment would apply only to one or two employers. So the fears that have been expressed regarding the amendment are without foundation because the Arbitration Court will decide what is a lock-out.

There are not many unscrupulous employers in this State. Most of them seek peace in industry, but in all sections there are people who take advantage of any flaw in legislation. It is quite possible under the proposed new definition of "lock-out" and an employer by some means or other could cause employees to commit a certain act and then bring such act under the new definition of "strike." Therefore, to keep the scales evenly balanced, the definition of "lock-out" should be amended so that it will follow the same line as the "strike" definition.

Hon. N. E. BAXTER: In spite of what Mr. Fraser said in regard to my remarks yesterday evening, I still intend to oppose the amendment and I will give my reasons. The definition of "lock-out" put forward by Mr. Fraser is an entirely different proposition to the definition of "strike." A worker need not sell his labour; he may give notice.

Hon. G. Fraser: He cannot leave.

Hon. N. E. BAXTER: He can give notice and the strike definition need not apply. This State has its future economic situation to think of and in these times, in quite a number of instances, it has to combat price-fixing which in many cases is against industry and is hard to overcome. That is one reason why this amendment would be extremely dangerous. I wonder if Mr. Fraser agrees with Mr. Lavery that the non-employment of men on the Fremantle wharf constitutes a lock-out.

Hon. G. Fraser: Do not tempt me to speak again.

Hon. N. E. BAXTER: I would not attempt to do so, but when Mr. Lavery was dealing with the lock-out on the wharf he did not attempt to tell the Committee that the wharf labourers were only temporary employees, and he put forward one of the best arguments why this amendment should be carried, because if it were, such action would more or less constitute a lock-out and the stevedoring industry would be forced to pay a man a day's wages when he reported for duty, even although he did not work.

Hon. H. C. Strickland: Are not temporary employees covered by the Industrial Arbitration Act?

Hon. N. E. BAXTER: They would not be covered in the case of a lock-out. However, if the amendment were passed, they would be.

Hon. H. C. Strickland: Is not any employment only temporary?

Hon. N. E. BAXTER: No, it is not. When a man is on temporary work he is only on part time or subject to call-up. A man on full-time has his hours defined. Mr. Lavery, by his contention, would make this is a dangerous provision in the stevedoring industry. He referred to the recent trouble on the wharf with the "Maetsuckyer," commonly known to the wharf labourers as the "Meatsucker." Because the company had used only one sling for many years it decided it would not use two and the hon. member calls that a lock-out.

Hon. F. R. H. LAVERY: The word "lock-out" in the Bill is comparable to the definition of "strike" and in relation to the worker they must be taken one with the other. This clause is strictly contrary to the relevant section in the Act. The clause dealing with the definition of "strike" is a wide one.

Hon. H. S. W. Parker: The hon. member has no objection to it, excepting for the word "strike."

Hon. F. R. H. LAVERY: If we substitute for the word "worker" the words "sister, father, mother, wife, son or daughter," they can all be subject to the clause defining the word "strike." What I am saying to the Committee sounds silly.

Hon. H. S. W. Parker: Of course it does!

Hon. F. R. H. LAVERY: If a man acts in combination with any member of his own family, then, according to the definition in the Bill, he has gone on strike. It is stupid.

Hon. N. E. Baxter: The hon. member wants an amendment to the "lock-out" definition.

Hon. F. R. H. LAVERY: Yes, because the clause relating to the definition of "strike" has not been amended. I want the same principle to apply to the definition of "lock-out." If a worker changes his employment he is considered to be on strike. I heard a member of the legal profession say this evening something with which I entirely agree. He said that once the Bill leaves this Chamber it is open to all the legal aggression that can be levelled against it in this State or in other parts of the Commonwealth.

Whilst the interpretation of the word "lock-out" remains in the Bill and in the Act as it now stands and the definition of the word "strike" remains unaltered

in the Bill, the Committee will place the worker in a most unfavourable position. I ask members to look at the Bill from a conciliatory point of view. What the devil else do we want to talk about except conciliation?

The CHAIRMAN: Order!

Hon. F. R. H. LAVERY: While there is expressed a desire to employ methods of conciliation, and the Government seeks to pass the Bill in a form that will enable the arbitration system better to control industry and maintain peaceful relationships between employer and employee, unless the definition of the term "lock-out" is on a comparable basis with that relating to the definition of the term "strike", the effect will be to the contrary and the law will apply in one way only. The present provision will enable the court to direct the employee in every way, and will prevent his consulting even with members of his own family.

Hon. H. S. W. Parker: Surely you do not want provision made to lock-out the wife!

Hon. F. R. H. LAVERY: As it stands, the Bill makes the court the alpha and omega, the beginning and the end of all things industrial. I sincerely hope that when the Bill leaves this Chamber its provisions will be such that we shall be able to assure the workers that they need have no fears regarding the measure and that their position under the arbitration system will be more secure than formerly.

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

Ayes	9
Noes	15
Majority against	6

Ayes.

Hon. C. W. D. Barker	Hon. E. M. Heenan
Hon. R. J. Boylen	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. G. Bennetts
Hon. W. R. Hall	*(Teller.)*

Noes.

Hon. N. F. Baxter	Hon. A. L. Loton
Hon. L. Craig	Hon. J. Murray
Hon. J. Cunningham	Hon. H. S. W. Parker
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. Sir Frank Gibson	Hon. H. K. Watson
Hon. H. Hearn	Hon. F. R. Welsh
Hon. C. H. Henning	Hon. J. McI. Thomson
Hon. Sir Chas. Latham	*(Teller.)*

Amendment thus negatived.

Progress reported.

House adjourned at 8.25 p.m.

Legislative Assembly

Wednesday, 3rd September, 1952.

CONTENTS.

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

QUESTIONS.

POTATOES.

As to Port of Shipment.

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

(1) Is he aware that during the past few years potatoes from the Marybrook district have been railed to Fremantle and Bunbury for shipment to the Eastern States, whilst this cargo could be expeditiously loaded at the port of Busselton?

(2) That long distance rail and/or road haulage of potatoes to far distant ports results in considerable financial loss to growers, which would be overcome if shipments were arranged from the port nearest the source of production?

(3) In view of possible further transport difficulties owing to adverse effect on this State's transport system due to recent metal trades strike, will he use every endeavour to see that the coming season's crop of potatoes from Marybrook for shipment to the Eastern States will be loaded at the port of Busselton?

The MINISTER FOR LANDS replied:

(1) Yes, but no vessels could be made available at Busselton at the time and for the required destination when these potatoes were available for shipping.