Legislative Assembly.

Thursday, 25th September, 1924.

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

QUESTION—MARKETS AND COOL STORAGE.

Mr. GRIFFITHS asked the Minister for Agriculture: 1, When were the present city markets and Government refrigerating works in Perth erected? 2, What further provision has been made (a) for increased facilities at the city markets and the approximate cost; (b) for increased cool storage at the Government refrigerating works, and the cost? 3, What is the total capacity for cool storage of fruit at these works, and what is the estimated number of cases of fruit produced annually? 4, Is it intended to make better provision for cool storage and for markets? 5, In view of the existing necessity for adequate cool stores on the Fremantle wharf for export fruit, do the Government contemplate making provision for this?

The MINISTER FOR AGRICULTURE replied: 1, 1896. 2, (a) None; (b) None. 3, Storage capacity of refrigerating works, 6,000 cases; record production of fruit for one year, 1,750,000 cases. 4, Not at present, but the whole question is being inquired into by a select committee. 5, There is ample accommodation at the West Australian Meat Export Company's works for cold storage of all products for export overseas, and as the Government has assisted in the erection of these works to the extent of over one hundred thousand pounds, it is not intended at the present time to erect stores on the Fremantle wharf.

QUESTIONS (2)—TRAMWAYS.

Horseshoe Bridge.

Mr. MANN asked the Minister for Railways: 1, Was the Minister correctly reported when he is alleged to have stated, in connection with the laying of tramlines on the Horseshoe Bridge, that there would be 10ft. 5in. clear between the trams and the footway? 2, If so, did he take into consideration the hang-over of the trams at the different curves of the bridge? 3, If after the opening of the tramway service on the bridge it is found that the structure is not capable of safely carrying tramway, vehicular, and pedestrian traffic, will he consider the advisability of removing the existing footways and erecting a steel structure directly across the line for pedestrian traffic only?

The MINISTER FOR RAILWAYS replied: 1, The statement made was that by removing the lamp standard at the corner of Roe and William-streets and rounding off the kerb at that point a minimum clearance between the sides of a tramcar and the kerb has been maintained at 10ft. 5in. for practically the whole of the distance. At the worst point, i.e., the north-east corner, and then only for a few yards, the clearance is reduced to 8ft. by the front portion of our largest tramcar overhanging, but even this is more than sufficient to permit an ordinary vehicle to pass. 2, Answered by No. 1. 3, Yes.

Barrack-street Line.

Mr. STUBBS asked the Minister for Railways: 1, Is he aware that in the reconstruction of Barrack-street tramline two 80lb. rails are being used joined together? 2, Is it necessary that the inside rail should be of such a heavy type?

The MINISTER FOR RAILWAYS replied: 1, No. Only one 80lb. rail is being used. The inside check rail consists of 46½lb. second-hand rails released from Railway Department. 2, Answered by No. 1.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

In Committee.

Resumed from the 23rd September. Mr. Lutey in the Chair; the Minister for Works in charge of the Bill.

Clause 2—Amendment of Section 4 of the principal Act:

Hon. Sir JAMES MITCHELL: Subclause 1 states "the term includes the Crown and any Minister of the Crown." The words "the term includes" are a repetition, and might be left out. I move an amendment—

That in Subclause 1 the words "the term includes" be struck out, and "also" be inserted in lieu.

Mr. THOMSON: I presume that the police force will be included in the Bill?

The MINISTER FOR WORKS: All with the exception set out in Subclause 2.

Amendment put and passed.

The MINISTER FOR WORKS: I move an amendment—

That in Subclause 2, after "employment," the words "or industrial matters" be inserted.

The object of this is to widen the provision and prevent any argument.

Amendment put and passed.

The MINISTER FOR WORKS: I move an amendment—

That in Subclause (3) the following words be added:—"And by inserting in paragraph (f) a sub-paragraph, as follows:—(x) Any claim or dispute arising under an agreement of apprenticeship, or relating to an alleged breach of such agreement, notwithstanding that any party to any such agreement may have determined or have purported to determine the agreement."

Recently a case was dealt with in the Arbitration Court where it was held by Mr. Justice Northmore that because an employer had dismissed an apprentice, the jurisdiction of the Arbitration Court and of the union had ended and the court had no power to deal with a complaint against the employer. A breach of the agreement had been committed by the employer, but the court held that the case could not be dealt with because the apprentice was not an employee at the time.

Hon. Sir James Mitchell: That would not set the agreement aside.

The MINISTER FOR WORKS: The apprentice would have his rights at common law, but the jurisdiction of the Arbitration Court ceased, according to the decision I have referred to, the moment the employer sacked the apprentice. The amendment is to overcome that particular decision and will permit the court to deal with a case, notwithstanding that the employer has dispensed with the services of the lad. The Arbitration Court will then have the opportunity of saying whether the dismissal of the apprentice was right or wrong.

Mr. Taylor: How would the court be able to determine that?

The MINISTER FOR WORKS: Evidence would be called and the court would arrive at a decision.

Mr. Richardson: You really give the lad the right of appeal.

Mr. Taylor: But if apprentices are to be brought under the control of an apprenticeship board, is there any necessity for this provision?

The MINISTER FOR WORKS: Yes, to enable the court to hear such an application.

Mr. Richardson: Cannot the apprentice approach the Local Court?

The MINISTER FOR WORKS: The lad will still have his common law rights, but the parents in many instances, will not be able to spare the money to engage upon such litigation. This will not interfere with those common law rights, but will give the Arbitration Court power to deal with such cases as may be brought before it. I am advised that the decision by Mr. Justice Northmore is wrong in law, but it stands, and there is no appeal from a decision of the Arbitration Court. The only way to overcome the difficulty is to agree to a clause such as I propose.

Hon. Sir James Mitchell. Even when an agreement has been properly determined by either party?

The MINISTER FOR WORKS: But neither side should have the right to determine such an agreement without the other side having an opportunity to be heard. Personally, I regard the decision as an extraordinary one.

Mr. Davy: The lad would have an opportunity to proceed at common law for damages for breach of agreement or wrongful dismissial.

The MINISTER FOR WORKS: But I do not desire industrial matters to be dealt with in the other courts; those matters should be dealt with in the Arbitration Court.

Mr. TAYLOR: The Minister told the House during the second reading debate that a board was to be appointed to look after the interests of apprentices, to see that they were properly trained and that they carried out their duties satisfactorily. That being so, is there any necessity for the amendment?

The MINISTER FOR WORKS: There is no provision in the Bill to get over the position created by Judge Northmore's decision that the jurisdiction of the Arbitration Court ceases when a lad is no longer an employee.

Hon. Sir James Mitchell: But could not the lad institute proceedings in the civil courts?

The MINISTER FOR WORKS: But that means an expensive trial.

Mr. Davy: Not if proceedings are taken in the Local Court.

The MINISTER FOR WORKS: But the difficulty is that appeals are made against decisions of the Local Court to the Supreme Court and so on through the High Court to the Privy Council. In delivering his judgment Mr. Justice Northmore referred to that aspect. If the amendment be agreed to the court will have power to deal with these matters without that danger. If subsequent provisions of the Bill are agreed to, the court will be given authority to delegate its powers to boards.

Hon. Sir JAMES MITCHELL: Apprentices are working under agreements that may be terminated by the employer if the apprentice is guilty of misbehaviour or lack of diligence in learning his trade. If the apprentice is not satisfied, he can take proceedings in the Local Court, which is not expensive. Apparently the Minister now proposes to give the lad a choice of two courts. Apprentices must be under control; they must behave themselves and they must work.

The Minister for Works: We propose to set up boards to go round and see that apprentices are working.

Hon. Sir JAMES MITCHELL: There is no necessity for the amendment. In fact,

I hope the Bill will be amended by deleting the provisions dealing with apprentices, and that the Minister will introduce another Bill to deal with the apprenticeship question separately. If the agreement with the employer has been determined, what will happen?

The Minister for Works: The amendment will give the court power to review the position and to uphold the dismissal of the apprentice or order him to be reinstated.

Mr. DAVY: Masters and apprentices are in many cases closely associated, and still more will that be so if the Minister's scheme of having boys apprenticed to an operative is brought into force. This clause can only affect the question as to whether or not a contract of employment or apprenticeship shall be continued forcibly. If the amendment goes through, the Arbitration Court will do something common law never tried to do, and for sound reasons. The court may determine that the boy has been wrongfully dismissed, but they will not be able to say that he shall not receive damages; all they will have to say will be, "You must take the boy back." There should be auxiliary power to enable the court, having determined that the boy was dismissed to order him to be taken back.

Mr. PANTON: The hon. member has overlooked the fact that the agreement is made by the authority of the Arbitration Court, and until the particular case quoted by the Minister came up, the apprentices had authority to go to the court. The very agreement under which apprentices are working in any industry is governed by the regulation of the court in that particular industry. If Mr. Justice Northmore's decision stands, it will mean that apprentices in future will have no remedy whatever. Immediately they are at loggerheads with the employer, all the employer will have to say will be, "You are dismissed," and the apprentice will have no right to go to the authority under which he has been working, and the organisation responsible for the apprentice will have no jurisdiction either. If we allow the decision to stand, we shall wipe out the authority.

Mr. Davy: No.

Mr. PANTON: Yes. If you go to the police court or local court with any industrial matter, those courts are loth to give a decision, believing that that is the function of the Arbitration Court.

Hon. Sir James Mitchell: Who deals with breaches?

Mr. PANTON: We are forced to go to the Arbitration Court but the Minister, to facilitate matters, has in the Bill provided for industrial magistrates.

Mr. DAVY: Do I understand the hon. member to say that in the past the Arbitration Court has considered that it was within its jurisdiction to decide whether or not an apprentice had been rightly or wrongfully dismissed? In the event of the boy having been wrongfully dismissed, what has been the position?

Mr. Panton: The boy has been reinstated.

Mr. DAVY: Against the wish of the master?

Mr. Panton: Yes.

Mr. DAVY: If an employer dismisses a man, the court may order him to be reinstated.

Mr. Panton: That is a different matter altogether.

Mr. DAVY: No; there is the agreement, though in one case it is verbal and in the other in writing. In law and in principle they are just the same.

The MINISTER FOR WORKS: Take the position of the railways. A man is dismissed and he appeals to the appeal board, which sometimes orders his reinstatement. There is nothing new about the idea.

Mr. THOMSON: I suggest that the Minister should postpone the further consideration of this clause in order to see whether the Committee will agree to Clause 56 which deals with apprentices.

The CHAIRMAN: The clause, having been amended, cannot be postponed for further consideration.

Mr. THOMSON: Suppose I am employing an apprentice and his services are unsatisfactory, I should have the right to determine the apprenticeship. I have had to do so because the apprentice was not paying attention to his business. If the Bill goes through as it is I am faced with the position of having to defend the matter in the Arbitration Court, and then, if that is lost I have to go to the local court; I should have a double-barrelled action to fight. We provide that the apprentice shall be brought up to the standard required by the examiners. I would like to have a reasonable safeguard, that if an apprentice proves, during his period of probation, that he is negligent and is not paying attention to his duties, I should certainly have the right to determine the agreement without having to go before the court. I do not intend to disagree with your ruling, Mr. Chairman, but I regret it is not possible for the Minister to hold over the further consideration of the clause.

Mr. TAYLOR: The underlying principle of the Bill is to give apprentices some security, that is, that the apprentice should not be at the mercy of the employer, and that he should have a tribunal to go to. The Bill proposes to give power to the court. I do not think Judge Northmore's decision will stand if the Bill be passed. I want to protect apprentices, though not unduly. It is unwise to pass legislation to compel an employer to keep a boy that is not up to the standard, and it is just as objectionable to compel a boy to remain with an employer who is objectionable. To compel a boy to work for an employer he despised would be to inflict the greatest hardship upon him.

Hon. Sir JAMES MITCHELL: The amendment will have retrospective effect.

An agreement determined a year ago might be brought before the court.

Mr. Heron: Do you think the court would order a boy back if he was not satisfactory?

Hon. Sir JAMES MITCHELL: No.

Mr. Heron: Then leave it to the court.

Hon. Sir JAMES MITCHELL: It is wrong to provide two remedies, one by civil action and another under this measure.

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

Ayes	.. ..	19
Noes	.. ..	18
Majority for	.. ..	6

AYES.

Mr. Angwin	Mr. McCallum
Mr. Chesson	Mr. Millington
Mr. Corboy	Mr. Munsie
Mr. Coverley	Mr. Panton
Mr. Cunningham	Mr. Sleeman
Mr. Heron	Mr. Troy
Mr. Holman	Mr. A. Wansbrough
Mr. Kennedy	Mr. Withers
Mr. Lamond	Mr. Wilson
Mr. Marshall	(*Teller.*)

NOES.

Mr. Angelo	Mr. J. H. Smith
Mr. Davy	Mr. Stubbs
Mr. Griffiths	Mr. Taylor
Mr. Mann	Mr. Teesdale
Sir James Mitchell	Mr. Thomson
Mr. North	Mr. Richardson
Mr. Sampson	(*Teller.*)

PAIR.

AYES.	NOES.
Mr. Willcock	Mr. Angelo

Amendment thus passed.

Hon. Sir JAMES MITCHELL: Subclause 4 deals with preference to unionists.

Mr. Wilson: You voted for compulsory unionism once.

Hon. Sir JAMES MITCHELL: Then I apologise for having done so. I have never been in favour of preference to anyone. No one has a right to preference, and we should not provide for it.

The Minister for Works: Then you must be a socialist.

Hon. Sir JAMES MITCHELL: If to be a socialist means to be fair, I am a socialist. Why provide preference under this measure? Good men need no such protection. It is a pernicious provision. Many men object to unionism; I do not, and if I were a worker I think I should be a unionist, but I would not permit the union to determine my political creed. If we pass this provision every worker will be compelled to contribute to the union funds, and contributions may be made to anything the governing body may determine.

Mr. Corboy: That is quite wrong.

Hon. Sir JAMES MITCHELL: Union funds are used not only for the protection of the worker, but for political purposes, and a member's contribution may include subscription to a newspaper that the average worker does not want. No one should be compelled to pay dues that would include subscription to the "West Australian." Yet a unionist is compelled to pay an amount which includes subscription to the "Westralian Worker."

Hon. J. Cunningham: What is wrong with that?

Hon. Sir JAMES MITCHELL: What is right with it? The Minister may have some men engaged on road-making for only a month or so. Such men would be made to pay fees and subscribe to a newspaper, which is a very one-eyed concern, whether they desired to or not.

The Minister for Lands: This subclause does not provide for preference to unionists, but leaves it to the discretion of the court.

Hon. Sir JAMES MITCHELL: I am not prepared to take any risks. If we have not the pluck to say there shall be preference to unionists, we should not ask the court to do the job for us. If we believe in preference to unionists, let us say straight out that there shall be preference, and that others shall not have the right to work at all. The Trades Hall is the head of a great political organisation and preference means that members would be subject to discipline. To tell men they must join a union before they have a right to work is wrong and I shall not be a party to it. I hope the Committee will refuse in no uncertain way to give the court the power here suggested. The employers have never shown that they object to men joining unions.

Mr. Heron: You are wrong there.

Hon. Sir JAMES MITCHELL: The employers have always treated unionists and non-unionists precisely alike.

Mr. Taylor: That has been so ever since industrial arbitration became the law, 25 years ago.

Mr. Panton: I could name you a dozen firms in Hay-street who for years have been threatening their clerks with dismissal if they join a union.

Hon. Sir JAMES MITCHELL: I move an amendment—

That Subclause 4 be struck out.

Mr. TAYLOR: If we strike out Subclause 4, the court will have no power to deal with preference to unionists. I have been one of the strongest supporters of preferrence to unionists, and I still hold the same view. But when in the early days we were advocating preference to unionists, our object was to protect them in the industrial sphere. When a man joins a union now, he joins it politically and for all purposes.

Mr. Withers: Was it not the same when you were in the movement?

Mr. TAYLOR: No. When one went to a union in years gone by, one talked only about industrial matters. Now when one goes to a Labour meeting, one spends seven-eighths of one's time talking politics. In

the Eastern States the fights between the various sections of political Labour are keeping the Labour movement down. We are not justified in compelling a man to join a union when it means giving up all his freedom. Industrial unionism was established in Australia by sterner stuff than sits on the opposite sides of this Chamber. It is all very well for members opposite to pluck the fruit from trees that better men planted for them.

Ministerial Members: Oh!

Mr. TAYLOR: The old industrial unionism did good on behalf of the Australian worker. The principles at stake were worth fighting for, and they were fought for.

Hon. J. Cunningham: What about McIvor?

Mr. TAYLOR: Never mind about McIvor. The hon. member can tell the Committee what he knows about McIvor. I do not want any dirty innuendoes. Let the hon. member be clean in Parliament if he is dirty outside.

Ministerial Members: Oh!

Mr. TAYLOR: No member opposite can browbeat me. I have never battened on the workers like a lot of members opposite have done. I have suffered for the sake of the workers.

Several interjections.

The CHAIRMAN: Order! These interjections must cease.

Mr. TAYLOR: I would like them to continue, Mr. Chairman. Then I would show up members opposite in their true light. We are not justified in compelling a man to join an organisation in order to earn a crust for his wife and children and himself, and at the same time compel him to sell all his freedom, political and otherwise. If the funds subscribed to the union were used for industrial matters only, and the man had the option to join the political league afterwards, the demand for preference to unionists would be justified. I have known a man howled down who got up at a union meeting to express political views contrary to those of the leaders of the movement. He was howled down as I have been howled down.

Hon. J. Cunningham: It is a lie.

Mr. TAYLOR: It is true. Look at the attitude adopted towards me now. What chance would I have in Beaufort-street, seeing that I cannot get a fair deal here? The early training of hon. members opposite does not fit them to be members of Parliament.

Mr. Panton: What about your early training?

Mr. TAYLOR: My early training was not given me by any small cliques or executives. I am prepared to give an industrial organisation the power to compel a man to join a union, but only a union that protects him industrially, and not one that compels him to contribute to other Labour matters, such as Press and political funds.

Hon. J. Cunningham: Rubbish!

Mr. TAYLOR: It is absolutely true.

The MINISTER FOR WORKS: I am surprised that members still continue to put up arguments which for so long have been proved fallacious. After the big upheaval of 1890 it became the policy of the people of Australia that the unions should take political action for the redress of their industrial grievances.

Mr. Taylor: Not the policy of all the people.

The MINISTER FOR WORKS: I defy any man to draw a clear line of demarcation between industrial action and political action. Are we at the present moment on a political job or an industrial job?

Mr. Taylor: You say, industrial.

The MINISTER FOR WORKS: Of course I do. The unionists have to live their lives and earn their living and rear their families under the laws of the country, and are we to tell them that they must not send representatives of their own to Parliament?

Mr. Taylor: We do not say so.

The MINISTER FOR WORKS: That is your whole case. Such a position would mean that workers would be slaves. They would be absolute slaves if they were debarred from taking concerted action to have their views expressed in Parliament.

Mr. Taylor: That is all right in the Trades Hall.

The MINISTER FOR WORKS: If hon. members opposite do not deny the right of the unionists to combine in order to take joint action for the purpose of having their views expressed in Parliament, what objection can there be to the unionists seeking representation in the Legislature? Your whole case crumbles. The situation has altered since the days when we looked for industrial action to redress industrial grievances. To-day we look to political action to redress those grievances. If it were desired to get back to the old order, we should have to wipe out the Arbitration Act.

Hon. Sir James Mitchell: Who put it on the statute-book? Not the Labour Party.

The MINISTER FOR WORKS: It was the force of the workers that did it, although they did not then have their direct representatives in Parliament.

Hon. Sir James Mitchell: There is no man here who does not represent them.

The MINISTER FOR WORKS: My friend will say that in one breath, and in another will declare that every member of a union is forced to vote for a Labour candidate.

Hon. Sir James Mitchell: I did not say that. I said he was forced to contribute to the funds.

The MINISTER FOR WORKS: Then I withdraw. I believe it was the member for Mt. Margaret who said it. I know he said if a man got up at a union meeting and expressed divergent views, he would be howled down. To-day the union cannot exist without political action. Even if the court grants preference, that will not be

compulsion. If any man says, "I will not join a union," the granting of preference will not compel him to join one.

Mr. Taylor: But he will have to get out.

The MINISTER FOR WORKS: He can select some other employment. Are we to be compelled at this late day to argue the advantage it is to both sides to have unions? The operations of the Arbitration Act depend on organisation. Without organisation on both sides, compulsory arbitration would be impossible. If we want compulsory arbitration to be successful, we must give every possible encouragement to the formation and growth of unionism.

Mr. Taylor: There is no objection to that.

The MINISTER FOR WORKS: Then surely it is not asking too much to demand that those who are members of unions, and consequently assisting to carry on compulsory arbitration, should be recompensed for all the expenses incurred in taking cases to the court, and the cost and labour of carrying on trade unions. The way things are to-day, a non-unionist can sit back, take no part in the movement, loaf on his fellow workers, secure the full advantage of what the Arbitration Court grants, and yet refuse to contribute his few pence to the upkeep of the union.

Mr. Taylor: He should be compelled to do that.

The MINISTER FOR WORKS: How are we to compel him to do it? The position of the employer would be impossible without trade unions. He could not deal and bargain and make his arrangements with each individual employee. His position would be intolerable. We are aware of the great disadvantages under which unionists suffer, and through the Bill we are trying to give them that measure of relief that has been given to them in almost every other State. The courts have been chary of exercising their power to grant preference. Still they have exercised it in special cases, and it is quite common in New South Wales. The member for West Perth (Mr. Davy), when speaking on the second reading, quoted from Mr. Justice Higgins, reading an extract to lead the House to believe that Mr. Justice Higgins was against preference to unionists.

Mr. Davy: What I said was that he, although being your man, of whom you were so proud, damned it with faint praise.

The MINISTER FOR WORKS: I propose to read on from where the hon. member left off. Mr. Justice Higgins said:—

> The truth is, preference is sought for unionists in order to prevent preference of non-unionists or anti-unionists—to prevent the gradual bleeding of unionism by the feeding of non-unionism. It is a weapon of defence. For instance, some employers here hired men through the Independent Workers' Federation, a body supported chiefly by employers' money, and devised to frustrate the ordinary unions; and those who applied for work at the office of this body would not be introduced to the employer unless they ceased to be members of the ordinary unions and became members of this body. What is to be done to protect men in the exercise of their right as free men to combine for their mutual benefit, seeing that the employing class has the tremendous power of giving or withholding work? The only remedy the Act provides is an order for preference; and it is doubtful whether such an order is appropriate or effective. It is, indeed, very trying for men who pay full dues to a legitimate union to work side by side with men who do not, with men who look to their own interests only, seeking to curry favour with the employers, getting the benefit of any general rise in wages or betterment of conditions which is secured without their aid and in the teeth of their opposition, men who are preferred, other things being equal, for vacancies and promotion. Every fair man recognises the difficulty of the position—every man who is not too much of a partisan to look sometimes at the other side of the hedge. In another case recently before me, a non-unionist told me that he acted solely on the basis of his personal interest, without any regard for the interests of his fellow workers. He looked for favours to himself, because he kept away from those who combined for the common good of the whole body. It is not out of consideration for such men that I refuse preference; it is rather out of consideration for such employers as honestly take the best man available, unionist or not.

Hon. Sir James Mitchell: That is against you.

The MINISTER FOR WORKS: I am merely asking the House to arm the court with power to protect the workers. Let me quote from the same gentleman when a member of the House of Representatives.

Mr. Richardson: But he was a politician then.

The MINISTER FOR WORKS: He was a member of the Labour Government, not merely of the Labour Party. This is what he said:—

> I can only avow myself to be convinced by the experience gained in New Zealand, New South Wales, and Western Australia that the very best thing for Australia is a good Arbitration Bill, with a very strong preference clause. I do not think an arbitration measure can be worked without preference to unionists. I know enough from my experience in regard to union delegates having been "spotted" by employers, and told that they must stand down, without any reason being given. I feel convinced that, unless a preference is given to unionists, the employers will be able to weed out whenever it suits them those men who stand up for the rights of their fellows.

Do you want any stronger case? All we are asking is that the court be armed with this authority, so that when it is shown that a set is being made against members of a union, the power shall be there to protect unions. That is all we ask. We are late in the day discussing preference to unionists, seeing that the people of this Continent have overwhelmingly declared in its favour. A Commonwealth general election was fought on this very principle, following on a double dissolution of both Houses of the Commonwealth Parliament. The Watson Government had resigned office rather than agree to carry through an Arbitration Bill that did not contain a preference clause. They were followed by another Government who, to prevent preference to unionists, brought down a Bill under the title of "Government Preference Prohibition Bill." They got the measure through the House of Representatives and sent it on to the Senate, where it was rejected. On that a double dissolution was granted, and the elections of 1914 were fought, when Labour was returned to office with a large majority in both Houses.

Hon. Sir James Mitchell: Not on that question.

The MINISTER FOR WORKS: I tell you the election was fought entirely on that question, and the issue was decided in every State of the Commonwealth. The people of Australia have decided the issue, and declared for preference to unionists. We are late in the day in discussing whether we should invest the court with the power to protect unionists. Some members would have unionists run all the risks of victimisation at the hands of the employers, and would refuse to arm the court with power to give them any form of protection. It has been said that Parliament does not lead, but merely follows, and that before we can get anything through the legislature we have first to convince the country of its necessity. After combating that idea for many years, I am now beginning to believe it. Some ten years ago last August the people of Australia by an overwhelming majority returned Labour to both Federal Houses on this very principle.

Hon. Sir James Mitchell: Do you remember the votes cast on the other side?

The MINISTER FOR WORKS: No, but I know that Labour had an overwhelming majority.

Mr. Heron: They could not have got the Senate without having a majority.

The MINISTER FOR WORKS: This is the vital part of the Bill. It is a principle that has been worked for and fought for, and has been earned by the unionists. The specious argument that some portion of the funds of the union may be spent for political purposes is altogether out of date. I say with all honesty that when I was general secretary of the movement in this State 75 per cent. of my time was given up to industrial matters.

Hon. Sir James Mitchell: What did you do with the other 25 per cent.

The MINISTER FOR WORKS: Sat down and loafed, of course. I have been connected with as many industrial upheavals as any man in the country.

Mr. Teesdale: Does the Federal Act provide for this?

The MINISTER FOR WORKS: Yes, and most of the Eastern States Acts as well.

Mr. Davy: Mr. Justice Higgins says it is doubtful whether such a preference order is appropriate or effective. That damns it with faint praise.

The MINISTER FOR WORKS: It suggests that he wants something more definite.

Mr. Davy: On page 18 he gives you the proper method.

The MINISTER FOR WORKS: After Mr. Justice Higgins said he was strongly in favour of having the principle there, he exercised the power only once. If this principle is embodied in the Bill it will not be mandatory upon the court to put it into practice. I hope the president of this tribunal will be as high-minded a man as any of the presidents in the Eastern States. The New Zealand Act contains a verbatim copy of the section that we have in our Acts, and the courts there have granted preference to unionists under it. Our courts have held that the section does not give them that power. I do not say that all employers are out to victimise their employees. Many of them prefer to deal with the unions, and would regard the position as impossible if they had to deal with the individual. There are others in the community who are out to block the progress of the unions and to victimise any of their employees.

Hon. Sir James Mitchell: I have not come across one.

The MINISTER FOR WORKS: I have. There is one case in which the Arbitration Court fined a man for victimising one of his employees.

Mr. Taylor: In the early days of unionism that was rampant.

The MINISTER FOR WORKS: There are still men who live in that age, and have the idea that they should be the masters, and the others the servants. They cannot adopt the position of employer to employee.

Hon. Sir James Mitchell: It is the same thing.

The MINISTER FOR WORKS: I thought the hon. member had passed that stage. I regard no man as my master who can tell me how I am to live. There are employers who look upon people as goods and chattels to be treated in any way they like. I admit these are becoming fewer in number.

Hon. Sir James Mitchell: There are bad people on both sides.

The MINISTER FOR WORKS: I know that. The moment a unionist walks into some employer's office, his very presence is repulsive to the employer.

Mr. Teesdale: You would not expect him to receive you with open arms in the light of what you are credited with!

Mr. Heron: I heard it said once he should be shot.

The MINISTER FOR WORKS: There is no suggestion of compulsion in this matter. It is merely a question of arming the tribunal with power to protect a body of workers. This law cannot function unless the union organisation is there. It cannot go on.

Hon. Sir James Mitchell: Of course it can.

The MINISTER FOR WORKS: Industrial arbitration could not exist without trade unions. I do not know that the court will exercise this power freely, but I want it to be there in case the necessity arises for its use.

Mr. TAYLOR: I am in favour of preference to unionists so long as the unions deal with industrial matters. I object to a man being compelled to become a member of a union, to the funds that he contributes being used for other than union purposes, and to his being bound politically through becoming a member of that union.

The Minister for Lands: You do not intend to keep your State institutions, but want to hand them all over to the Federal authorities.

Mr. TAYLOR: If I were an employer and knew that trade unions were being run on trade union lines only I would advocate preference to unionists. It is essential that employees should be members of unions. A man is mean-spirited if he will accept the protection of an organisation and refuse to contribute towards its funds. We ought to amend the Trade Unions Act so that a man may be a member of a trade union only, and provide that if he wishes to do so he may join some Labour political party, to the funds of which he could contribute as a separate payment from his union fees.

Mr. Sleeman: Create another department.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. TAYLOR: If unionism controls a man only industrially, it is perfectly sound. But the executive of the Labour movement has compelled members of Parliament to bend to its desires even in matters unconnected with politics, or else get out. Some of us refused to bend, and were kicked out. Throughout Australia the executives of the Labour movement have adopted the attitude that they must control Labour supporters body and soul. I am not prepared to force a man to hand himself over body and soul in all respects before he can earn a crust. In my time I have wished to support a capable democrat in preference to an incapable Labourist, but I dared not do so; I had to support the Labourist, or rather his platform. A man who did otherwise would be called a rat and a blackleg. As regards the innuendo of the Honorary Minister, what I did was done in behalf of the Labour movement, and I would do it again.

Mr. WILSON: I support the clause, in the absence of something more definite. The last speaker was talking through his neck. I have been, and I am, a conscriptionist-unionist. The man who takes advantage of the efforts of a union without paying his contribution is a scab. There are in this House two men who voted for compulsory unionism 12 years ago. Against the wishes of my own party I then moved a motion to the effect that where an award by the Arbitration Court or an industrial agreement was in operation, the court should direct that every worker in the industry covered by the award or industrial agreement should be a member of the respective union or organisation. Sir James Mitchell, Mr. W. J. George, and I voted for that motion.

Hon. Sir James Mitchell: We voted for it under a misapprehension, and you know it.

Mr. WILSON: Then the hon. gentleman did not know his own mind at that time, or else he does not know it now. I fail to see any argument against either compulsory or preferential unionism. People who voted for conscription in order that we might fight in behalf of nations on the other side of the world should now vote for conscription to make the worker fight for himself. Preference to unionists was adopted in Federal politics 10 years ago. The coal miners of Collie have had compulsory unionism for the past 12 years, and in no coal mining district in the world is there less industrial friction. The rules protect the workers, and they protect the companies in ensuring to them the services of good men.

Mr. Taylor: The Collie mines are dealing with customers different from those of other mines. They are customers who can be handled better than private individuals.

Mr. WILSON: Such flapdoodle is stuff to feed fools on.

Mr. THOMSON: Though from the union point of view a good case can be made for the subclause, I oppose preference to unionists because it amounts to economic slavery. Under the conditions confronting us to-day, I do not like preference to unionists. The Minister stated that it was necessary to have political action to redress grievances. If that be so, why not redress them in this House? Why have an Arbitration Court, together with all the various boards proposed in the Bill? I have always opposed preference to unionists, and I do so now. The Minister claimed that compulsory arbitration was ineffective unless there was preference to unionists.

The Minister for Works: No, I said, "without unionism."

Mr. THOMSON: We have unionism but that does not prevent strikes.

The Minister for Lands: We have had fewer strikes here than in any other part of the world.

Hon. Sir James Mitchell: But we have had too many altogether.

Mr. THOMSON: It is pretty rough when men are driven off jobs because others will not work with them. I know of one instance where a man who had been working for me came to Perth and spent all his money. He got a job up here but he was driven off. To use his own words, he said to the men: "God's truth, won't you give me a chance to get a few bob to pay for the union ticket."

Mr. Sleeman: What union was concerned?

Mr. THOMSON: The Hod Carriers' Union. We know that on construction work and on railway works, the walking delegate goes round, and if he finds a man who has not joined up, he tells those in charge of the works that if that man does not join the union, the others will not work with him.

Mr. Taylor: But that man is always given till the next pay day.

Mr. Panton: It is a remarkable fact that the builders' labourers organisation is not affiliated with the Trades Hall or with the Labour movement. Had the union been connected with the Labour movement, that would not have happened.

Mr. THOMSON: No doubt the hon. member thinks so.

Mr. CHESSON: I believe in preference to unionists. If arbitration is the law of the land, the worker in any industry should be compelled to belong to the union concerned. It is expected that the workers shall obey Arbitration Court awards, and if a man receives benefits as a result of union organisation and effort but refuses to link up, he should not receive any consideration. In my experience a man is always given a fortnight within which to join and even then, if he cannot pay, he is given further time. As to industrialists not taking political action, I contend that the two things should go together. No matter how a body of men may organise industrially, full effect cannot be given to their efforts unless they take political action. During the Federal campaign the member for Mt. Margaret advocated preference to unionists.

Mr. Taylor: I advocated it in 1887 when I was in Queensland.

Mr. CHESSON: I have been connected with industrial organisations for very many years and I have been victimised. My name has been on the black list. Time and again men who endeavoured to better the conditions of their fellow workers have been victimised and have been kept on the tramp.

Mr. Taylor: Many of them were the best men you could find anywhere.

Mr. CHESSON: But they were victimised because of their industrial and political opinions. I cannot understand how anyone can argue against preference to unionists. It has been stated that unions compel their members to subscribe to political funds and to a certain paper. That is not so. I know no pressure is brought to bear on members as to how they shall vote or as to subscribing to political funds. In the coal mining industry there is preference to unionists and the employers see to it that their men belong to the union. They want the best men they can get. The union controls the men and works with the employers. I remember the great explosion that took place in 1885 at the Bulli Coal Mine in New South Wales. The explosion was caused by blacklegs who had had no experience. They let the tops come down and the bottoms go up, thus interfering with the air courses. A week after the strike had concluded, the explosion took place. It would never have taken place had there been no strike.

The MINISTER FOR LANDS: What concerns me in a matter of this description is the retention by the State of its sovereign rights. Every time a vote has been taken in Western Australia for the purpose of extending the powers of the Commonwealth, it has been carried by an overwhelming majority. The laws of Western Australia should be such as to enable people to take advantage of our State Courts and thus have the same privileges and powers as if they were under the Federal Constitution. To-day unions are federating throughout Australia and thus have the right to go to the Federal Arbitration Court.

Hon. Sir James Mitchell: Officially they say they do not like it.

The MINISTER FOR LANDS: But they are there. Under the Federal laws a judge of the Arbitration Court can grant preference to unionists. Why should we drive unions to another court? We will do so unless we afford them the same privileges in Western Australia. When I came to Australia first I joined the Carpenters' Union here. That organisation was separate and distinct. To-day that union has linked up with the carpenters' unions in the Eastern States as a Federal organisation. Other unions are linked up in the same way. The reason for that is that the State Parliament has not granted those unions the same privileges as are obtainable under the Federal law.

Mr. Taylor: Some have tried both courts and come back to the State court.

The MINISTER FOR LANDS: The time is not far distant when the National Government will take another referendum on the unification question. I want to see our laws so shaped that we shall be able to say to the workers, "You will benefit by retaining the State as a sovereign State. Instead of going to the Federal court, maintain the State's sovereignty by going to your own court." It has been said that the Labour Party encourages unification. There are no more effective unificationists than those associated with the

Nationalist Party, because they are continually driving people into the Federal sphere. I ask members to carry this clause and so place the State court on an equal footing with the Federal court. I deny that it will take money out of the pockets of any employer.

Mr. DAVY: The Minister for Lands puts up an astonishing argument when he says whatever the Commonwealth law, we should adopt it lest, if we do not, we shall be throwing away our sovereign rights. Because it is a Commonwealth law is not to say that it is a good law. The Minister for Works, of course, condemns all arguments used against him as being out of date and relics of old Toryism. But, surely, justice was much the same a thousand years ago as it is to-day. It appeals to me as a wicked injustice to give to any person the power to say to Bill Smith, "If you don't join our union, which involves the financing of our political party, you shall starve." That is the way preference to unionists appeals to me. Every fair-minded man is capable of understanding the opinions of a trade unionist towards those who accept the benefits obtained by him but will not join his union. If I were a trade unionist I should be inclined to regard with some disfavour those who refused to join my union. But that is very different from passing a law saying that a man who refuses to join a union is not to be allowed to earn his living.

Mr. Sleeman: That is not said.

Mr. DAVY: It follows as the night the day.

Mr. Panton: A great many registered unions are not affiliated with the political Labour Party.

Mr. DAVY: But if we give this power to the Arbitration Court, the court will put the preference clause into its awards whether respecting those unions affiliated with the Trades Hall or those not so affiliated. The other day I quoted from Mr. Justice Higgins' book. To-day the Minister for Works charged me with having omitted certain passages that are against my argument, and he quoted the following passage which, he said, I had deliberately omitted—

> What is to be done to protect men in the exercise of their rights as free men to combine for their mutual benefit, seeing that the employing class has the tremendous power of giving or withholding work? The only remedy the Act provides is an order for preference; and it is doubtful whether such an order is appropriate or effective.

I certainly did not quote that, but had I seen it I would have quoted it as damning with faint praise the preference clause. Mr. Justice Higgins goes on to say:—

> The only case in which the court has ordered preference is the case of a tramway company that 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.

As I read it, Mr. Justice Higgins means that in his opinion the preference clause is a bad power, and that the proper power for dealing with the situation is the power of the court to order that the employer shall not discriminate against unionists—a very different proposition. As a person unversed in arbitration matters, I feel it is unjust to make any man's livelihood depend on his political opinions. The preference clause will do exactly that.

Hon. Sir JAMES MITCHELL: The only reason urged by the Minister for Lands in support of this preference clause is that it will save us from unification. He said that if we satisfied the workers, they would vote against unification, whereas if we did not satisfy them, and if the Federal court offered them preference, they would go to the Federal court. Of course, the Minister knows, as we all do, that they will go unerringly to the court that gives them the highest wages, apart altogether from preference of employment. We know, too, that the Bill is designed to give Commonwealth-wide unions the right to go to the State court in sections. Members opposite in discussing this question have left nothing in doubt. They have made it clear that they want compulsory unionism because it helps politically. They have said that unionists, to get the full advantage of their unions, must take political action. The member for Cue (Mr. Chesson) said that unionists could get what they want only from their representatives here, from men who do what the unionists tell them.

Mr. Chesson: Nothing of the sort.

Hon. Sir JAMES MITCHELL: We are told that the coal miners have preference, but there has been more trouble in the coal-mining industry of New South Wales than in any other. If I were a worker I would belong to a union, but I would not be compelled to join. A worker must earn his living from day to day, and if we give preference to unionists, men will be forced into the unions. It is one thing to join a union freely, and quite a different thing to be compelled to join in order to get a living.

Mr. Panton: The Federal court has awarded preference only once, and yet you are afraid of it.

Hon. Sir JAMES MITCHELL: That shows it is not wanted here.

Mr. Panton: I think it should read "shall," not "may."

Hon. Sir JAMES MITCHELL: I hope workers are not going to be debarred from working for a living unless they subscribe to political funds. Unions should accept members for industrial purposes only. If members on the Government side were com-

pelled to go to certain people for their goods, they would strenuously object.

Mr. Panton: They all charge the same prices, so it would not matter.

Hon. Sir JAMES MITCHELL: A man should be content to be a member of a union, and should not seek to compel conscientious objectors to join. The member for Collie said I had voted for compulsory unionism. I know we voted on opposite sides, but it was purely due to an inadvertency because of the way the question was stated from the Chair.

The MINISTER FOR WORKS: It has been argued that we require preference to compel men to join unions and thus subscribe to their political funds.

Hon. Sir James Mitchell: I said to get political representation.

The MINISTER FOR WORKS: I cannot follow the reasoning of members opposite. The Act deprives unions of the right to strike——

Hon. Sir James Mitchell: But they strike all the same.

The MINISTER FOR WORKS: And the only alternative to direct action is political action.

Mr. Thomson: If I thought preference would prevent strikes, I would vote for it.

The MINISTER FOR WORKS: Responsible leaders in this State have not favoured direct action.

Mr. Taylor: The Federal engineers recently voted against accepting an award.

The MINISTER FOR WORKS: But they have not struck.

Mr. Taylor: Why go to the court if they do not intend to accept the decision?

The MINISTER FOR WORKS: Then the hon. member should repeal arbitration. If we deny the unions political action, we must give them the right to strike.

Hon. Sir James Mitchell: They have the same political rights as anyone else.

The MINISTER FOR WORKS: All the arguments of the Opposition are based on an idea that there is no such thing as a secret ballot in this State. Members suggest that unionists have no political freedom. What utter nonsense!

Mr. Taylor: What about the Sydney ballot boxes with sliding panels?

The MINISTER FOR WORKS: Why not offer more substantial argument than such claptrap?

Hon. Sir James Mitchell: What is that?

The MINISTER FOR WORKS: That unions control their members body and soul.

Hon. Sir James Mitchell: We said nothing of the sort.

The MINISTER FOR WORKS: The member for Mt. Margaret did.

Mr. Davy: He said members of unions have to pay for something they vote against.

The MINISTER FOR WORKS: All that is asked is if a majority of members so decide, portion of the funds may be used in order that their representatives may have a say in framing the laws under which the workers have to earn their subsistence. I could name a good many employers in this city who have offered financial assistance to the Labour Party, but on the distinct condition that their names should not be disclosed. They were afraid that if their action became known, other employers would hound them out of business.

Mr. Teesdale: I hope you accepted their money.

The MINISTER FOR WORKS: I did, more often than once. Our people do not know how to exercise pressure and boycott as do the other side. The unions do not exercise the domination and control over members that the Opposition suggest. Members opposite should belong to the I.W.W., who have been fighting the trade unions. The I.W.W. are the advocates of direct action. If members object to political action, the only alternative is direct action. Would the Opposition deny the workers either right, and hand them over body and soul to the employers? We stand for constitutional methods to settle our troubles. Since 1890 we have sought means to secure redress other than by direct action. The unions can better use their funds for political action than for strikes. We will not listen to any suggestion that trade unions of the country shall be deprived of the right to take political action.

Hon. Sir JAMES MITCHELL: I object to the statement that we have ever said that men ought not to vote for members opposite. We have never penalised anyone for the political action he may have taken. The Minister ought not to say that we on this side of the House have accused members of compelling people to contribute to union funds. The best laws in this country for the benefit of the workers have been framed by those who have sat as Nationalists in this House.

The Minister for Mines: Who asked you to specially concern yourself about the workers?

Hon. Sir JAMES MITCHELL: I have a perfect right to speak for any section of the community. All we say is that the funds of unions should not be utilised for political purposes, though we have no objection to members of unions voting for Labour candidates.

Mr. SAMPSON: The Minister for Works has put up no adequate argument in reply to the member for Mt. Margaret.

Mr. Marshall: We are not responsible for your lack of comprehension.

Mr. SAMPSON: An obligation is cast upon the Ministry to see that no special preference is given to any section of the community. This part of the clause, however, gives unions the power to extract funds for carrying on political propaganda.

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

Ayes	10
Noes	18
Majority against ..	8

AYES.

Mr. Davy	Mr. J. H. Smith
Mr. E. B. Johnston	Mr. Stubbs
Sir James Mitchell	Mr. Taylor
Mr. North	Mr. Thomson
Mr. Sampson	Mr. Denton
	(*Teller.*)

NOES.

Mr. Angwin	Mr. McCallum
Mr. Chesson	Mr. Millington
Mr. Coverley	Mr. Munsie
Mr. Cunningham	Mr. Panton
Mr. Heron	Mr. Sleeman
Mr. Holman	Mr. Troy
Mr. Kennedy	Mr. A. Wansbrough
Mr. Lamond	Mr. Withers
Mr. Marshall	Mr. Corboy
	(*Teller.*)

PAIRS.

AYES.	NOES.
Mr. Teesdale	Mr. Lambert
Mr. Angelo	Mr. Willcock
Mr. C. P. Wansbrough	Mr. Clydesdale

Amendment thus negatived.

Mr. THOMSON: I move an amendment—

That in Subclause 6 the words "by omitting the words 'but shall not include any person engaged in domestic service' in the interpretation of 'worker' and" be struck out.

If these words are left in, union official will be permitted to enter any private home. That is quite contrary to the accepted principle that an Englishman's home is his castle.

The MINISTER FOR WORKS: I can see no objection to domestic servants receiving decent wages and industrial conditions. No section of our workers has to suffer worse conditions than this particular section. Domestic servants work for longer hours and receive less pay, and are more sweated, than any other people. They have no redress. Why should they be deprived of the right to go to the court? If a home cannot pay a girl decent wages and give her proper working conditions, it should not have the right to employ one. I do not know what some hon. members imagine will happen if a union secretary enters their homes. Let them remember that all sorts of people, such as butchers and bakers and plumbers and grocers and telephone examiners, now enter the home.

Mr. Thomson: By request, which makes a great difference.

Mr. DAVY: There are some very good reasons indeed why domestic servants should not be brought under the Act. Firstly the work of a home cannot be clearly defined. Often it is impossible to say whether a domestic worker is working or not. If this provision is enacted, we shall need a clear definition of when domestic servants are at work and when they are not. Any person who is on duty in any way at all may be regarded as working. The domestic servant might be considered to be working when the woman of the house has gone out. The woman of the house might go out for three hours in the evening and then there would be three hours of the domestic worker's eight hours gone, leaving the work of the home to be distributed over five hours. The allegations as to domestic workers living and labouring under frightful conditions are all nonsense. It is most difficult to secure a domestic servant.

Mr. Panton: That proves the conditions are bad.

Mr. DAVY: Nothing of the sort. At present domestic servants practically dictate their own terms, within reason. The wife has to be considered to some extent. The woman of the house has to do anything up to 70 hours a week, while the other woman, the domestic help, will work only 48. The intention of the Act is to protect workers in industries. Can the household be considered an industry? Obviously, this provision of the Bill is a mere afterthought.

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

Ayes	9
Noes	21
Majority against ..	12

AYES.

Mr. Davy	Mr. J. H. Smith
Mr. Denton	Mr. Stubbs
Mr. E. B. Johnston	Mr. Thomson
Sir James Mitchell	Mr. Richardson
Mr. Sampson	(*Teller.*)

NOES.

Mr. Angwin	Mr. Millington
Mr. Chesson	Mr. Munsie
Mr. Corboy	Mr. North
Mr. Coverley	Mr. Panton
Mr. Cunningham	Mr. Sleeman
Mr. Heron	Mr. Taylor
Mr. Holman	Mr. Troy
Mr. Kennedy	Mr. A. Wansbrough
Mr. Lamond	Mr. Withers
Mr. Marshall	Mr. Wilson
Mr. McCallum	(*Teller.*)

PAIRS.

AYES.	NOES.
Mr. Angelo	Mr. Willcock
Mr. Teesdale	Mr. Lambert
Mr. C. P. Wansbrough	Mr. Clydesdale

Amendment thus negatived.

Hon. Sir JAMES MITCHELL: Are we not going a bit too far? Apparently everybody is to be included within the scope of the Arbitration Act; but still, why are workers without fee or reward to be included? Children, I suppose they are.

The MINISTER FOR WORKS: There has grown up in this city, particularly in connection with the motor trade, a custom whereby so-called schools advertise for students who are charged a fee and are supposed to be turned out skilled tradesmen. From the motor schools they are supposed to emerge as motor mechanics able to do all repair works. These schools compete against all other motor garages in the city, while paying no wages to the students, who are grown men working under the direction of skilled mechanics, and who pay to be allowed to work. The man who looks to the trade for his living feels such competition keenly.

Mr. J. H. Smith: Many of those students are farmers' sons who come to town to learn about the parts of motor cars.

The MINISTER FOR WORKS: Let them go to a technical school. I object to a man who not merely works for nothing, but pays to be allowed to work.

Hon. Sir James Mitchell: What is the value of a man when he first goes into a motor garage?

The MINISTER FOR WORKS: There are other ways of learning the business than the method I have described. A number of these schools exist, and they are playing havoc with the recognised garages. The period covered by the training is usually about three months. There is no desire to interfere with technical schools, but we should not tolerate these motor schools taking advantage of free labour to compete with the trade.

Mr. J. H. Smith: You will prevent farmers' sons from attending the schools and learning something about the mechanical part of motor cars.

The MINISTER FOR WORKS: Not at all. I desire to make no distinction between farmers' sons and the sons of anyone else. All that is intended is to prevent these schools from entering into competition with business people in the trade. There is nothing to prevent farmers' sons from going to the technical schools to learn all that is necessary. The ordinary trader cannot stand up against the competition of free labour.

Hon. Sir JAMES MITCHELL: The Minister is now concerned about the owner of a motor garage who, apparently, is the only employer worthy of consideration! It is utterly idle to say that men who go to the motor schools to learn to drive a car and to do ordinary repair work, can seriously compete with the trade. Having heard the Minister I may say that I have often wondered at the number of secondhand cars for sale. Now I know why it is so. Apparently the cars are repaired by students who have never handled a car before. It cannot be argued that such people are really in competition with those who know their business. The clause goes altogether too far. The Minister takes power to certify the technical schools, but we do not know that he will do so.

The Minister for Works: If this sort of thing goes on, there will be no men working in this industry.

Hon. Sir JAMES MITCHELL: How many men will work for nothing? This is getting away from the intention of the parent Act. We should protect people engaged in industries, but we should not concern ourselves about people who are learning to drive cars and do ordinary small repairs for themselves. I move an amendment—

That the second paragraph of subclause 6 be struck out.

Mr. J. H. SMITH: I hope the amendment will be agreed to. I do not think the Minister is sincere about this matter. He realises that motor schools serve a useful purpose in educating farmers' sons and other boys regarding the practical working of motor cars. The Minister should agree to the deletion of the paragraph. Only theoretical knowledge is gained at technical schools, but at the motor schools practical knowledge is gained.

The Minister for Works: This will deal only with those who compete with the trade.

Mr. RICHARDSON: I have always looked upon the motor schools as something to be encouraged. I have in mind half a dozen young fellows who were ordinary labourers. They attended one of these motor schools for a few months, and they were turned out with a practical knowledge of motor cars, with the result that they are now earning far more money than previously. I can see what the Minister is aiming at and perhaps something is necessary but there is a danger, however, that—

Hon. Sir James Mitchell: This may backfire.

Mr. RICHARDSON: There is another part of the subclause, however, to which attention has not been drawn. I refer to that dealing with insurance canvassing. I dealt with this matter during the second reading debate and do not desire to traverse the whole ground again. I cannot see how any arbitration court can deal with insurance canvassers on commission work. I do not regard any commission agent in the light of a servant, such as a wages man. The principal may tell an agent what he requires him to do, but a master can tell his servant what he wants done and how he is to do it. In view of that wide difference I hope members will not insist on the subclause in its present form. As it is, the subclause will merely overload the Bill with a provision that cannot be acted upon.

Mr. SAMPSON: I support the amendment because, if men and women engaged in learning something about driving, running repairs, and so on are to be brought within the scope of the Arbitration Court,

schools established for the purpose of giving them that elementary knowledge of motor cars will have to close down. There is something to be said on both sides. It may be claimed that the backyard motor repairer is recruited from the ranks of those who have acquired the slight knowledge that can be obtained at these motor schools. On the other hand, the lady or gentleman who is considering the purchase of a car, may deem it necessary to learn how to drive, and also something regarding the creation of energy and the transmission of power. The elementary knowledge gained will enable people to take their cars from the city to country centres in safety, whereas without that knowledge some danger may attach to the journey. In the interests of the public generally, the provision classifying students as workers should be struck out. It is essential that men and women should learn something about their cars in the circumstances I have outlined. There are two big schools in Perth, while in the Eastern capitals they exist in large numbers.

Mr. TAYLOR: I should like to know from the Minister whether he has considered the effect the clause will have on industry. It will certainly restrict professional men and limit the number of apprentices. The Minister did point out that they were becoming so numerous that proficient workmen were unable to get employment. We should not restrict opportunity for anybody to learn anything.

The MINISTER FOR WORKS: There is no intention to interfere with those schools that merely exist for teaching. But it is designed to control those who are using those schools for competing against genuine traders. No bona fide school will be affected.

Amendment put and negatived.

Clause, as previously amended, agreed to.

Clause 3—Amendment of Section 6:

Hon. Sir JAMES MITCHELL: This is a most important amendment of the section in the Act. The clause paves the way for the one big union of which the Minister spoke to-night. Under it unions will be able to register, although representing all the workers in the State, workers in every possible industry. I should like to hear some further explanation from the Minister.

The MINISTER FOR WORKS: The intention is to provide that the workers shall not be limited in the scope of their organisation to a specific industry. Even now they can link up a number of specified industries in one combined organisation that would perform the functions of the one big union the hon. member appears to dread. That would be possible under the existing law.

Hon. Sir James Mitchell: No, it would not.

The MINISTER FOR WORKS: But it would.

Mr. Taylor: The A.W.U. cannot register now?

The MINISTER FOR WORKS: No.

Mr. Taylor: But if we pass this, it will be able to.

The MINISTER FOR WORKS: That is so. Take a navvy: With what specified industry is he associated? To-day he is working in a quarry, to-morrow sinking a dam, next week working on sewerage construction, harbour construction, or railway construction. His employment covers scores of unions. But because the A.W.U. has men of that class, they cannot register. Nobody has yet been able to define "a specified industry." Yet the Act provides that the employees must be associated with specified industries. Of course this would permit of the registration of the A.W.U., the largest organisation in the State. I am anxious to provide for the registration of the A.W.U. The Leader of the Opposition, when Premier, had some experience of the different disputes that union was engaged in without being able to get to the court. The main object of the clause is the registration of the A.W.U.

Mr. TAYLOR: The Minister has shown that the clause will not affect existing registration, and has declared that its main object is to admit the A.W.U. to the State court. That being so, I think the clause is justified. The A.W.U. brings in all classes of employment, skilled and unskilled, and certainly it ought to be allowed to get to the court.

Hon. Sir JAMES MITCHELL: At present the A.W.U. can go to the Federal court, but not to the State court. If the organisation could go to one court and, being dissatisfied with the award, could then go to the other court, it would be unfair.

The Minister for Works: Both courts have laid down that they will not deliver a decision if there is one in operation.

Hon. Sir JAMES MITCHELL: This provision will restrict the registration of unions considerably.

The Minister for Works: It will not affect existing registrations.

Hon. Sir JAMES MITCHELL: It will greatly extend the authority of our friends in Beaufort-street. I confess there has been a good deal of trouble because the A.W.U. has not been able to register in the State court, and if it be correct that either court would decline to deliver a decision if there was one in operation, I do not think there is any objection to the clause.

Clause put and passed.

Clause 4—Amendment of Section 10:

The MINISTER FOR WORKS: This is consequential on the previous decision. Under the existing Act if a union applied for registration and its members included employees of the building industry, the unions in the building industry alone would be notified. If the words "specified in-

dustry'' are struck out and the membership is not limited to a specified industry, it will be essential to notify all unions of an application for registration so that any objection may be lodged with the registrar. It will be done by circular.

Clause put and passed.

Clause 5—Variation of agreement to conform with common rule:

The MINISTER FOR WORKS: The clause would mean that every detail of an agreement would have to be altered to bring it into exact conformity with the award. I move an amendment—

That the words ''necessary to bring it into conformity'' be struck out, and the words ''it is inconsistent'' inserted in lieu.

If the parties have reached an agreement and desire it to operate, so long as it is not inconsistent with the award, there should be no objection.

Mr. DAVY: I think we are all in agreement with the principle of the clause, but with the proposed amendment there may be some doubt as to the exact meaning. It may mean that when the court has ordered that an industrial agreement be varied so far as it is inconsistent, the parties thereto are to enter into a fresh agreement. It may mean that when the court has made its order, the agreement will be automatically varied. I suggest a clause as follows:—

> The court may of its own motion, by order, amend or vary any industrial agreement so far as it is inconsistent with any award or other industrial agreement in operation as a common rule, and such agreement shall be deemed to be amended or varied as the case may be and take effect accordingly

That would leave no doubt as to what is desired.

The MINISTER FOR WORKS: When I introduced the Bill I invited members to put their amendments on the Notice Paper so that I would have time to examine them. Yet mine are the only amendments that appear. It is difficult to grasp the full significance of the suggested clause after having heard it read only once.

Mr. DAVY: There is no sting in it. As the clause stands there may be doubt whether on the order of the court the agreement is automatically varied or whether, after the order is made, the parties must enter into a fresh agreement embodying what the court has ordered.

The MINISTER FOR WORKS: There will be some doubt as to which agreement has to be altered. I will discuss the matter with the hon. member, and if necessary deal with it on Recommittal.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 6—Amendment of Section 42:

Mr. THOMSON: I move an amendment—

That all the words after ''consist of'' in line 3 down to ''Governor'' in line 4 be struck out, with a view to inserting ''a President who shall be appointed for for life.''

The Bill provides for the appointment of industrial and conciliation boards, which can be directed by the president to deal with any matter that may lead to a lock-out or industrial dispute. That being so one gentleman in charge of the court should be sufficient. I look upon the two advocates on the bench merely as assessors for their own sides.

Mr. DAVY: I have an amendment very similar to that moved by the member for Katanning. It is—

> That all the words after ''of'' in line 3 down to the end of the clause be struck out, and that the following words be inserted in lieu: ''One judge to be known as the industrial arbitration judge: such judge shall be appointed by the Governor from among persons having in every respect the same qualifications as judges of the Supreme Court, and when appointed he shall in every respect hold office for the same period, and at the same salary, terms and conditions as judges of the Supreme Court.''

I understand that several of the Minister's colleagues were in favour of the one-judge court movement, but that the majority prevailed against them. The two other members of the court are not of great value. They are appointed only for a time, and dare not act truly impartially because they are sent there to represent the views of their own side. Notwithstanding this they have to take an oath to decide impartially the matters brought before them. The work of the court would be carried out more satisfactorily without them. It would be a mistake to select a president from amongst people who are less well trained than are judges of the ordinary courts. The legal profession is the one that gives persons the particular kind of training that qualifies them to weigh evidence. The best interests of the court and the community would be served if there was appointed to the position of president a gentleman holding the same tenure of office as a judge of the Supreme Court, and receiving the same salary and working under the same terms and conditions as those applying to a judge of the Supreme Court.

Mr. THOMSON: If my amendment is carried, I shall move that the following words be inserted:—''a president, who shall be appointed for life; such appointment, and his removal from office, to be approved by both Houses of Parliament.''

The MINISTER FOR WORKS: The proposed amendment would entirely alter the lines upon which the Government framed the Bill. The great bulk of trade unions favour the present constitution of the court

—three members. A few favour a single judge, as in the Federal Arbitration Court. I myself support the court of three members. The assertion that the employers' and employees' representatives are mere super-advocates is entirely wrong. Mr. Somerville has at times condemned in very plain language some actions of unions. It would be a bad day for the State if it lost Mr. Somerville's services. He makes a closer study of the work of the court than anyone else. Personally, I feel more confidence in the decisions of the court when I know there is one member of the bench who understands my view, one who will present my view up to the last moment before the award is delivered.

Mr. Thomson: I believe the proposed boards will do about 75 per cent. of the work.

The MINISTER FOR WORKS: Possibly. The president of the Queensland Arbitration Court has stated that the more important decisions should be the responsibility of three men, since such decisions may affect tens of thousands of people. Whenever this question has been debated at Labour conferences, I have urged the unions to stand by the present system. The amendment is not acceptable to me.

The CHAIRMAN: Mr. Davy might move the first part of his amendment, namely, the addition of certain words, as an amendment on Mr. Thomson's amendment.

Mr. DAVY: I will do so after the amendment has been disposed of.

Hon. Sir JAMES MITCHELL: This clause is really the Bill, because it constitutes the court. I doubt whether the employers' and employees' representatives are very useful. Under existing conditions it is the president who decides the issue.

The MINISTER FOR WORKS: In my opinion, as the result of having those representatives on the bench, the judge is more fully advised of the facts. The representatives should be appointed by the Governor, and should come up every three years for reappointment on the recommendation of the Employers' Federation and the industrial unions respectively. The public, too, ought to be considered in connection with any Arbitration Act we are framing.

The CHAIRMAN: Hon. members cannot discuss the whole subject of the Bill on the amendment before the Chair.

The Minister for Works: The amendment of the member for Katanning will really decide the issue.

Hon. Sir JAMES MITCHELL: But the amendment by the member for West Perth goes further than that. It is wrong to confine the appointment of the president to a period of seven years. I agree that the President of the Arbitration Court should have the same freedom and protection as a judge of the Supreme Court. I agree that the lay members of the court serve a useful purpose. If we are to have three members comprising the court, then the lay members as well should be permanently appointed. They should not be subject to re-appointment at the end of specified periods. They should be placed on the same basis as judges and be removed only by votes of both Houses of Parliament. If we have a satisfactory court, its constitution should not be interfered with. The president should be appointed for life and should only be removed at the will of Parliament. The Minister will have the right to appoint anyone he pleases as president, irrespective of whether the individual selected is as qualified as a judge or not. I support the amendment.

Mr. TAYLOR: This is really the crux of the Bill. The clause will determine whether the court is to be a success or a failure. The present constitution, which has been tested for the last 24 years, has not always been satisfactory. The disaffection has been more pronounced on the part of the workers than on the part of the employers. In practice, if the two lay members cannot agree, the president gives the final decision. The only argument in favour of the present constitution of the Arbitration Court bench is that the president will have the advice of experts, representing the employers and the employees, who will help him to form his conclusions. Without that assistance the president will have to watch more minutely the progress of a case. In any circumstances, however, the president's decision is final. In my opinion the court should consist of a judge, who should be placed in a corresponding position to a Supreme Court judge, so that he should be able to give his decisions without fear of his position being jeopardised by any Government. I support the amendment with the object of moving later on that the court shall consist of one judge.

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

Ayes	10
Noes	19
Majority against ..	9

AYES.

Mr. Davy	Mr. J. H. Smith
Mr. E. B. Johnston	Mr. Stubbs
Sir James Mitchell	Mr. Taylor
Mr. North	Mr. Thomson
Mr. Sampson	Mr. Richardson
	(*Teller.*)

NOES.

Mr. Angwin	Mr. McCallum
Mr. Chesson	Mr. Millington
Mr. Corboy	Mr. Munsie
Mr. Coverley	Mr. Panton
Mr. Cunningham	Mr. Sleeman
Mr. Heron	Mr. Troy
Mr. Holman	Mr. A. Wansbrough
Mr. Kennedy	Mr. Withers
Mr. Lamond	Mr. Wilson
Mr. Marshall	(*Teller.*)

PAIRS.

AYES.	NOES
Mr. Angelo	Mr. Willcock
Mr. Teesdale	Mr. Lambert
Mr. C. P. Wansbrough	Mr. Clydesdale

Amendment thus negatived.

Mr. DAVY: I move an amendment—

That after "court" in line 6 the following words be added: "who shall be appointed by the Governor from among people having in every respect the same qualifications as judges of the Supreme Court, and when appointed he shall in every respect hold office for the same period, and at the same salary, terms and conditions, as judges of the Supreme Court."

I do not propose to elaborate my arguments every time. I am convinced that, in the interest of everyone concerned, the president of the court should have the same tenure of office as a judge.

The MINISTER FOR WORKS: This matter has received consideration and I confess that at one time I was in favour of the president being appointed for life. We have maintained in the Bill the longest term for which any Arbitration Court president in Australia is appointed. There are great objections to a life appointment. For instance, we might happen to get a man who eventually proved to be unsuited to the position. Again, I am not favourable to limiting the choice to members of the legal profession.

Hon. Sir James Mitchell: What is in your mind?

The MINISTER FOR WORKS: I want to get the most suitable man available, no matter what his avocation may be.

Hon. Sir James Mitchell: Is it that you have it in mind to appoint a layman?

The MINISTER FOR WORKS: I have not even considered that. I merely want the widest possible choice. There may be some force in the argument that we should have a man trained in the sifting of evidence. But that is not all that is required. The president should have a thorough knowledge of human nature, and should know the conditions under which ordinary people are living. I am afraid that a large proportion of the legal fraternity have been brought up in a very narrow school.

Hon. Sir James Mitchell: They are experienced men with logical minds.

The MINISTER FOR WORKS: The experience we have had of lawyers in the Arbitration Court has not been very favourable. They desire to reach findings on technicalities, not on the broad issues that really count. We had in Mr. Justice Higgins the most suitable man for the position that Australia has yet discovered. Of course he was a lawyer.

Mr. Davy: And a very good lawyer too.

The MINISTER FOR WORKS: We may be able to unearth a second Higgins here, amongst the legal fraternity; but at the same time he may be found outside the profession.

Hon. Sir James Mitchell: If you have in mind any man for the appointment, you ought to tell the Committee.

The MINISTER FOR WORKS: I have no appointment in mind. Indeed I have not even settled as to whether the president shall be a lawyer or a layman. The best man available will get the post, whether he be a lawyer or a layman.

Mr. Sampson: You hold that legal training is not the first consideration?

The MINISTER FOR WORKS: It is not. My idea of the first consideration in the man to be appointed is a knowledge of the people, wide experience and sound common sense and judgment. I cannot accept the amendment. If a really suitable man can be found, he need have no fear that he will not continue in his position after the seven years have expired, no matter what Government may be in power.

Hon. Sir JAMES MITCHELL: I am sorry the Minister cannot tell us what is in his mind respecting the appointment. He talks of a man with experience of the world. All men have that. He talks of common sense. All men have common sense. As for special training, no one can have a training that will fit him to try all cases and know something about all the industries involved. We require a man having the qualifications of a judge of the Supreme Court. I am reminded that he will have to try cases under the Workers' Compensation Act. For that in particular he should have the training of a Supreme Court judge. We require to do what is right, not only for the workers, but for all the people. We want to protect the worker just as much as do members opposite. The president should not be subject to reappointment after a period of a few years. He should not have one eye upon the case before him and the other upon his reappointment. The Minister should accept the amendment and trust to the good sense of Parliament to deal with the president if he proves unsuitable. It would be shocking to contemplate the retention of an unsuitable president.

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

Ayes	10
Noes	19
Majority against ..	9

AYES.

Mr. Davy	Mr. J. H. Smith
Mr. E. B. Johnston	Mr. Stubbs
Sir James Mitchell	Mr. Taylor
Mr. North	Mr. Thomson
Mr. Sampson	Mr. Richardson

(*Teller.*)

NOES.

Mr. Angwin	Mr. McCallum
Mr. Chesson	Mr. Millington
Mr. Corboy	Mr. Munsie
Mr. Coverley	Mr. Panton
Mr. Cunningham	Mr. Sleeman
Mr. Heron	Mr. Troy
Mr. Holman	Mr. A. Wansbrough
Mr. Kennedy	Mr. Withers
Mr. Lamond	Mr. Wilson
Mr. Marshall	(*Teller.*)

PAIRS.

AYES.	NOES.
Mr. Angelo	Mr. Willcock
Mr. Teesdale	Mr. Lambert
Mr. C. P. Wansbrough	Mr. Clydesdale

Amendment thus negatived.

Clause put and passed.

Clause 7—agreed to.

Clause 8—Amendment of Section 47:

Hon. Sir JAMES MITCHELL: The clause provides that the president, if not a judge of the Supreme Court, shall be appointed for seven years. It would be better that the president should not have an eye on his reappointment after so short a term. If the Minister insists upon his proposal, will he consider appointing lay members also for seven years? In this small matter he might meet our wishes.

The Minister for Works: I will consider the matter.

Clause put and passed.

Clause 9—Amendment of Section 48:

The MINISTER FOR WORKS: I move an amendment—

That after "sa'ary" in line 6 there be inserted the words "(not being less than £600 per annum)."

There is no idea in the minds of the Government to reduce the salary of the assessors. This will, however, leave the question of fixing it in the hands of the Governor-in-Council. The salary cannot be less than £600 if the amendment is carried.

Hon. Sir JAMES MITCHELL: The appropriation for the amount is at present fixed by Act of Parliament, and there is no good reason for arranging it otherwise.

The Minister for Works: The salary of several high officials in the service is fixed by the Governor-in-Council.

Hon. Sir JAMES MITCHELL: The salary should still be fixed by Act of Parliament. It is an extraordinary thing to say that the amount should not be less than £600. If the Minister wants to make it £800, why does he not say so? He evidently desires to treat the assessors as ordinary officials, whose salary will come up for review every year. I protest against this sort of thing.

Amendment put and passed.

Clause, as amended, agreed to.

Progress reported.

House adjourned at 11 p.m.

Legislative Council,

Tuesday, 30th September, 1924.

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

MOTION—STANDING ORDERS AMENDMENT.

Hon. J. W. KIRWAN (South) [4.33]: I move—

That the revised Standing Orders of the Legislative Council, drafted by the Standing Orders Committee in pursuance of the instruction given to them on the 5th August last, be adopted.

On the 5th August the following resolution was passed on my motion—

That it be an instruction to the Standing Orders Committee to consider the advisableness of amending the Standing Orders, especially in view of the alterations made in the Constitution Act, 1889, and the Constitution Acts Amendment Act of 1899 during the session of 1921-22.

That resolution was passed by reason of the very material amendments that were effected to our Constitution in 1921. Those amendments have a very important bearing on the relationship between the two Houses, especially in the matter of money Bills, and although the Constitution amendment was effected in 1921, our Standing Orders have remained as they were. It is essential that the Standing Orders be brought into conformity with the Constitution. If the Standing Orders be not in conformity with the Constitution, they are ultra vires. The members of the Standing Orders Committee felt that the task with which they were entrusted was one that would be attended with many difficulties. Apart altogether from the alterations to the Standing Orders necessitated by the alterations to the Constitution, the instruction included a direction that any other alterations considered necessary by the Standing Orders Committee might be effected. The Standing Orders Committee have held a considerable number of meetings and have gone through the Standing Orders over and over again, and the expectations as to the amount of work that would be entailed have been fully realised. The English language is so framed that it