with the Government and have his land taken from him by an Act of Parliament before his contract is completed. C.P. land is taken up under certain restrictions, and subject to certain payments, and to conditions as to clearing, and improving. In my opinion it is unfair that another Act of Parliament should give the Government power to wipe out a time contract of that kind. It is too much like confiscation. I admit that after the contract has been completed, at the end of the 21 years, the man should be obliged to obtain his title. The case would be met by an amendment providing that C.P. lands shall not be interfered with until the term of the lease is up, and by a clause compelling the holder of C.P. land at the end of the 21 years to apply for the Crown grant, so that he shall not be able to evade this measure. As far as my limited experience goes, we have not had a measure which requires more amending than this one. From what I have seen of the Lands Department, from what I know of railway statistics, and from what I have observed in my travels, I am convinced that there is no measure more urgently needed in Western Australia to-day than a workable closer settlement Act. This is not the first Bill of the kind we have had before us. Such measures have been dealt with rather harshly by another place. Sometimes another place sends up to us a Bill that is not altogether a credit to another place.

The PRESIDENT: I think the hon. member is out of order in referring thus to another place.

Hon. A. BURVILL: If I may, I should like to illustrate my meaning. An American cooper once went out west, worked there for some time, and then returned. He was asked how he had got on. His reply was, "I came back because there was too much repair work out there. A man would fetch a barrel to have staves put in, and sometimes to have hoops put on, and sometimes to have a head put in as well. But at last a man brought a bung-hole and wanted a barrel put round it." I consider this Bill to be little more than a name, and I have much pleasure in supporting its second reading.

On motion by Hon. H. A. Stephenson, debate adjourned.

*House adjourned at 9.5 p.m.*

# Legislative Assembly,

*Tuesday, 30th September, 1924.*



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

## QUESTION—SPAHLINGER TREATMENT.

Mr. LATHAM asked the Honorary Minister for Public Health: 1, Has the Spahlinger treatement for consumptives been tried in the Wooroloo Sanatorium? 2, If not, in view of the many reported cures in other parts of the world will he have a trial of the treatement made here?

Hon. S. W. MUNSIE (Honorary Minister) replied: 1, No. 2, There is none of Spahlinger's serum available, but the Commonwealth Government is to be advised by the British Government when any further facts are available upon the subject. At the Imperial and Economic conferences a motion was submitted by Mr. Massey, Prime Minister of New Zealand, that a committee should be appointed to consider the question of M. Spahlinger's treatment. The Australian representatives on this committee were Senator Wilson and Sir Joseph Cook. The question was fully discussed with the medical officers of the British Government, after which an adjournment was made for three days, and M. Spahlinger was asked to be present to meet the committee. He, however, declined to attend. Finally, it was decided that the British authorities, on behalf of the countries represented, should take any necessary action at any time that M. Spahlinger could satisfy them in the matter. The position, therefore, is that the matter is being closely watched, and that the Commonwealth Government will be notified immediately any further information is available.

## QUESTION—MOTOR ACCIDENTS METROPOLITAN AREA.

Mr. MARSHALL asked the Minister for Works: 1, What was the total number of recorded accidents with petrol-propelled vehicles in the metropolis, including Fremantle, Midland Junction, and suburbs, for

the year ended 30th June, 1924? 2, What was the total number of injured and killed respectively resulting therefrom?

The MINISTER FOR WORKS replied: 1, The total number of accidents in which all classes of vehicles were concerned for year ended 30th June, 1924, in metropolitan area, including Fremantle and Midland Junction, was 469. A separate record is not kept of accidents for which petrol-driven vehicles were solely responsible. 2, Motor vehicles were responsible for—14 killed, 203 injured. A complete return of street accidents throughout the State is included in the Annual Report of the Commissioner of Police, which was laid on the Table of the House on the 17th instant.

## QUESTIONS (2)—FACTORIES AND SHOPS INSPECTORS.

### *Public Service Commissioner's Recommendations.*

Mr. MANN asked the Minister for Labour: 1, Is it a fact that two officers of the Health Department secured the highest marks in the competitive examination held on the 2nd August last for the purpose of determining the appointment of two inspectors under the Factories and Shops Act? 2, Did the Public Service Commissioner, in accordance with the Public Service Act, recommend two officers of the Health Department for appointment to the vacancies? 3, Did the responsible Minister endorse the Commissioner's recommendation for the approval of the Governor? 4, If not, why not?

The MINISTER FOR LABOUR replied: 1, The examination referred to was not held to determine the appointment, but only for the purpose of testing the technical and theoretical knowledge of the applicants. Two officers of the Health Department secured the highest marks on the papers set. 2, Yes. 3, Not yet. 4, Because inquiries are now being made into the suitability of the applicants from a practical point of view.

### *Methods of Selection.*

Mr. SAMPSON asked the Minister for Labour: In view of the fact that applications were recently called for two inspectors under the Factories and Shops Act, will the Minister in charge advise: 1, How many applications were received? 2, What method of selection was decided upon? 3, Has a decision yet been reached? 4, Has any recommendation in respect thereto been made by the Public Service Commissioner, and if so, to what effect?

The MINISTER FOR LABOUR replied: 1, 138. 2, Selection not yet made. 3, Answered by No. 2. 4, Yes; for two appointments.

## BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

### *In Committee.*

Resumed from the 25th September. Mr. Lutey in the Chair; the Minister for Works in charge of the Bill.

Clauses 10 to 12—agreed to.

Clause 13—Amendment of Section 58:

Hon. Sir JAMES MITCHELL: Will the Minister explain the meaning of this clause, particularly of paragraph (b) (i)?

The MINISTER FOR WORKS: I move an amendment—

*That in subparagraph (i) of paragraph (b) after "industrial" in line 1, the words "matters and" be inserted.*

This is to give wider scope to the court, and to get over any technicalities regarding points that it may be desired to bring before the court.

Hon. Sir James Mitchell: We should know what this means before we make it any worse than it is.

The MINISTER FOR WORKS: An industrial dispute usually occurs over some industrial matter. This paragraph, together with the amendment, will permit the court to deal with any industrial matter and any dispute.

Hon. Sir James Mitchell: Whether there is a dispute or not?

The MINISTER FOR WORKS: Yes. I do not want the hands of the court to be tied. One frequently has had to prove that there is a dispute before the court has jurisdiction. Occasionally it has been necessary for the employees to stop work before the court can act.

Hon. Sir James Mitchell: If the court believes a dispute is likely to occur, it can step in?

The MINISTER FOR WORKS: Yes. I do not desire the jurisdiction of the court to be confined merely to dealing with disputes. A lot of silly nonsense has been talked about a dispute not being in existence, and a great deal of delay has occurred in proving that one has existed. A log has been drawn up and served on the employers. In the past, employers have refused a conference. The employers would go to the court and challenge its jurisdiction, contending there was no dispute. In order to overcome that difficulty it would be necessary to make individual employees swear that they were dissatisfied or to get a number of men to give some indication of their feelings.

Mr. Sampson: In other words to create the dispute.

The MINISTER FOR WORKS: Yes, in a legal sense. Occasionally that sort of thing occurs now, but generally speaking employers have seen the futility of that course. Generally a conference between the parties follows upon the service of a log

and if no agreement can be arrived at, the parties go to court.

Mr. Sampson: Then why insert the provision if that is the rule now?

The MINISTER FOR WORKS: But the legal position remains the same. The clause will really give power to the court to deal with matters before they reach a crisis.

Mr. Taylor: There will be no necessity to stop work and the parties will have access to the court straight away.

The MINISTER FOR WORKS: Yes, the clause will mean that there will be no necessity to create disputes in a legal sense, nor yet to stop work to force the issue. The latter portion of the paragraph, to which the Leader of the Opposition has referred, is required to deal with unions not registered under the Arbitration Court. There may be two unions in the building trade, for instance, that refuse to register under the Arbitration Act. They may have trouble with the employers and precipitate a strike. That dispute may tie up the whole industry and involve men who are satisfied with their industrial conditions.

Hon. Sir James Mitchell: But this applies to everyone.

The MINISTER FOR WORKS: It applies to unions, irrespective of whether they are registered under the Arbitration Act or not, if they take direct action and throw other men out of work. There are registered unions that are anxious to comply with the arbitration law, yet those organisations may find their members thrown out of employment through the action of unregistered bodies. Under the Bill the Minister will have power to step in and refer the matter to court to be dealt with.

Hon. Sir JAMES MITCHELL: This is a new provision and apparently has not been taken from any other similar legislation. The Arbitration Court has power to order compulsory conferences between parties when trouble is brewing. That seems a better way than the proposal that the Minister shall have power to refer matters to court, if he thinks trouble is likely to arise.

The Minister for Works: The authority is in addition to that already existing.

Hon. Sir JAMES MITCHELL: Recent amendments to our industrial laws have not prevented strikes and I do not know that this will have any greater effect. It is unreasonable to allow the Minister to have power that already rests with the parties concerned.

The Minister for Lands: Have you ever tried to settle disputes?

Hon. Sir JAMES MITCHELL: Yes.

The Minister for Works: And if the parties decline to agree to a conference or to go to the court, what then?

Hon. Sir JAMES MITCHELL: The clause will not help. I have no doubt the Minister desires to prevent trouble and the occurrence of strikes, but I do not think such powers as he proposes should be vested in him. The Minister could even deal with persons not connected with unions!

The Minister for Works: That is possible, if a strike occurred.

Hon. Sir JAMES MITCHELL: This is a drag-net clause that makes the Minister all-powerful. He could even deal with clergymen or lawyers if they went on strike. It is a dangerous power although the Minister has given a clear indication of what he desires to achieve.

The MINISTER FOR WORKS: The Leader of the Opposition does not appear to understand the clause. It deals with the jurisdiction of the court. If the dispute has caused a cessation of work, it does not matter whether there is any union or not, the Minister will have power to refer the trouble to the court. That is to say, the clause gives the Minister power to refer any industrial matter whatever to the court if he thinks it is in the public interest that it should be done. When a dispute or other trouble causes a cessation of work, it may be referred to the court by the Minister. I propose later on to add a safeguard to that.

Hon. Sir James Mitchell: The Minister will be dealing with people who without his reference could not get into the court.

The MINISTER FOR WORKS: Yes. That has already occurred in a woodline dispute that would have held up the whole of the industry. It is a most desirable provision. There are so many different phases of industrial disputes that it is necessary to take the widest possible power to settle them quickly. The only flaw in the provision is the danger it holds for the genuine registered bodies by allowing some section to take action on its own initiative. However, I propose to meet that with a further amendment.

Mr. TAYLOR: If this amendment be carried it will give the Minister power to move the court to hear any section of employees or employers, notwithstanding that they have not any organisation.

Mr. DAVY: I do not see how the court or anybody else can settle something that is not a dispute, that is a mere "matter."

The Minister for Works: If I say there is a dispute between you and me, and you say there is not, how is the position to be determined?

Mr. DAVY: Such a position can easily be provided against. The amendment proposes to give the court power to settle industrial matters that are not disputes at all. Under it the Minister might refer to the court the mode of binding apprentices, about which there may be no dispute. Again, does the Minister propose that wherever there is a cessation of work, the court shall have power to settle the dispute even though it be between parties who are not industrial unionists, and who could not be industrial unionists under the Act? Take an instance: Suppose the Minister fails to have domestic servants included under the

Act; should this clause become law, and a dispute occur involving domestic servants, could such a dispute be referred to the court under this clause?

The MINISTER FOR WORKS: I have had 20 years' weary experience of the question of dispute or no dispute. Miles of nonsense has been talked in the Arbitration Court about the existence or non-existence of a dispute. More recently the employers have not fought that point. It is not always easy to prove the existence of a dispute.

Mr. Davy: Well, why not have an amendment providing a simple method of proving disputes?

The MINISTER FOR WORKS: Why should we wait for an actual dispute before getting into the court? I want the court to settle industrial matters that may lead directly to a dispute. As to referring into court matters involving workers who would not otherwise come under the jurisdiction of the court, the clause does not enlarge the jurisdiction of the court. If the domestic servants remain exempt, and nevertheless become embroiled in a dispute, the fact that the Minister refers their industrial matter into court, would not give the court jurisdiction over a body of workers exempted under the Act. Let me repeat that in this clause we are merely seeking industrial peace.

Amendment put and passed.

The MINISTER FOR WORKS: I move an amendment—

*That the following proviso be added to sub-paragraph (1) of paragraph (b): "Provided that where there is a registered industrial union of workers connected with the calling to which the industrial ..matter or dispute relates, such industrial union shall be a party to the proceedings, and the award shall be made and issued with reference to such union."*

This will safeguard the position of the registered bodies. Take, for example, the Amalgamated Society of Railway Employees, which embraces most of the running staff, excepting the men on the engines. The guards may pull out of the union and form an organisation of their own, but they could not register. If they went on strike, they could hang up the whole of the railway system. If the Minister referred the dispute into court for settlement, the guards would become a recognised body and would get jurisdiction over the head of the parent body. I desire the union itself to be a party, and to have the award of the court issued to the union and not to the guards. We do not wish to encourage any section of workers, who break away from a registered body, to be able to force the hand of the Minister and thus get some pet grievance settled in the court over the head of the parent body.

Hon. Sir JAMES MITCHELL: This proposal reminds me of the Lands Act of Sir John Forrest. He said "This shall be the law unless the Minister otherwise determines." That is what the Minister for Works wishes to do.

The Minister for Works: That is a good suggestion.

Hon. Sir JAMES MITCHELL: But the public would not stand it. The Minister does not want to offend the unions, and so he is proposing this amendment. The Minister's intention is good, but this provision will make bad law. He wishes to be able to bring any section of the public before the court, regardless of whether they are unionists, but the unionists object to that and want the unions brought into the dispute. Surely the amendment is unnecessary. Why should a union be a party to a dispute when the people causing the dispute are not members of the union?

The Minister for Works: It refers only to registered bodies.

Hon. Sir JAMES MITCHELL: But men outside the unions may force a matter into court.

The Minister for Works: Your objections are pretty weak.

Hon. Sir JAMES MITCHELL: The trouble is the Minister considers any opposition to the Bill is wrong.

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

Clauses 14, 15—agreed to.

Clause 16—Amendment of Section 63:

Mr. DAVY: If this clause becomes law, the proviso to Section 63 of the Act, which allows a person charged with an offence to be represented by a member of the legal profession, will be struck out. That is most unreasonable. There may be a good deal to be said in favour of the exclusion of the legal profession from ordinary arbitration inquiries. I think the basis of exclusion was that the unions could not afford to employ a skilful lawyer, and that the employers would have an advantage over them. That, however, does not apply to a man charged with an offence. It is one of the basic principles of justice that a man so charged shall be entitled to be represented by the most skilful help he can get. The Minister proposes that the court shall have power to delegate the trial of enforcement orders to industrial magistrates. Before industrial magistrates the parties will have a right to be represented by counsel. Consequently, a defendant may have proper representation before an industrial magistrate but not in the Arbitration Court itself. I move an amendment—

*That the words "and the proviso to Subsection 4 of Section 63 of the principal Act is hereby repealed" be struck out.*

The MINISTER FOR WORKS: The desire is that the court shall settle cases on

the facts and not on technicalities. Wherever there is a lawyer, technicalities are sure to be raised.

Mr. Mann: The defendant may not be a business man.

The MINISTER FOR WORKS: He must be a working man or a business man.

Mr. Mann: But he may be without experience of courts.

The MINISTER FOR WORKS: Lawyers try to get cases settled apart from the facts. All the technicalities imaginable are introduced.

Mr. Davy: Why not, when a man is being tried for an offence?

The MINISTER FOR WORKS: Why should not the defendant say straight out whether the charge is true or untrue?

Mr. Davy: Why should not a man charged with murder do the same? It is only a matter of degree.

The MINISTER FOR WORKS: It is a big degree.

Mr. Taylor: You could not hang a man for this offence.

Mr. Davy: But you could put him in gaol.

The MINISTER FOR WORKS: It is merely a question of whether the charge is true or untrue, and that question should be decided on the facts. I have read in the Press that I have not overlooked one little point in drafting this Bill, but the member for West Perth has indicated one point that I have overlooked, namely, that lawyers may appear before industrial magistrates. The further away lawyers are from the Arbitration Court, the better.

Hon. Sir JAMES MITCHELL: In this court the parties may not be represented by counsel. I think it would be better if lawyers went into the Arbitration Court in all matters.

Mr. Panton: There would be some pretty long cases then.

Hon. Sir JAMES MITCHELL: In the early days it was thought that simple men would go before the court and state their case, and that then the court would decide. I have read the evidence in various arbitration cases, among them one in which the member for Menzies appeared. No lawyer in Perth can hold his own with that hon. member in the matter of raising points.

Mr. Panton: A solicitor was there getting a refresher every day from the other side.

Mr. George: Don't you get refreshers?

Mr. Panton: No.

Hon. Sir JAMES MITCHELL: Every day the same objections were taken. They were taken over and over again. The original intention of the Act was good, and if we had had the simple-minded men that were expected, when the law was enacted, to appear, all would have been well. But lawyers now instruct the experienced advocates appearing before the court, and between them the time of the court is wasted. Cases are occasionally strung out to unnecessary length, and matter which is not evidence at all is brought before the court. In the present circumstances it would be better to have "dinkum" lawyers in the Arbitration Court.

Mr. Panton: Surely if a union pays a secretary it is entitled to ask him to do its work.

Hon. Sir JAMES MITCHELL: Lawyers who are not qualified take up far more time than lawyers who are qualified.

Mr. Panton: That is a matter for the clients.

Mr. MANN: The clause would be quite all right if every employer were capable of putting his case before the court. However, an employer may be an excellent carpenter or stonemason, but a very poor advocate. He may not be at all capable of putting the facts before the court as he desires them to be put. Such an employer would desire to employ his solicitor. The union secretary is in quite a different category from the employer. The employer charged may be almost illiterate. The Minister for Works has frequently met such employers while he was head of the Labour movement of this State.

Mr. DAVY: The Minister speaks as if the only offences that can be dealt with under the Bill are such things as not paying wages due under the award, or working a man longer than the hours provided by the award. But there are many other offences which can be dealt with under the measure. Section 112 of the principal Act refers to a person resisting or obstructing an officer of the court in the exercise of his duties, for instance. There are numerous other offences of the kind. How is it just that a man charged with a quasi-criminal offence should not have representation by that section of the community which is specially trained to appear for people who are charged with offences? Of course it will be said that I am making more work for the lawyers, but I do not think the Minister will make that allegation against me. The Minister might give way on this point.

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

| | |
|---|---|
| Ayes .. .. .. | 17 |
| Noes .. .. .. | 17 |
| A tie .. .. | 0 |

| AYES. | |
|---|---|
| Mr. Angelo | Mr. North |
| Mr. Barnard | Mr. Sampson |
| Mr. Brown | Mr. J. H. Smith |
| Mr. Davy | Mr. Stubbs |
| Mr. George | Mr. Taylor |
| Mr. Latham | Mr. Teesdale |
| Mr. Lindsay | Mr. C. P. Wansbrough |
| Mr. Mann | Mr. Richardson |
| Sir James Mitchell | (*Teller.*) |

| Noes. | |
|---|---|
| Mr. Angwin | Mr. McCallum |
| Mr. Chesson | Mr. Millington |
| Mr. Collier | Mr. Munsie |
| Mr. Coverley | Mr. Panton |
| Mr. Cunningham | Mr. Sleeman |
| Mr. Heron | Mr. Troy |
| Mr. Kennedy | Mr. A. Wansbrough |
| Mr. Lamond | Mr. Wilson |
| Mr. Marshall | (*Teller.*) |

Pairs.

| Ayes. | Noes. |
|---|---|
| Mr. Denton | Mr. Corboy |
| Mr. Thomson | Mr. Lambert |

The CHAIRMAN: I give my casting vote with the noes.

Amendment thus negatived.

Clause put and passed.

Clauses 17, 18, 19—agreed to.

Clause 20—Demarcation of callings:

The MINISTER FOR WORKS: I move an amendment—

*That "may," in line 6, be struck out, and "shall" inserted in lieu.*

The whole clause deals with demarcation, in reference to disputes as to which class of tradesman or worker some work shall be done by. It frequently happens that a piece of work is claimed by two or three trades. The employer himself is rarely interested in such a matter, which is usually one entirely between various classes of workers. In at least 90 per cent. of the cases the employer does not care who does the work. The argument is always between the men themselves as to whom the work belongs. At the Midland workshops the boilermakers are claiming that a certain work belongs to them, and the engineers are claiming that it belongs to them. This kind of thing may mean one body of workers knocking off because they claim that certain work which should be theirs is being performed by someone else. The amendment provides that the demarcation board shall deal with the dispute. I have known instances of trouble of this kind referred to having occurred. At one time we sent carpenters to do some repairs at Government House and at the end of the job a little painting required to be done. It was only a question of a few minutes, and painters claimed it as theirs. Lady Barron heard of the dispute and picking up a paint brush, did the painting herself. Difficulties might present themselves in connection with the building of a cottage in the bush. In the Bill there are so many offences referred to over which a man may get into trouble that they require consideration. If the court is properly constituted and it considers that an inquiry should be granted, it is quite right that it should do so. But if we say that it must do so we shall be heaping up trouble.

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

| | |
|---|---|
| Ayes .. .. .. .. | 18 |
| Noes .. .. .. .. | 16 |
| Majority for .. .. | 2 |

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

| Noes. | |
|---|---|
| Mr. Angelo | Mr. North |
| Mr. Barnard | Mr. Sampson |
| Mr. Brown | Mr. J. H. Smith |
| Mr. Davy | Mr. Stubbs |
| Mr. George | Mr. Teesdale |
| Mr. Latham | Mr. C. P. Wansbrough |
| Mr. Lindsay | Mr. Richardson |
| Mr. Mann | (*Teller.*) |
| Sir James Mitchell | |

Pairs.

| Ayes. | Noes. |
|---|---|
| Mr. Corboy | Mr. Denton |
| Mr. Lambert | Mr. Thomson |

Amendment thus passed.

The MINISTER FOR WORKS: I move a further amendment—

*That in line 7 "such" be struck out and "industrial union of" inserted in lieu.*

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

| | |
|---|---|
| Ayes .. .. .. .. | 18 |
| Noes .. .. .. .. | 16 |
| Majority for .. .. | 2 |

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

| Noes. | |
|---|---|
| Mr. Angelo | Mr. North |
| Mr. Barnard | Mr. Sampson |
| Mr. Brown | Mr. J. H. Smith |
| Mr. Davy | Mr. Stubbs |
| Mr. George | Mr. Teesdale |
| Mr. Latham | Mr. C. P. Wansbrough |
| Mr. Lindsay | Mr. Richardson |
| Mr. Mann | (*Teller.*) |
| Sir James Mitchell | |

PAIRS.

| AYES. | NOES. |
|---|---|
| Mr. Corboy | Mr. Denton |
| Mr. Lambert | Mr. Thomson |

Amendment thus passed.

The MINISTER FOR WORKS: I move an amendment—

*That paragraph (a) be struck out and the following inserted in lieu:—(a) If in the opinion of the Court employers are interested in the question, one half of such other members shall be representatives of employers, and the other half shall be representatives of the industrial unions of workers engaged in the said callings.*

Mr. George: That is no good, beginning as it does with the words "if in the opinion of the court."

The MINISTER FOR WORKS: In 90 per cent. of the cases I have had to deal with the employers are not interested. It is generally a question between two tradesmen as to who shall do the job.

Mr. Teesdale: What about the job in the country?

The MINISTER FOR WORKS: This is only to provide facilities for settling a dispute should one occur. It will enable the matter to be settled more quickly than at present. I want to leave it to the jurisdiction of the court to say whether, in its judgment, an employer is interested. The present paragraph (a) is taken from the New South Wales Act, but does not meet every case. Just now there is a dispute in the Midland Junction workshops between the boilermakers and the engineers, but the Commissioner does not care who does the work. These unions may apply to the court, under this clause, for a board to be appointed. If the court thinks the Commissioner is interested, provision will be made for him to be represented on the board.

Mr. Mann: You are compelling the employer to fight the application in every case.

The MINISTER FOR WORKS: He has to satisfy the court that he is interested, and establish his claim to be represented on the board.

Mr. Teesdale: Are there enough disputes of that nature to warrant this legislation?

The MINISTER FOR WORKS: They will increase in numbers as our industries grow.

Mr. Teesdale: This may very seriously affect the North-West.

The MINISTER FOR WORKS: This is merely setting up machinery for the quicker settlement of such disputes.

Hon. Sir James Mitchell: It will make it easier for trouble to be caused.

The MINISTER FOR WORKS: Not at all. When I was at Cockatoo Island there were no less than 12 demarcation boards sitting on one day. But for those boards each of those cases would have gone to the court. The boards are brought into existence when a dispute arises.

Hon. Sir James Mitchell: How would this apply to the painting of a farm waggon?

The MINISTER FOR WORKS: The clause would not affect such a situation.

Hon. Sir James Mitchell: How is a matter like that settled to-day?

The MINISTER FOR WORKS: The people concerned have to go to the court, or stop work.

Mr. Mann: What industries have you in mind?

The MINISTER FOR WORKS: The building trade and engineering. Apart from these there are very few instances of demarcation in this State. Whether this Bill is passed or not I am going to set up demarcation boards so that the work of the departments and the court may be lightened.

Hon. Sir James Mitchell: I told you you were going to be a law unto yourself.

The MINISTER FOR WORKS: I am going to do what I think is best for the country. The court has two years' work ahead of it. I intend to set up, by the agreements with the unions, the principle of establishing boards for the settlement of arguments on the spot. This clause does not mean creating fresh causes of dispute.

Mr. Mann: Why make the employers the first issue?

The MINISTER FOR WORKS: The point as to the employer being interested cannot be dealt with in any other way. When an employer claims that he is interested, the board is set up in the manner provided.

*Sitting suspended from 6.15 to 7.30 p.m.*

Mr. GEORGE: I can understand the difficulties referred to by the Minister as between different sections of tradesmen. Such questions as may arise at the Midland Junction railway workshops can be readily dealt with, but I am more concerned about the position in the country where fewer men are employed and where they have to be more or less handy men, able to do various works that require attention. The provisions of the Bill are so stringent that all employers must be interested in the developments that may take place. I regret to say that I regard the Bill as the strongest class legislation I have ever perused. The employer is entitled to fair consideration equally with the employees, and I do not think that fair consideration is shown in the provisions of the Bill. The stringency of the measure will have its reaction and the people who suffer will be not only the employers but the employees. I cannot see that fair consideration to the interests of both sides is disclosed in the amendment.

The Minister for Works: What is unfair in it?

Mr. GEORGE: The amendment sets out that "if in the opinion of the court employers are interested in the question" one-half of the representatives shall be drawn from the ranks of the employers. Surely it is for the employer to consider if he is interested in a matter. He will have to go to court and fight with all the means at his disposal.

The Minister for Works: Not fight, but to explain.

Mr. GEORGE: I do not wish to be offensive, but the employer will have to argue out the question. If this sort of legislation is to be adopted, employers will be discouraged from launching out and they may be induced to go to the Eastern States, where they will get a better deal. Particularly am I concerned about the interests of the smaller employers. Years ago there was an exhibition of goods manufactured in Western Australia that would be a credit anywhere. We do not see such exhibitions in these days indicating the enterprise and pluck of those engaged in industries. The present tendency seems to be to hamper those who are in trades. No employer can expect to succeed unless there is a proper feeling between himself and the men he employs.

Mr. SAMPSON: The original proposal in the Bill set out that half should be employers or employers' managing experts, and the other half workers actually and bona fide engaged in the calling concerned. That principle is departed from in the Minister's new amendment, which sets out that half shall be representatives of employers and the other half representatives of the industrial unions. That is not fair play, because the employers' representatives, not being legal authorities, are by no means acquainted with the procedure of the court.

The Minister for Lands: No, the employers are a very ignorant lot!

The Minister for Works: There is nothing about lawyers in the amendment.

Mr. SAMPSON: There is a distinction between the two.

The Minister for Works: Where is it? Read the amendment. Both employers and workers are treated in the same way.

Mr. SAMPSON: In the first instance the men are to be actually engaged in the callings concerned.

The Minister for Works: You ought to be fair and state facts. The amendment provides that union representatives shall be drawn from the industry concerned.

Mr. SAMPSON: The Committee has already decided that legal practitioners shall not appear.

The Minister for Works: That referred to appearances before the court. This clause deals with the demarcation boards. Live in the present!

Mr. SAMPSON: Does the Minister propose that the employers may be represented by counsel?

The Minister for Works: No, I give the employers credit for having brains enough to represent themselves.

Mr. SAMPSON: Why give the representatives of industrial unions the right to appear?

The Minister for Works: The workers are entitled to be represented by anyone they like.

Mr. SAMPSON: I think the Minister would be well advised——

The Minister for Works: You cannot read English!

Mr. SAMPSON: The Minister requires a liver mixture!

The Minister for Works: You ought to be a bit fair.

The Minister for Lands: You ought to show us the same consideration that we did when Labour was in opposition. That is something you have not yet done.

Hon. Sir James Mitchell: The hon. member is fair.

The Minister for Lands: Nothing of the sort.

Mr. SAMPSON: It seems to me that a distinction is drawn between the position of the employers and the employees. Surely the Minister can reply to that contention.

The Minister for Works: You ask me to reply to something that does not exist.

Mr. SAMPSON: There seems to be a different principle, and I am justified in drawing the attention of the Committee to the fact. The representatives of industrial unions are familiar with the court, and so would be in a better position to argue the matter than would be the employers.

The MINISTER FOR WORKS: There has been a great deal of factious opposition to this, backed by irrelevant arguments. Still, I do not want it to appear that there is no answer. As to this being distinct class legislation, as the member for Murray-Wellington (Mr. George) said, and calculated to give one side an advance over the other, I can only characterise that as nonsense.

Mr. George: Don't lose your temper.

The MINISTER FOR WORKS: I have no temper to lose. The clause provides that when a dispute occurs over the class of work, the employers and the workmen shall apply to the court to set up an award, and the court shall decide whether the interests lie entirely between unions and unions, or between unions and employers; and if the employers are interested, they are to have one-half the composition of the board.

Mr. George: There should be no dispute between unions.

The MINISTER FOR WORKS: What nonsense! The hon. member has done nothing else but talk nonsense this evening. I have quoted two cases.

Mr. George: You do not know very much about it.

The MINISTER FOR WORKS: Although I have not lived one-half the life of

the hon. member, my experience shows that in 90 per cent. of the cases of demarcation the employer is not interested as to which way the case goes. Frequently have employers come to me and said, "Can't you settle it, McCallum? I don't care who does the work, so long as it is done. But here are two unions fighting one another while my work is hung up." Under this clause, the moment the court decides that employers are interested, the employers get one-half the board. But if the court thinks the employers are not interested, then the court sets up the board according to the interests involved. The member for Murray-Wellington (Mr. George) says I will not trust the court. But he wants to say in the Bill who is interested in all the thousands of demarcation disputes that may occur. That would be a nice way of framing legislation! Does he think the court will not mete out justice?

Hon. Sir James Mitchell: We do not know the court yet.

The MINISTER FOR WORKS: And you will not trust the Government to set up an honourable court! Do you think our integrity is less than that on your side?

Hon. Sir James Mitchell: We have not said that.

The MINISTER FOR WORKS: But you imply it.

Hon. Sir James Mitchell: Nothing of the sort.

The MINISTER FOR WORKS: Yes, you want to decide the board to be set up. You want to say who will be interested in all the cases of demarcation.

Mr. George: And what do you want?

The MINISTER FOR WORKS: I want to leave it to the court.

Mr. George: I must have hit you pretty hard to stir you up like this.

The MINISTER FOR WORKS: What hit me hard was the ignorance you displayed. You will not trust the court.

Mr. George: I have not attacked the court.

Mr. Mann: The Minister would not trust the court just now, for he supplanted "may" with "shall."

The MINISTER FOR WORKS: I do not want any doubt about the board being set up, and so I have made it mandatory that the court shall set up a board. But then the court may say who is interested in the dispute and who, therefore, shall be represented on the board. If two unions and one employer are interested, it cannot be argued that the employer has more interest in the trouble than have the two unions; yet the employer is to have one-half the board. Notwithstanding this I am charged with introducing class legislation and giving an advantage to the employees.

Mr. George: The employer will have to go there and fight for his representation.

The MINISTER FOR WORKS: We cannot prescribe that in every case the employer shall have half the board.

Mr. Taylor: You are getting rather cross

The MINISTER FOR WORKS: It is enough to make a man cross. The clause merely provides that both sides shall have choice of their own representation. The individual employer can select his own representation, but the individual employee can have representation only through his union. There, again, I am at least perfectly fair to the employer.

Mr. GEORGE: The Minister accused me of attacking the court. I defy him to find in my remarks any attack on the court. The employer must be interested in every industrial dispute between the workers. The amendment means that if the employer wishes to be represented on the board he has to go and argue for that representation. That should be unnecessary. The original clause gave the employer the right to be there, and provided also that the men should be represented from their own ranks, whereas the amendment will allow indirect representatives of the parties to be heard. We have not attacked the Minister's sincerity. As well by his career as by his speeches on the Bill has he shown that he has given great thought to this question. Still, he has no right to impose on the House the fact of his sincerity, any more than he has to deny sincerity on this side.

Mr. SAMPSON: I have not questioned the Minister's sincerity, although I do question the propriety of his addressing members on this side as he has done.

The CHAIRMAN: The hon. member is out of order. He should have objected at the time the words were used.

Mr. SAMPSON: I have not doubted the Minister's fairness. He says he has taken this provision from the New South Wales Act. But the provision has already been amended here, and so the Minister's claim is open to criticism. I still think that wherever representatives of unions are allowed to appear, something in the nature of unfair treatment to the employers is committed. In this I may be wrong, but if I am I should be informed of it in temperate language.

Hon. Sir JAMES MITCHELL: The Minister treats the matter as if every case likely to come before the court will be connected with some big industry. If a man is painting a fence, could a painter say, "It is my job and I am going to the court"?

The Minister for Works: So long as the man was receiving a painter's wages, the painter would not object.

Hon. Sir JAMES MITCHELL: Then if any man, not a painter, anywhere does a painter's work, any painter could object and apply to the court. The public will understand that under this measure painting must be done only by painters. Very soon we shall reach the caste stage of India.

The CHAIRMAN: There is nothing in the clause about caste.

Hon. Sir JAMES MITCHELL: I submit I am entitled to explain the position.

The CHAIRMAN: There can be no second reading speeches on this amendment.

Hon. Sir JAMES MITCHELL: I am entitled to respect from the Chair.

The CHAIRMAN: And you will receive respect.

Hon. Sir JAMES MITCHELL: If I cannot refer to instances and draw comparisons, I cannot intelligently discuss the Bill. Why take away some little freedom that the people enjoy? This measure will do injury to the people the Minister seeks to protect, and I am entitled to object to his proposals.

Amendment put and passed.

On motion by the Minister for Works, paragraph (b) consequentially amended by inserting after "employers' "in line 4 the words "if in the opinion of the court employers are interested in the question"; and by striking out "workers" in line 5 and inserting "the industrial unions of workers concerned" in lieu. Subclause (2) was also consequentially amended by striking out "so far as possible" in line 3 and "any" in line 4; and by inserting after "made" in line 4 the words "in the prescribed manner."

Hon. Sir JAMES MITCHELL: Will the Minister tell us what is "the prescribed manner"?

The CHAIRMAN: The hon. member should have risen before; I have given the decision.

The MINISTER FOR WORKS: I move an amendment—

*That in Subclause 3 "may" be struck out and the word "shall" inserted in lieu.*

This will make it definite that the decision of the board shall be final.

Amendment put and passed.

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

| | | |
|---|---|---|
| Ayes | .. .. .. | 20 |
| Noes | .. .. .. | 16 |
| Majority for | .. | 4 |

| AYES. | |
|---|---|
| Mr. Angwin | Mr. Marshall |
| Mr. Chesson | Mr. McCallum |
| Mr. Clydesdale | Mr. Millington |
| Mr. Coverley | Mr. Munsie |
| Mr. Cunningham | Mr. Panton |
| Mr. Heron | Mr. Sleeman |
| Mr. Holman | Mr. Troy |
| Mr. W. D. Johnson | Mr. A. Wansbrough |
| Mr. Kennedy | Mr. Withers |
| Mr. Lamond | Mr. Willson |

*(Teller.)*

| NOES. | |
|---|---|
| Mr. Angelo | Mr. North |
| Mr. Barnard | Mr. Sampson |
| Mr. Brown | Mr. J. H. Smith |
| Mr. Davy | Mr. Stubbs |
| Mr. George | Mr. Taylor |
| Mr. Lindsay | Mr. Teesdale |
| Mr. Mann | Mr. C. P. Wansbrough |
| Sir James Mitchell | Mr. Latham |

*(Teller.)*

PAIRS.

| AYES. | NOES. |
|---|---|
| Mr. Collier | Mr. Richardson |
| Mr. Corboy | Mr. Denton |
| Mr. Lambert | Mr. Thomson |

Clause, as amended, thus passed.

Clause 21—Relief not limited to claim:

Mr. DAVY: This clause will enable the court to give any relief it likes, without any regard to the dispute or the claims before it. That appears to me wrong. It is sufficient if we rely on proposed Section 67, which gives power to the court to make any amendment in the plaint it thinks fit. To me it seems improper for a court to give its judgment without reference to the issues before it, and without allowing an opportunity to the parties to argue those issues. The provision is unjust as well as inexpedient. I accordingly move an amendment—

*That the following be struck out: "A section is inserted in the principal Act, as follows: '68b. In Making an award or order, the court shall not be restricted to the specific relief claimed by the parties to the industrial dispute, or to the demands made by the parties in the course of the dispute, but may include in the award or order any matter or thing which the court thinks necessary or expedient for the purpose of preventing or settling the dispute, or of preventing further industrial disputes.'"*

The MINISTER FOR WORKS: The clause equips the court with power to set out in its award some provisions which may not be in the plaint but which in the court's judgment it is expedient to include for the purpose of preventing or settling a dispute, or of preventing further industrial disputes. Are hon. members opposite against such proposals?

Mr. Davy: No, provided the court hears argument on such matters.

The MINISTER FOR WORKS: These points invariably arise in the course of argument or in the course of evidence, and those are the only times when the court's mind is apprised of such points. Most lawyers are of the opinion that unless this clause is passed, there is no power to include such matters in an award, though it has repeatedly been done. An instance occurred in the recent painters' case.

Mr. Davy: Let the plaint be amended.

The MINISTER FOR WORKS: Under this clause the court could not go to the extreme of including, say, a condition providing higher wages.

Mr. Davy: The clause is wide enough to entitle the court to do almost anything.

The MINISTER FOR WORKS: The court should have the widest possible power in the direction of preventing or settling disputes.

Mr. Taylor: Section 64, Subsection 2, appears to give the court that power.

The MINISTER FOR WORKS: Lawyers consider that that provision does not give the court the necessary power. At all events this clause sets out the power in clearer language.

Hon. Sir James Mitchell: Does not this clause mean that irrespective of what the court is asked to do, it can do as it likes?

The MINISTER FOR WORKS: Only for the prevention or settling of disputes.

Mr. DAVY: I want to see the court as unhampered as possible, but it is unjust and inexpedient that the court shall be able to listen to argument and then, without hearing further argument, grant relief, or insert in an award provisions which have not arisen in the hearing of the case and have not been argued. If the clause were subject to the necessity for the court, prior to granting relief o. making an award not in accordance with the plaint, to amend the plaint and give power to the parties to argue the matter, that would meet the case.

The Minister for Works: The minutes are issued first, and they are discussed before the award is issued.

Mr. DAVY: The parties should know exactly what they are faced with and should have the opportunity further to argue the point.

Amendment put and negatived.

Clause put and passed.

Clause 22—agreed to.

Clause 23—Amendment of Section 76:

Hon. Sir JAMES MITCHELL: This clause provides that an award can be made retrospective. We have heard a good deal from hon. members against retrospective legislation. The employer may be producing something that is sold—furniture for example—and six months may elapse before the award is given. In the meantime the product will be sold. The employer will have no power to recover the cost of the increased wages, but the court will have the right to say, "This award shall be retrospective for the six months during which the claim has been before the court but not heard." That would be bad enough; but I take it that every employer, if this clause passes, will add the amount of additional wages claimed to the cost of production of his goods, which he will pass out to the public at the increased cost. The court may decide that the wages shall not be raised, or even may order them to be reduced; but in the meantime the employer has got the additional profit and the customer has been compelled to pay more than he should have paid and the workman will get no more. It is a very bad clause, and no argument has been adduced to justify it. Doubtless the Minister will say that awards have been made retrospective in the past. However, that was by agreement, as in the railways case. The railway workers, moreover, were not producing anything that was sold, and admittedly they were being paid less than a fair wage. However, we are now living in normal times, and there is no need at all to give the court this power. It is a dangerous power to give to the court. Suppose wages were reduced, what chance would an employer have of recovering? In some cases there would not be the slightest chance because the men may have gone away. The provision is unwise and unnecessary.

Mr. SAMPSON: The Bill sets up means whereby a judge shall be relieved of work, and consequently there should be in the future greater expedition with regard to the treatment of claims. That being so, there should be no occasion for the inclusion of such a contentious clause. It would be quite impossible for an employer to recover, and any attempt to do so would be unsatisfactory to say the least of it. I suggest that the Minister should see the wisdom of withdrawing the clause altogether because it will not be of benefit to either party and will have the effect of adding an unexpected burden.

The MINISTER FOR WORKS: I must apologise to the Committee for being so dense as to be unable to see the wisdom of withdrawing the clause. As a matter of fact I see a lot of wisdom in keeping it there. With the machinery that will be set up for expediting the business of the court, there will be very little retrospection at all. I am hopeful that the cases will be dealt with so promptly that there will be no need for anything retrospective. I know that agreements that have been entered into in the past between employers and unions, and which have contained a retrospective clause, have been the means of keeping the wheels of industry in motion, and thus have maintained industrial peace. In those cases where the employers have refused to agree to retrospection, the cost to the workers has been scores of thousands of pounds where the cost of living has been increasing rapidly, and when the workers were unable to get to the court. Strange to say, immediately things went the other way, means were found to bring about automatic adjustments.

Hon. Sir James Mitchell: Under what law were adjustments made?

The MINISTER FOR WORKS: They were made according to the variation in the

statistician's figures, which showed the fluctuating basic wage.

Hon. Sir James Mitchell: Those adjustments were part of the award.

The MINISTER FOR WORKS: I strongly disagree with the fundamental principle on which that was based, but it was there and it operated. I admit that quite a number of the union officials supported it, though I did not. It did not appeal to me at all. I am not asking that the proposal shall operate when the cost of living is going up or down; I am asking it to operate in both respects.

Mr. Latham: It is most unwise.

The MINISTER FOR WORKS: It is a wise provision.

Hon. Sir James Mitchell: How about manufactured goods under this proposal?

The MINISTER FOR WORKS: This exists in the Commonwealth and the power is exercised. There are more manufactories in Australia governed by Commonwealth awards than by State awards. The Commonwealth court has the power to make its decisions retrospective and what is possible under Commonwealth law should be possible under the State law.

Mr. Taylor: It applies only where there is an increase.

The MINISTER FOR WORKS: It applies both ways. If the court thinks fit it can make its decisions retrospective either way.

Mr. Taylor: What hope would you have of getting it back from employees?

The MINISTER FOR WORKS: We simply give discretion to the court.

Clause put and passed.

Clause 24—Amendment of Section 28:

Hon. Sir JAMES MITCHELL: The clause provides that an award shall also extend to and bind any person (whether engaged in the industry or not) who employs a worker to exercise any vocation which is the subject of such award. Does the clause mean that if a man is asked to paint a wheelbarrow, the time he takes will have to be recorded and the award rate paid? A farmer may ask his employee to remove the shoes from a horse; would the employee have to be paid the farrier's award rate, and would the time occupied have to be kept separate? If the Committee think that no man should engage in, say, cutting timber, unless he belongs to the union of timber workers, have it so, but let us know what we are doing. In this country it is impossible that a man can be all the time engaged on one job, except, of course, in big industries. How are we going to expect the country to progress if this sort of legislation is to find a place on the statute book? Some members think employers are always trying to get the better of the workers.

Mr. Holman: That is the case with the majority.

Hon. Sir JAMES MITCHELL: Not at all. If a man is working permanently in a billet it is extraordinary that he should not be permitted to do any work covered by any award unless he receives the award rates. No employer would know about all the awards in every industry. In the interests of the worker, too, I hope this clause will be thrown out. Many men are kept on at work, that need not be carried out, when they might easily be asked to stand down. The Minister has not shown that men are not being adequately paid for the work they do.

Mr. C. P. WANSBROUGH: If the clause is carried it will build up a host of trouble for the farmer. Every operation on the farm will, in some way, conflict with an award. Chaff-cutting is governed already by an award, but if a man is put on to milking cows, or to sinking a well, or to shoeing a horse, he will want to come under some award applicable to those particular operations. A farmer also has to cart his produce to market, and if his employee drives a horse he will want to come under the wages given for drivers and carters. I intend to move later on that the agricultural industry shall be exempted by the Bill.

Mr. TEESDALE: I don't know how this clause will affect members. I had some work done at my house the other day. I had a bath repaired, a defective wall put right, and some new posts put in the fence. The man I employed, therefore, did a little plumbing, a little cement work and a little carpentry. He could easily turn round and say he had to be paid according to the awards governing those three industries. I should like the Minister to answer this question in as courteous and temperate a way as possible.

The MINISTER FOR WORKS: I am sorry to be accused of being in a bad temper.

Hon. Sir James Mitchell: You have slipped once already.

The MINISTER FOR WORKS: I may do so again if the circumstances warrant it.

Mr. Teesdale: You can leave that to the ruck at the side of you.

The MINISTER FOR WORKS: The clause as it reads may appear difficult. It is designed to overcome a position that appears to me impossible. A squatter in King's Park road had some painting done at his house. The court, however, ruled that as he was a squatter and was not engaged in the painting industry, he was not obliged to pay painter's wages. Foy and Gibson may decide to have their premises painted when they are closed, and to engage their own men for the work. In such circumstances a judge has held that they can employ their own painters and pay whatever wages they like because they are not governed by the painters' award. This clause will not alter the position as it applies to the farming industry in the cases that have been cited. I know of no award that does apply that way. Is there any

award governing the painting of a farmer's gate, or his fence?

Hon. Sir James Mitchell: Or Foy and Gibson's front door?

The MINISTER FOR WORKS: Nor is there an award dealing with pulling a shoe off a horse's foot.

Hon. Sir James Mitchell: That is nonsense.

The MINISTER FOR WORKS: The Leader of the Opposition accuses me of talking nonsense, when his own case is ridiculous. If there is no award covering that class of work this clause cannot affect it, but if there is an award the employers should pay the wages stipulated. If the member for Roebourne employed a man on a plumbing job he should pay plumbers' wages.

Mr. C. P. Wansbrough: Will not some award be contravened in the cases I have mentioned?

The MINISTER FOR WORKS: No. There is no award governing the painting of a wheelbarrow on a farm.

Mr. C. P. Wansbrough: If I ask a farm hand to paint a gate, will he not contravene the painters' award unless he gets the full wages for that work?

The MINISTER FOR WORKS: Not unless the court has issued an award governing the painting of such things.

Mr. Teesdale: The man I employed was really a house renovater.

The MINISTER FOR WORKS: Then he should be paid a house renovater's wages.

Mr. C. P. Wansbrough: What about the chaffcutting?

The MINISTER FOR WORKS: If there is a chaffcutting agreement covering the hon. member's district, he must pay the wages ordered. He will have no right to pay any less.

Mr. Stubbs: Suppose you have a man employed on a farm at £2 a week and it is necessary to knock off for half a day to cut some chaff.

The MINISTER FOR WORKS: I want to be honest and frank in dealing with the Bill. I hope it will not be said later that I have not given the full facts to the House or that I have attempted to mislead the Committee. If the court issues an award governing chaff cutting, the rate provided will have to be paid. The clause will not alter that position.

Mr. Stubbs: You will cripple the industry.

Mr. C. P. Wansbrough: Supermen will be required in the agricultural industry.

The MINISTER FOR WORKS: But the Bill will not affect that position, for that has been the law since 1912.

Mr. C. P. Wansbrough: Then it has not been enforced.

The MINISTER FOR WORKS: If any hon. member considers that the clause will ruin or cripple industry he is entirely under a misconception.

Mr. Teesdale: He was worrying about the rural log they have heard about.

The MINISTER FOR WORKS: That is entirely outside this question. This does not affect farming.

Hon. Sir James Mitchell: It will.

The MINISTER FOR WORKS: I cannot agree to that.

Mr. Teesdale: You know that the position of the casual worker will be spoiled by this Bill. He will have to charge one price for two hours' work and another price for another hour's work.

The MINISTER FOR WORKS: As to the position of the casual worker, I referred to the incident, with the squatters of King's Park-road. Casual work lends itself to under-cutting.

Mr. Teesdale: But that was not a fair illustration.

The Minister for Lands: That is what happened.

Mr. Teesdale: And it will not occur again perhaps for another 10 years.

The MINISTER FOR WORKS: The trouble is that the court may issue an award and immediately many people scheme to get past it. That is the danger and in many instances by this means people are able to ignore an award.

Mr. TAYLOR: I do not see that any great hardship will be worked if the clause be agreed to so long as it is confined to trades. There is not much difference in the rates to be paid to plumbers, carpenters and cement workers.

Mr. Panton: Not three-halfpence an hour.

Mr. Teesdale: There is a lot of difference between 26s. a day for the plasterer and 16s. for somebody else.

Mr. TAYLOR: There was some force in the argument of the member for Beverley regarding the country, but I do not think there will be much difficulty regarding the city.

Mr. DAVY: I am not afraid to stand up for the squatters in King's Park-road. The Minister's reference provided the best argument for the elimination of the clause. The very essence of the Act shows that it is to deal with industrial disputes. It is proposed now to make awards apply to persons who are not engaged in any industry. The clause under discussion will make it incumbent upon any private individual who engages a tradesman to be fully cognisant of all the different rates provided by awards.

Mr. Withers: The tradesman will know the conditions operating in the different trades.

[*Mr. Panton took the Chair.*]

Mr. DAVY: He may not. Certainly the private individual does not know anything about such awards. The Bill will give the Minister power to charge that individual with a breach of the award and drag him before the court five years and eleven months after the breach has been committed. That is unjust. Just because something was said about a squatter we get this sort

of legislation. Had a grocer been concerned, nothing would have been heard about it. The humble person is just as likely to get into trouble as anyone else. The Minister talked about Foy and Gibsons. His allusion could not happen because if Foy and Gibson decided to paint their building, the firm would call in their architect, tell him what was required and he would let a contract accordingly.

The Minister for Works: Boan Bros. erected their building with their own workmen. They did not let a contract.

Mr. DAVY: That is a most astonishing statement.

The Minister for Works: They did not have a contractor.

Mr. DAVY: I suppose a contractor carried out the work by day labour under supervision.

The Minister for Works: Nothing of the sort.

Mr. DAVY: The Minister's statement staggers me. Just because a man is wealthy and does something the Minister does not like, we are asked to pass this sort of legislation. It is unjust.

Hon. Sir JAMES MITCHELL: I would not object if the award applied only to skilled men, but it will drag in others. It is not necessary for the Minister to throw dust in the eyes of members. I do not object to skilled tradesmen getting full rates, but I do not agree with the proposal embodied in the clause. We should pause before we agree to such legislation.

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

| | |
|---|---|
| Ayes .. .. .. | 19 |
| Noes .. .. .. | 15 |
| Majority for .. | 4 |

AYES.

| | |
|---|---|
| Mr. Angwin | Mr. Lutey |
| Mr. Chesson | Mr. Marshall |
| Mr. Clydesdale | Mr. McCallum |
| Mr. Coverley | Mr. Millington |
| Mr. Cunningham | Mr. Munsie |
| Mr. Heron | Mr. Sleeman |
| Mr. Holman | Mr. A. Wansbrough |
| Mr. W. D. Johnson | Mr. Withers |
| Mr. Kennedy | Mr. Wilson |
| Mr. Lamond | (*Teller.*) |

NOES.

| | |
|---|---|
| Mr. Angelo | Mr. Sampson |
| Mr. Barnard | Mr. J. H. Smith |
| Mr. Brown | Mr. Stubbs |
| Mr. Davy | Mr. Taylor |
| Mr. George | Mr. Teesdale |
| Mr. Lindsay | Mr. C. P. Wansbrough |
| Sir James Mitchell | Mr. Latham |
| Mr. North | (*Teller.*) |

PAIRS.

| AYES. | NOES. |
|---|---|
| Mr. Collier | Mr. Richardson |
| Mr. Corboy | Mr. Denton |
| Mr. Lambert | Mr. Thomson |

Clause thus passed.

Clauses 25 and 26—agreed to.

Clause 27—Appeal to the court from a board:

The MINISTER FOR WORKS: I move an amendment:—

*That the third paragraph of the proposed new section be struck out.*

This paragraph gives the Crown power to appeal, and in that respect bestows upon the Crown an advantage over other employers. We desire to place the Crown on the same footing as private employers.

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

Clause 28—Board of reference:

Mr. DAVY: I have an idea that we are going to get a victory over this. I move an amendment—

*That at the beginning of the clause the words "A section is inserted in the principal Act as follows: '78d.'"*

The clause as it stands has no reference to the principal Act, and so it will not fit in with any consolidation of that Act with its amendments that might be made. I assure the Minister there is no catch in the amendment. It is merely to give the new clause a place in the Act.

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

Clause 29—Amendment of Section 81:

Mr. DAVY: I rather think we are going to have another victory. I move an amendment—

*That after "vary" in line 8 the words "or rescind" be inserted.*

We are not giving the court sufficient power if we merely give them power to vary decisions coming before them. The court may think it necessary to rescind certain provisions.

The Minister for Works: I have no objection.

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

Clause 30—agreed to.

Clause 31—Continuance of award:

Hon. Sir JAMES MITCHELL: I move an amendment—

*That the proviso to the proposed new Subsection (1) be struck out.*

This is the Minister's old pet scheme to have retrospective awards. We have been beaten twice on this point, and may be beaten again.

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

| | |
|---|---|
| Ayes .. .. .. | 14 |
| Noes .. .. .. | 18 |
| Majority against .. | 4 |

AYES.

| | |
|---|---|
| Mr. Angelo | Mr. Sampson |
| Mr. Barnard | Mr. J. H. Smith |
| Mr. Brown | Mr. Stubbs |
| Mr. Davy | Mr. Taylor |
| Mr. Lindsay | Mr. Teesdale |
| Sir James Mitchell | Mr. C. P. Wansbrough |
| Mr. North | Mr. Latham |
| | *(Teller.)* |

NOES.

| | |
|---|---|
| Mr. Angwin | Mr. Marshall |
| Mr. Chesson | Mr. McCallum |
| Mr. Clydesdale | Mr. Millington |
| Mr. Coverley | Mr. Munsie |
| Mr. Cunningham | Mr. Sleeman |
| Mr. Heron | Mr. A. Wansbrough |
| Mr. Holman | Mr. Wilson |
| Mr. W. D. Johnson | Mr. Withers |
| Mr. Lamond | Mr. Panton |
| | *(Teller.)* |

PAIRS.

| AYES. | NOES. |
|---|---|
| Mr. Richardson | Mr. Collier |
| Mr. Denton | Mr. Corboy |
| Mr. Thomson | Mr. Lambert |
| Mr. George | Mr. Kennedy |

Amendment thus negatived.

Hon. Sir JAMES MITCHELL: I move an amendment—

*That in the proposed new subsection (2) the words "and to the power of the court to give a retrospective effect to its awards and orders." be struck out.*

This applies not only to the amount of wages, but to any order the court may make as to hours and conditions generally. If the court awards 48 hours and only 44 have been worked, the worker will be called upon to make good the four hours per week short-worked from the time the court was approached until the award was delivered. Is it fair that the workers should be compelled to pay for hours short-worked in those circumstances? I do not think it is.

Amendment put and negatived.

Clause put and passed.

Clause 32—Amendment of Section 84:

The MINISTER FOR WORKS: I move an amendment—

*That Subclause 1 be struck out, and the following inserted in lieu: "(1) By adding to paragraph (a) of Subsection (1) the words 'and with special provision, when deemed necessary, for a lower rate, to be fixed by the court in the case of junior workers.'"*

Amendment put and passed.

Hon. Sir JAMES MITCHELL: I move an amendment—

*That Subclause 3 be struck out.*

The subclause means that a man who does not employ a worker will be bound by the award. A man might be running a bakehouse for himself, employing nobody. He cannot be bound by the pay provisions, because he may not make as much as the award rate. I take it he would have to work the award hours. If the bread was not quite baked when the 44 hours expired, he would either have to leave it in the oven or get someone else to take it out. Why should an award apply to anyone who is not employed by other people, or who does not employ anyone else? Why should any man conducting a small business of his own be covered by an award? The Minister is most anxious to have domestic servants and nursemaids brought under the measure. Even a mother would not be allowed to nurse the blessed baby when the hours expired.

Mr. Taylor: The baby would be educated up to need no nursing after the time had expired.

Hon. Sir JAMES MITCHELL: The baby would then go to the father, and I hope the father would be the Minister for Works. This is going altogether too far. It is no joking matter that all people should be bound by the award. The penalty for transgressing is severe, and one to be avoided if possible.

Hon. W. D. JOHNSON: This subclause has already been discussed in different ways, the object being to try to regulate competition between employers and non-employers of labour. We have it in the Factories and Shops Act in regard to the early closing of shops. When that measure was first introduced it provided for the closing at 6 o'clock of shops employing assistants. That operated for a time, but so many small shops were started and remained open till all hours of the night that employers of labour complained of the injustice. Their business was drifting into the hands of people employing no labour, and the number of big shops was decreasing. The Act was then amended to provide that employers of labour must close at 6 o'clock and other shops at 8 o'clock. There are several industries where competition renders it necessary that all engaged should be regulated in the same way. It applies particularly in the baking industry. For years the bakers have been complaining of unfair competition. They made representations to the Nationalist Government, and an amendment was made to the Factories Act. It was declared that every bakehouse should be a factory and that all bakehouses should open and close as provided in an award or an industrial agreement that became a common rule. To-day all bakehouses come within the scope of the Factories Act, provided there is an industrial agreement that has become a common rule. This is a proposal to bring their operations under the Arbitration Act, whereas to-day they come under both Acts. Something of this kind is necessary in certain callings. It has proved necessary in the baking trade, and there may be other trades similarly situated. At present we

have the Arbitration Act to regulate hours, and the Factories Act to bring the bakehouses upon a fair and competitive basis.

[*Mr. Lutey resumed the Chair.*]

Mr. SAMPSON: On behalf of the small tradesmen who are in business on their own account, I must protest against this clause. No man who has started a business of his own would be able to get through on the 44-hour basis. Many journeymen in the printing trade may desire to become employers, but this clause will prevent it. No ambitious man will ever be able to start his own business. Every employer should be given a fighting chance to make good.

Mr. TAYLOR: The case cited by the member for Guildford proves that our shops and factories legislation has made big emporiums grow bigger, and small men grow smaller to the point of extinction. If this Bill operates in the same way as some of our other industrial laws, much harm will be done. Once a man becomes a shop assistant he will remain one till the end of his days.

Mr. SAMPSON: The interpretation of "employer" includes all persons, firms, companies, and corporations employing one or more workers. Seeing that no one can be termed an employer unless at least one person is employed by him, it will be impossible to give effect to this proposal.

Mr. DAVY: In what capacity is this person to be regarded, as an employer or as a worker? No award lays down the hours of the employer.

Hon. W. D. Johnson: Boans must close at 6 o'clock.

Mr. DAVY: Yes, but Mr. Boan is not obliged to stop work then.

Hon. W. D. JOHNSON: Mr. Boan can go on working if he likes, but his shop must be closed at six. His hours are limited by Act of Parliament. We do not prevent the baker from making up his books after the stipulated hours, but we say he cannot bake or sell bread.

Mr. Richardson: This clause applies to a man whether he employs labour or not.

Hon. W. D. JOHNSON: Yes. A small shopkeeper adjoining Boan's must close at 8 o'clock if he does not employ labour.

Mr. Richardson: Would not the bricklayer who is building his own house have to cease work at a certain time?

Hon. W. D. JOHNSON: No, that would not operate unless the hours were prescribed. It is only in instances where one business is in competition with another that this applies. The hours in the various trades are not regulated in the same way.

Mr. Richardson: They are regulated under this Bill.

Hon. W. D. JOHNSON: Carpenters work until 6 p.m.; they are permitted to work on; they can work till midnight. But Boans Ltd. cannot go on, and bakehouses cannot go on.

Mr. Davy: This provision is to protect the fat man against the thin man.

Mr. Taylor: To make the big man bigger and the small man smaller.

The MINISTER FOR WORKS: Let the member for West Perth tell me of any rule prescribed by the Arbitration Court.

Mr. Davy: The member for Guildford mentioned one.

The MINISTER FOR WORKS: No; that hon. member referred to an agreement between employers and employees in the building trade as to starting and stopping time. This clause says that any rules prescribed by the court for the peaceful carrying on of industry shall operate in the case of any man, even if he employs no labour. There cannot be peaceful industry if one section of a trade starts and stops at different hours from other sections of the trade. Although the Arbitration Court has operated since 1900, there has not been a rule prescribed yet. But a situation is now rapidly developing where small employers, in order to escape awards of the court, take men into partnership and say those men are not employees but partners. Then the alleged partners work all round the clock, thus breaking up beneficial conditions which have taken years to establish. The object of the provision is to protect the fair employer, who is prepared to give his employees a fair deal.

Mr. Teesdale: Could market gardeners go on working long hours under this provision.

The MINISTER FOR WORKS: Yes. This refers to rules for the peaceful working of industry.

Mr. Taylor: Gardeners work 12 to 14 hours a day.

The MINISTER FOR WORKS: If a rule were prescribed to stop Chinamen from working all hours, it would be a good thing for the white market gardeners and for the country. It may be necessary to stop the Chinaman.

Mr. Taylor: If there were an award for market gardeners, and then if three or four market gardeners were working long hours, what would be the position?

The MINISTER FOR WORKS: This provision does not affect awards at all, but applies solely to rules. It would be only the rules that would bind those people; the award would not bind them.

Mr. SAMPSON: This provision seems to hinge upon some new system that has grown up in the baking industry, by which certain men are enabled to evade the award. In the event of three engineers, or three printers, or three painters getting together to establish a business, would it be possible under this clause for action to be taken against those men for working in excess of the hours prescribed? If so, it is a mischievous principle to introduce into our legislation.

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

| | |
|---|---|
| Ayes .. .. .. | 14 |
| Noes .. .. .. | 18 |
| Majority against .. | 4 |

AYES.

| | |
|---|---|
| Mr. Angelo | Mr. Sampson |
| Mr. Barnard | Mr. J. H. Smith |
| Mr. Brown | Mr. Stubbs |
| Mr. Davy | Mr. Taylor |
| Mr. Lindsay | Mr. Teesdale |
| Sir James Mitchell | Mr. C. P. Wansbrough |
| Mr. North | Mr. Latham |
| | (*Teller.*) |

NOES.

| | |
|---|---|
| Mr. Angwin | Mr. Marshall |
| Mr. Chesson | Mr. McCallum |
| Mr. Clydesdale | Mr. Millington |
| Mr. Coverley | Mr. Munsie |
| Mr. Cunningham | Mr. Sleeman |
| Mr. Heron | Mr. A. Wansbrough |
| Mr. Holman | Mr. Wilson |
| Mr. W. D. Johnson | Mr. Withers |
| Mr. Lamond | Mr. Panton |
| | (*Teller.*) |

PAIRS.

| AYES. | NOES. |
|---|---|
| Mr. Richardson | Mr. Collier |
| Mr. Denton | Mr. Corboy |
| Mr. Thomson | Mr. Lambert |
| Mr. George | Mr. Kennedy |

Amendment thus negatived.

Clause, as previously amended, agreed to.

Clauses 33 to 35—agreed to.

Clause 36—Enforcement orders may be made by industrial magistrate:

Hon. Sir JAMES MITCHELL: I move an amendment—

*That in line 5 the words "or justice of the peace" be struck out.*

The Minister for Works: I will agree to that amendment.

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

Clauses 37 and 38—agreed to.

Clause 39—Boards:

Hon. Sir JAMES MITCHELL: I move an amendment—

*That in line 2 the word "Minister" be struck out and "Governor" inserted in lieu.*

It is usual to provide that the Governor shall make such appointments.

The MINISTER FOR WORKS: The idea is to expedite matters by enabling the Minister, on the recommendation of the Court, to constitute industrial boards, instead of having to call the Executive Council together and have the constitution of the board formally approved. If the Minister has the power it will be possible for a board to be appointed on the same day as it is recommended by the court.

Mr. Latham: An amendment will relieve the Minister of responsibility.

The MINISTER FOR WORKS: But there is no responsibility attaching to the Minister because he will take action on the recommendation of the court. I will agree to the amendment.

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

Hon. Sir JAMES MITCHELL: There will be consequential amendments to be made to the remaining subclauses.

The CHAIRMAN: Those will be made.

Clauses 40 to 44—agreed to.

Clause 45—Appointment to vacancies:

Mr. DAVY: The clause provides that where from any cause a member of a board ceases to hold office "the Minister may appoint another member in his room." That is an awkward way of putting it. I move an amendment—

*That in line 3 the word "room" be struck out and "place" inserted in lieu.*

The MINISTER FOR WORKS: I do not object to the amendment.

Amendment put and passed.

The MINISTER FOR WORKS: Subclause 2 sets out that where a person is appointed to any vacancy on a board, the board as constituted may, if no member of the board objects, continue the hearing of any partly heard case. The inclusion of the words "if no member of the board objects" may mean unnecessary delays at the whim of one member. If the words I have indicated are struck out that will leave the question to be determined by a majority. I move an amendment—

*That in lines 2 and 3 of Subclause 2 the words "if no member of the board objects" be struck out.*

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

Clauses 46 to 54—agreed to.

Clause 55—Repeal of Part V. and insertion of a new part in place thereof:

Mr. DAVY: This is a most important clause dealing with the declaration of the basic wage. We are in agreement with the principle that time will be saved if the court declares a basic wage that will apply to all awards as they are delivered. In order to make the position clearer I move an amendment—

*That in lines 1 and 2 of the proposed new Section 100, Subsection 1, the words "from time to time" be struck out and "at intervals of not more than one year" inserted in lieu.*

The amendment will mean that the court will each year prescribe the basic wage and

that will apply automatically to awards. It is better to make that provision mandatory rather than to call upon the court to discuss the basic wage from time to time. The review of the basic wage at intervals of not more than one year will not necessarily mean an inquiry extending over a long period. The court may be satisfied from statistics that it is not necessary to change the basic wage, and in such circumstances the proceedings would take only a couple of minutes.

The MINISTER FOR WORKS: The present provision is that if the court does not declare the basic wage within 12 months any party concerned can apply for a review of that wage. I propose moving an amendment to provide that the Minister may also request the court to review the basic wage. The court should be left to act at its discretion, but if nothing is done within 12 months, this will mean that any party interested, or the Minister, may request a review of the basic wage.

Mr. Latham: The member for West Perth's amendment will make the position more definite.

The MINISTER FOR WORKS: But that does not leave it to the discretion of the court.

Mr. Latham: It would not take five minutes.

The MINISTER FOR WORKS: In the Eastern States the courts often take a fortnight or more to review the basic wage.

Mr. DAVY: Under the clause as it stands the court will determine the basic wage when it is required to do so or when it thinks it necessary, and a lengthy inquiry is provided for at which all employers and all unions can be represented. I thought it would be simpler to make it mandatory on the court to determine the basic wage at stated intervals. Then as a general rule it would not be necessary for the court to do more than look at the statistician's figures, hold a brief inquiry and make the determination.

Amendment put and negatived.

The MINISTER FOR WORKS: I move an amendment—

*That at the end of Subclause 2 the words "or at the request of the Minister" be added.*

Amendment put and passed.

Mr. DAVY: I move an amendment—

*That at the beginning of Subclause 4 the words "with the leave of the court" be inserted.*

Without the amendment the court will have no power to prevent every employer and every union coming along to the inquiry and insisting upon being heard, and subsequently putting up a strong argument for costs. That, of course, will make the inquiry very cumbersome. Under the amendment the court can select the persons they want to hear.

The MINISTER FOR WORKS: On the second reading the member for West Perth (Mr. Davy) said he could not see where the Bill provided that the employers and the workers could be heard conjointly, and only one set of costs would be allowed on either side. He will see that under this clause the costs allowed will be only one set to each side.

Mr. Davy: But that will not prevent anybody else from going to the court.

The MINISTER FOR WORKS: It would be a grave error to deny to anybody who will be bound by the decision of the court opportunity to air his views. In order to make perfectly clear the intention that there shall be allowed to each side only one set of costs, I propose to move a further amendment presently.

Mr. DAVY: In moving this amendment I have in mind a few eccentric persons about Perth, mostly employers, who are constantly wanting to litigate. Whenever there is a basic wage inquiry we shall have those persons occupying the time of the court.

Amendment put and negatived.

The MINISTER FOR WORKS: I move an amendment—

*That after "workers" in line 7 "collectively" be inserted.*

Amendment put and passed.

The MINISTER FOR WORKS: I move a further amendment—

*That in line 8 "respectively" be struck out and "collectively" inserted in lieu.*

Amendment put and passed.

Mr. DAVY: I move an amendment—

*That the following be added to the proposed new Section 102:—"If any determination of the court shall declare the basic wage to be lower than that in force prior to such determination, then the wages provided for in any existing industrial agreement or award shall be deemed forthwith to be automatically reduced by an amount equal to the reduction of the basic wage."*

I cannot see why such a provision should not cut both ways. I have not heard anyone suggest that when the standard of living goes down, the standard of wages should not go down as they went up when the standard of living increased.

The MINISTER FOR WORKS: There is no suggestion that the basic wage should be increased and not decreased. Provision is made for it in the proposed new Section 102 (2).

Mr. DAVY: Under that provision, if the basic wage goes up, the minimum wage cannot be less, but if the basic wage goes down, it is not to say the minimum wage shall not be more.

Mr. Panton: The employers will see it is carried down.

Mr. DAVY: The employers may try, but there may not be power to get it down. If the Minister agreed to the principle——

The Minister for Works: I do.

Mr. DAVY: Then I think I can convince him that the Bill does not provide for it.

The MINISTER FOR WORKS: It is intended that if the basic wage goes up or down, current awards or agreements shall fluctuate accordingly.

Mr. Davy: If I can convince you that the Bill does not provide for that, will you agree to recommit the clause?

The MINISTER FOR WORKS: Yes.

Mr. DAVY: Then I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

Mr. DAVY: We wish to amend the proposed new Section 103. This offends the principle of the court being given untrammelled jurisdiction to solve the difficulties confronting it. The Minister said he wished to make the court as free as possible. The proposed new section prescribes the kind of house considered necessary for the worker in fixing his wages. If we detail the kind of house, why not the number of pounds of beef for the family, and the number of hats the wife shall wear, and so ad infinitum. I move an amendment—

*That all the words after "sufficient" be struck out and the following inserted in lieu: "to enable the average worker to whom it applies to live in reasonable comfort, having regard to any domestic obligations to which such average worker would be ordinarily subject."*

That follows the words in the Act upon which the court has worked in the past. We should define the jurisdiction of the court generally and leave the court to work out the details.

The MINISTER FOR WORKS: This reconstructs the whole principle upon which the basic wage is to be fixed. The court has frequently asked for a basis to be laid down, and to do that is the function of Parliament. The clause is one of the fundamental principles of the Bill. It is not a matter that should be left to the court, involving as it does fixing the standard of living for the workers of the State. I cannot accept the amendment.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clause 56—agreed to.

Clause 57—Apprenticeship generally:

The MINISTER FOR WORKS: I move an amendment—

*That in proposed Subsection 5 after "the" in line 1 the words "Court with the approval of" be inserted.*

This will give the court power to make regulations with the approval of the Governor.

Hon. Sir James Mitchell: It is usual for the Governor to make the regulations.

The Minister for Lands: The court might refuse to make regulations but for this amendment.

Amendment put and passed.

The MINISTER FOR WORKS: I move an amendment—

*That a subclause be added as follows: "7, This section applies to apprenticeship generally to any industry to which this Act relates."*

This will make the clause more clear.

Hon. Sir JAMES MITCHELL: We have suggested that the Minister should introduce a separate Act to deal with apprentices, which is a matter of sufficient importance to warrant a special Act. I object to this method of helping apprentices, though I should be glad to assist them in any way. The Bill is already overloaded, and gives the Arbitration Court responsibilities which it should not have and which it is not very well qualified to discharge.

Amendment put and passed.

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

| | |
|---|---|
| Ayes .. .. .. | 17 |
| Noes .. .. .. | 12 |
| Majority for .. | 5 |

AYES.

| | |
|---|---|
| Mr. Angwin | Mr. McCallum |
| Mr. Chesson | Mr. Millington |
| Mr. Coverley | Mr. Munsie |
| Mr. Cunningham | Mr. Panton |
| Mr. Heron | Mr. Sleeman |
| Mr. Holman | Mr. A. Wansbrough |
| Mr. W. D. Johnson | Mr. Withers |
| Mr. Lamond | Mr. Wilson |
| Mr. Marshall | (*Teller.*) |

NOES.

| | |
|---|---|
| Mr. Barnard | Mr. J. H. Smith |
| Mr. Brown | Mr. Stubbs |
| Mr. Davy | Mr. Teesdale |
| Mr. Lindsay | Mr. C. P. Wansbrough |
| Sir James Mitchell | Mr. Latham |
| Mr. North | (*Teller.*) |
| Mr. Sampson | |

Pairs.

| AYES. | NOES. |
|---|---|
| Mr. Collier | Mr. Richardson |
| Mr. Clydesdale | Mr. Angelo |
| Mr. Corboy | Mr. Denton |
| Mr. Kennedy | Mr. George |
| Mr. Lambert | Mr. Thomson |

Clause thus passed.

Clause 58—Publication in "Gazette" of awards:

Hon. Sir JAMES MITCHELL: Does the Minister mean by this clause that every award given shall be published in the "Government Gazette"?

The Minister for Works: It is done now.

Hon. Sir JAMES MITCHELL: No fear! Not every blessed word!

The Minister for Works: Yes.

Hon. Sir JAMES MITCHELL: If the Minister is sure that it has been done, and is sure that it can be done, that is without swelling the dimensions of the "Gazette" unduly, I suppose it is all right.

Clause put and passed.

Clause 59—Forty-four hours week:

Mr. C. P. WANSBROUGH: I move an amendment—

*That the following proviso be added to the first paragraph: "Provided that this section shall not apply to workers in the agricultural and pastoral industries."*

I can imagine nothing more fatal to the farming industry than the forty-four hours principle. Present day methods of farming do not call for anything so drastic. The only result of applying the principle to the industry can be a reduced output. With the 44-hour week in operation, the farmer will only attempt to grow that which he can handle himself. I trust the Minister will favourably consider the amendment. All those laborious branches of farm work which should be under the measure—shearing, chaffcutting, and so forth—are already under it. The farm worker on an up-to-date farm with modern methods has an easy billet, which rather resembles a pleasure than the slavery of days gone by.

Mr. SAMPSON: The fixing of the hours worked should be left to the court to decide in accordance with the requirements of industries concerned. There is already provision for a working week of less than 44 hours in some industries. To fix the hours of the working week in the Bill is contrary to the principle we have adopted. The court should decide such an issue. I cannot agree altogether with the member for Beverley. I believe it is better to strike out the clause fixing the 44-hour week rather than adopt any such amendment as he suggests. As a last resort, unless the industries are to be crippled, a proviso should be inserted setting out that the restricted hours shall not apply to the agricultural and pastoral industries. As a matter of fact, the agricultural and pastoral industries pay for all awards that are issued in the long run. I oppose the clause as a whole. It will be an absolute satire on the Arbitration Act if the clause be agreed to.

Hon. Sir JAMES MITCHELL: I am altogether opposed to Parliament fixing a 44-hour working week. I would prefer to see the clause struck out altogether. There may be industries in which men can work for 44 hours, but there are very few in which men cannot work a full 48-hour week. People should not be fooled by their being told they will get as much money in wages in the 44-hour week as they will under the 48-hour week. It is useless to suggest to them that they will have the same living conditions under the shorter week as under the 48-hour week. The cost of commodities must increase with the shorter hours of labour. I was sorry to hear the Minister say that a Government official was talking through his neck when he gave evidence that decreased hours meant decreased output. It was the Minister who was talking through his neck. How is it possible for as much work to be done in 44 hours as in 48 hours? It is popular to issue such cries as "a shorter week and increased wages" during election times. If we were to agree to shorten the week still further and to increase wages we would be popular indeed, but we have a duty to the people to perform and thus we must oppose such a proposal as is outlined in the clause. I should like men to work for fewer than 44 hours if an adequate standard of living could be maintained under such conditions. It cannot be done. During the elections it was whispered that the Labour Party would grant long service leave and a 44-hour week. Now we see that they are endeavouring to grant the latter concession. I hope that when the Bill becomes law, if it does do so, the wives will work their 44 hours in the week and not in the time some hon. members may desire.

The Minister for Lands: In that event I suppose you will want an alteration of the marriage laws.

Hon. Sir JAMES MITCHELL: I know we will want more wives under such conditions. This is an important matter and the Minister should agree to report progress to enable us to continue the consideration to the Bill in Committee at a later stage. At any rate, we will not agree to the clause being passed. I shall support the amendment although I would not have moved it, because I think the clause should be struck out altogether. The court should have the right to say what hours should be worked. I have talked to many workers and I find they are not concerned about hours and conditions. They want more money.

Mr. Chesson: It was the conditions that sent most of the men from the mines into the sanatorium.

Hon. Sir JAMES MITCHELL: Of course it was the working underground. That would destroy their health whether they worked 44 hours or 34 hours per week. However, the workers ought to know that inevitably they will get less money for the 44 hours, just as the employers will get less work in 44 hours. The new system will mean more than 10 per cent. on the cost of things generally. At all events, the Minister should report progress, for we have worked much more than our daily quota of a 44-hour week.

Mr. DAVY: I regret that I cannot support the amendment, which argues that the principle of the clause is correct. In my view the principle is altogether wrong. Par-

liament is not the tribunal to decide the number of hours to be worked in an industry. That is the function of the Arbitration Court. It is recognised that in certain classes of work, if people are worked above a given number of hours the result is reduced production. But to say that 44 hours weekly is sufficient for all classes of industry, is preposterous. Some work is not work at all as compared with, say, timber hewers' work. Another difficulty that appeals to me, and appealed also to Mr. Justice Higgins, is that in certain kinds of industry it may be impossible to prescribe hours and check them if prescribed. Mr. Justice Higgins says the court found it quite impossible to prescribe hours for out-workers on stations. And there may be numerous other classes of work in the same category. One occurs to me: It is proposed that insurance workers shall be made workers within the meaning of the Act. The moment they come under the Act 44 hours will be their weekly period of work. To say to a man collecting premiums that he shall not work more than 44 hours, is utterly impracticable. I must oppose the provision, and I will not vote for the amendment.

Mr. LATHAM: I oppose the clause, particularly as the Bill already provides that any person engaged in an industry working under an award shall come within the purview of the Act. It is difficult to say that the rural workers will not organise and, if they do, the farmers will be prevented from working more than 44 hours a week. The 44-hour week is all right on paper, but it cannot possibly be put into practice.

Mr. Panton: Have you ever tried it?

Mr. LATHAM: I know it would be a failure. Perth would not be what it is to-day if we had had the 44-hour week. Perhaps there would be less objection to it if all sections of the community were treated alike. However, there is a bigger thing than an Arbitration Act, but apparently the Minister has not given great consideration to the consequences of his proposal. In a State like ours, it is impossible to do all we should like. I hope the Minister will report progress.

The Minister for Works: You have not yet done an 8-hour shift.

Mr. LATHAM: Why not be consistent?

The Minister for Works: I have done two shifts to-day.

Mr. LATHAM: Why not restrict our hours to a maximum of 44 per week?

Mr. SAMPSON: This clause would seriously affect the position of fire brigade employees. Their work is in the nature of night watchmen, and is not as strenuous as swinging a broad axe or many other forms of manual labour. These men are on duty for 12 hours.

Mr. Sleeman: Too long.

Mr. SAMPSON: It may be.

The CHAIRMAN: The amendment deals with the agricultural and pastoral industries. The clause generally is not under discussion.

Mr. SAMPSON: I had hoped to refer also to the hours of nurses. Orchardists have to work long hours when the fruit crop is being harvested. Although we read in Holy Writ of someone commanding the sun to stand still, that is not possible in these days. There is a saying in the industry that fruit ripe at 12 o'clock is overripe at 1 o'clock. That indicates the need for picking fruit at the right time. The 44-hour week would be impossible in the fruitgrowing industry. The State has not reached a stage when it can return a living to all members of the community working a maximum of 44 hours a week. It should be the province of the court to say what number of hours shall be worked in each industry. It is impracticable for us to fix a maximum for all industry, and the State cannot afford it.

Mr. PANTON: I am surprised at the amendment. The continual cry about the agriculturists carrying the city on their backs may influence some people, but the fact remains that there are far more motor cars owned by farmers than are ever likely to be owned by workers.

Mr. Latham: They are a necessity to the farmers.

Mr. PANTON: They are just as much a necessity to the workers.

Mr. Sampson: Plenty of workers have cars.

Mr. PANTON: I suppose they buy them out of their wages of £4 or £4 10s. a week! The hon. member is thinking of go-carts, not motor cars. The 44-hour week can well be worked on farms. It will operate only when an award is given by the court covering, say, the farming industry or the fruit industry.

Mr. Latham: In six months there may be an award covering the farming industry.

Mr. PANTON: I hope it will come before that. When an award is given it will be based on the requirements of a man, his wife and three children, living in a five-roomed house. If that is done the farmers will have to put on extra hands and work them in shifts.

Mr. Latham: Whether it pays them or not?

Mr. PANTON: Why cannot the fruit growers also put on more men, if necessary?

Mr. Sampson: The returns from the fruit industry show that this cannot be done.

Mr. Latham: What would happen to the securities of the Agricultural Bank if this were carried?

Mr. PANTON: The Government are responsible for that. They have gone into the matter.

Mr. Latham: The Government will have no control over the Rural Workers' Union that may come into existence.

Mr. PANTON: By that time the farmers will have obtained better workers, and more work will be done per day.

The MINISTER FOR WORKS: I was proposing to deal with the issue of 44 hours from a number of different aspects. As, however, the argument has applied only to the agricultural and pastoral industries, I will not go very far into the matter. There is one of our State activities upon which the agricultural industry relies.

Hon. Sir James Mitchell: The railways?

The MINISTER FOR WORKS: Yes.

Mr. Lindsay: We have to pay freights over the railways.

The MINISTER FOR WORKS: The hon. member's argument is that the 44-hour week will mean higher freights.

Mr. Latham: Are not the railways working those hours now?

The MINISTER FOR WORKS: Yes, except for a few members of the running staff. I will show how the 44-hour week has operated, particularly in the workshops at Midland Junction, where this has been in operation for a longer period than in the case of other sections of the railways.

Hon. Sir James Mitchell: They do not sell any stuff there.

The MINISTER FOR WORKS: As compared with 1912 the rolling stock has increased as follows: engines by 13 per cent., cars by 23 per cent., wagons by 27 per cent., and there has been a decrease in working hours of 8½ per cent. The rolling stock is older, and requires a greater amount of repairing every year that it is older. Notwithstanding this there has been an increase in our rolling stock, and new electric motor lorries and petrol cars, but there is just about the same staff employed in the workshops keeping up that additional plant, as compared with 1912 when the hours worked were 48 per week.

Mr. Latham: But what about the new machinery and the improved method?

The MINISTER FOR WORKS: Where there have been improved working conditions, they have always been followed by the application of up-to-date methods to the job. Something like 10 men are employed in looking after the trams, but the staff is about the same.

Mr. Sampson: The employees in the State timber yards are not working 44 hours.

The MINISTER FOR WORKS: That has nothing to do with the case.

Mr. Latham: Every one has not the Treasury behind him.

The MINISTER FOR WORKS: Every one who is affected by the 44-hour week will apply himself to the need for meeting that situation. Necessity is the mother of invention.

Mr. Latham: But it is all right to have a good Treasury behind you.

The MINISTER FOR WORKS: The mining industry has not applied itself to the eradication of disease. If Parliament compels the industry to do it, it will soon be done.

Mr. Sampson: I am not opposed to a short week for men engaged in unhealthy occupation. It is the principle of cutting the 44-hour week into the measure to which we object.

Mr. Teesdale: Has there been an increase in the number of workmen at Midland Junction since 1912?

The MINISTER FOR WORKS: Practically none. In 1912 there were 1,309 tradesmen; there are now 1,355. Included in the latter number are eight or ten who are permanently engaged in the tramways.

Mr. Sampson: We want to know how many train miles have been run?

The MINISTER FOR WORKS: The hon. member knows that there has been a great increase in train mileage since 1912. Many new lines have been built since then. I am demonstrating my case from figures given by men opposed to the 44-hour week.

Hon. Sir James Mitchell: Why not make the hours 40 and get still better results?

The MINISTER FOR WORKS: The time of the 40-hour week will come, and I hope the hon. gentleman will live to see it.

Hon. Sir James Mitchell: I know the cost in Queensland as against the cost in Victoria.

The MINISTER FOR WORKS: I will nail the hon. gentleman to that interjection. Here are the figures of the Commonwealth Statistician, the weighted figures of the cost of living for each State. For the 12 months ended on the 31st December, 1923, they are as follows: Tasmania 1,704, South Australia 1,647, Victoria 1,722, New South Wales 1,719, Western Australia 1,583, and Queensland 1,490.

Hon. Sir James Mitchell: I spoke about the cost of work.

The MINISTER FOR WORKS: The hon. gentleman said "the cost of living."

Hon. Sir James Mitchell: No, I did not.

The MINISTER FOR WORKS: I will give the hon. member the figures of cost of production too, if he likes. As regards cost of living, up to the 31st March, 1924, the position in Victoria was 1,742 as against 1,510 in Queensland. The corresponding figures for the other States were Western Australia 1,559, New South Wales 1,738, South Australia 1,669, and Tasmania 1,734. This bogey that is raised as to what will result from the introduction of the 44-hour week is exploded. The hon. gentleman reads the nonsense published in the daily Press, and takes it for gospel, instead of examining the facts for himself. If it is desired to have a full-dress debate on the 44-hour principle, I am ready for it; I am not at all tired. The main industry affecting agriculture is doing as well under the 44-hour week as it did under the 48-hour week. The file containing the reports is here, and any member can inspect it.

Mr. Sampson: Do you think those results can be obtained by working the 44 hours in five days?

The MINISTER FOR WORKS: I do not agree with the five-days proposition. In the agreements I made for 44 hours, I stick to the eight-hours principle, and insist that not more than eight hours shall be worked in a day. At Midland Junction the five-days week was agreed to before the present Government took office. Even before the Norman Conquest of Britain the Saturday half-holiday had been established there. Hon. members who oppose the 44-hour week are opposing the Saturday half-holiday. The Government have been carrying out their policy in a logical way and have provided an eight-hour day with a half-day on Saturday.

*12 o'clock midnight.*

Mr. Richardson: Are you altering the conditions at the Midland Junction Railway Workshops?

The MINISTER FOR WORKS: No, we have not done that. We are not responsible for the position there.

Mr. Richardson: If it is wrong, why not alter it?

The MINISTER FOR WORKS: We are not out to set the world right.

Mr. Richardson: Thank God for small mercies!

The MINISTER FOR WORKS: We are responsible for our own actions and we do not intend to force everyone into line. The two definite instances I have referred to should disarm criticism regarding the position of the agricultural industry. Since 1916 reduced hours have been worked in the agricultural industry in England, and yet we are told that in a climate such as we have here we cannot have a 44-hour week. When we set out to achieve a small measure of reform, we hear the cry that chaos and ruin are predicted. I have sufficient confidence in Western Australians to know that they can apply themselves to altered conditions.

Hon. Sir JAMES MITCHELL: The Minister has not proved anything by his statement. He talked about the running staff and discussed the railway workshops. The plant is in much better order than it was in 1912. I referred to work done in Queensland. I read to-day some particulars regarding the sewerage work carried out in Queensland and the comparison drawn between those operations and the cost of sewerage work in Melbourne. It has cost several times more in Queensland than it did in Melbourne.

The Minister for Works: Because the Queensland sewerage work has to be done in solid granite.

Hon. Sir JAMES MITCHELL: They have not got a 44-hour week in Queensland.

The Minister for Works: I said it had a greater general application in Queensland than anywhere else.

Hon. Sir JAMES MITCHELL: Reports appeared in the Press in which it was stated that Mr. Theodore had pointed out to the Labour movement that it was impossible to apply the 44-hour week there and still carry on successfully. Mr. Theodore nearly resigned his Premiership over the question and we know what has happened since. I was told at the time my statement was not true, but that information has been confirmed time and again. We are asked to say that Western Australia shall not allow anyone to work more than 44 hours. If the court says that the working week shall be confined to 44 hours, I shall raise no objection. Parliament has no right to do any such thing. I do not like the amendment because it looks as though we were singling out one type of industry. I want to see more work done in 48 hours and more pay granted if it is possible. In Western Australia wages are better to-day than ever before. I am glad of that. I want to see them higher still. But it is of no use cutting down the hours and so at once reducing wages and increasing costs. In either event this 44-hour system should have been brought down in a separate Bill and sent to another place on its merits. Then it might have had a chance to pass. I do not think it can get through as a provision in our arbitration law.

Mr. SAMPSON: The principle underlying the 44-hour system is that by working a reduced number of hours the workers attain a greater degree of physical efficiency. The Minister has endeavoured to prove that in the Railway Workshops at Midland Junction more work is done in 44 hours than was done in 48 hours. Yet we know that the whole of the 44 hours is worked in five days, and it is acknowledged that there cannot be under that system the same physical fitness as there would be if the hours were spread over six days.

The Minister for Works: Some medical men argue that a man tires at the end of a day, while others argue that he tires at the end of the week.

Amendment put and negatived.

The MINISTER FOR WORKS: At the Collie coal mines the working shift was lowered from 8 hours to 7 hours. The highest point they have reached in their production was in 1923 under the 7-hour shift, when 590 tons per man was produced.

Hon. Sir James Mitchell: But they had new cutting machines then, which made it a totally different proposition.

The MINISTER FOR WORKS: The explanation is that where improved industrial conditions are found, there also will be found up-to-date appliances. Then take Queensland: Here is what is contained in Bulletin No. 17 of the Commonwealth Statistician: —

> Value of output per employee of products of factories of Australia:—New South Wales £872, Victoria £729, Queensland £871, South Australia £775, Western Australia £593, Tasmania £622.

Hon. Sir James Mitchell: What about sugar, which is twice the value of many other commodities?

The MINISTER FOR WORKS: It is not twice the value when it leaves the factory.

Hon. Sir James Mitchell: You have a very weak case.

The MINISTER FOR WORKS: Then let us take the output per head of population. In 1916, 1917, 1919, 1920 and 1921 Queensland topped the list with a greater average output than had all the other States. Queensland in 1918 was second on the list and in 1922 was equal to the highest.

Mr. Mann: Do you suggest the Queensland workmen are superior to ours?

The MINISTER FOR WORKS: I suggest that the workers of Queensland under the 44-hour week do not suffer from physical exhaustion and are able to maintain their output.

Hon. Sir James Mitchell: They have not the 44 hours generally.

The MINISTER FOR WORKS: A greater percentage of employees are working the 44-hour week there than in any other State. It has become a hobby with certain newspapers in this State to hold Queensland up as the bad boy of the Commonwealth, and to argue that if we follow its lead our State will be ruined. Queensland is the most prosperous State of the Commonwealth.

Mr. Mann: And has the greatest number of unemployed.

The MINISTER FOR WORKS: They are Western Australian Press-manufactured unemployed.

Hon. Sir James Mitchell: Not at all. I myself wired for particulars.

The MINISTER FOR WORKS: But the Leader of the Opposition took seriously wires that were sent him as a joke. I know the whole history of what passed between him and Mr. Theodore.

Hon. Sir JAMES MITCHELL: It is useless to assert that Queensland is the best governed State in Australia. Mr. Theodore had held over him a threat of being put out if he did not agree to the 44-hour week. I do not know where the Minister got his figures regarding factory output, but they do not mean anything, because the price of commodities is all-important. If employees work shorter hours we have to pay more for the product, and the Minister has proved my contention by the figures he has quoted.

The Minister for Works: You are hot stuff!

Hon. Sir JAMES MITCHELL: I shall not permit the working man of this State to be insulted by the Minister or anyone else. It is an insult to say that the workers in Queensland can do as much in 44 hours as our workers in 48 hours. In the coal mines wonderfully good machines are used, and everyone agrees that men should not be required to work long hours underground. Mr. Theodore did not wire me as a joke that there were 2,000 men out of work; he wired in all seriousness. The 44-hour week will mean less employment. Queensland is always in trouble with unemployed.

The Minister for Works: Queensland does not have anything like the trouble we have.

Hon. Sir JAMES MITCHELL: Queensland has far more trouble. There was no time when we could not send our unemployed to work in the country. The 44-hour week will mean that fewer men will be employed, less work will be done and costs will be higher. If it becomes law I hope we shall get a petition from wives to reduce their hours. I should support such a proposal with a good deal of pleasure. The Minister has made out no case for the 44-hour week.

Mr. WITHERS: No sound argument has been put forward in opposition to the 44-hour system.

Hon. Sir James Mitchell: It is justified only because it was a pre-election promise.

Mr. WITHERS: In the "West Australian" recently the Commissioner of Railways thanked the men for keeping up the output so well under the 44-hour week. This has been made possible by the improved efficiency of the service generally. The men are doing the same amount of work they did when employed 48 hours.

Mr. Mann: Do you suggest they were not trying before?

Mr. WITHERS: The methods have been improved. A farmer is able to do more to-day than when he walked behind a single-furrow plough. I remember when the railways worked very long hours. In 1899 the profits were £292,291, in 1900 they were £398,042, in 1902-03, when the 8-hour system was introduced, they were £305,612 on £12,000 more than they were in 1899, and in 1903-4 they had risen to £408,416. The department was able to make certain alterations which led to a shortening of hours, used larger locomotives and rolling stock, kept down the charges, and still showed a profit. No self-respecting family man ever confines himself to a 44-hour week, for after he has finished his ordinary work he finds plenty to do in his home.

Mr. Davy: You want to import industrialism into the home.

Mr. WITHERS: That will apply to a different part of the household. The output of the employers will improve under the 44-hour system as compared with the 48-hour.

Mr. BROWN: I have to say something to keep myself awake. Some work is laborious, and other occupations are unhealthy. Mining is dangerous as well as unhealthy. A week of 40 hours is quite enough for a man who works in a mine. In my opinion, 44 or 40 hours per week are quite enough for a miner to work. In the railways an engine-driver works 44 hours. The nature of our railway system is such that a certain speed cannot be exceeded. Then, can an engine-driver do as much work in 44 hours with a locomotive as in 48?

Mechanics, again, work under shelter and in healthy surroundings; and I ask, can a man working under such conditions do as much in 44 hours as in 48? Some mechanics, when watched closely, are observed to do less work in some days than in others, which indicates a certain application of the "go-slow" principle. The 44-hours principle will dispose of the 8-hours principle. Ultimately it will lead to a 6-hour day, and eventually it will cause an immense deal of overtime. At certain seasons of the year railway men must work more than 44 hours in a week, and it is then the shoe of overtime pay is going to pinch the country's foot. Formerly in the farming industry men were as well off and as content with 5s. or 6s. a day as now they are with £4 or £5 a week. The storekeeper who finds his wages bill increased by several pounds per week will have to pass that increase on, thus further raising the high cost of living. As regards the hours of a ploughman, horse can travel only at a certain pace, a reasonable pace, and if he is worked beyond that pace he knocks up in a few hours. To enable the ploughman to do as much work in 44 hours as in 48, we shall have to breed horses that will walk four or five miles an hour instead of two. The farmer himself will have to feed and look after his horses under the 44-hour system. The life of the farm worker is going to be that of a king, while the farmer himself will lead a wretched existence. No farmer can do all his work with tractors, but their use is bound to increase under the 44-hour system, and thus employment will be lost to men whom my friends opposite specially represent. The more work there is available in Western Australia the better it will be for the people as a whole. If Parliament is to impose all sorts of conditions on the farming community, the result will be that farmers will devote their attention to sheep and wool and not so much to cultivation, which will mean decreased employment. It will mean less work for the railways and the position will affect the interests of the State in many directions. We should not seek to restrict the hours of farm labourers by saying that they must not work more than 44 hours in a week. Hours of work do not kill men. I remember in the early days when we had to work much longer hours, the work did not kill men but developed a fine type of manhood. The latter-day tendency is to pamper men and, in fact, to create the impression that there is no necessity to work at all. We all admire a good honest worker.

Mr. Chesson: Some admire him from a distance.

Mr. BROWN: The court, not Parliament, should determine the hours to be worked. I do not think the Government's proposal is reasonable at all. If a man cannot work 48 hours in one week, there is something wrong with him. If workers were asked if they would like to put in their 48 hours in five or six days, the majority would advocate doing it in five days and not in five and a half. When there is so much at stake, it is not in the best interests of Western Australia to reduce hours of labour. On the other hand everyone should be working as hard as possible in order to put the State on a good financial footing. Instead of decreasing our national debt, the tendency will be to increase it. I hope that instead of going a quarter of a million to the bad this year, we shall not go to the bad to the extent of £500,000. But the indications are that that is what will happen.

The MINISTER FOR LANDS: The member for Pingelly is still living in the atmosphere of 50 years ago. He has not advanced one iota since those days. I heard the same arguments when I started work and when we endeavoured to effect an alteration in working conditions by starting work at 7 a.m. instead of 6 a.m. We were then told it was wrong and that industry could not stand such a change. The member for Pingelly thought the world was coming to an end because, he said, we were pampering men by reducing the hours of labour. In fact he seemed to be concerned about the progress of everything except human beings.

Mr. Heron: He was even concerned about the horses!

The MINISTER FOR LANDS: Everyone has sympathy with the horses on the farm, but I doubt if the member for Pingelly has any sympathy for the workers.

Mr. Sleeman: That is a horse of a different colour.

The MINISTER FOR LANDS: Promises have been made, particularly during the last few years, that the world shall be better for men and women. Throughout the British Empire the people expect those promises to be fulfilled.

Hon. Sir James Mitchell: So they have been here.

The MINISTER FOR LANDS: Those promises have not been fulfilled. There is an endeavour to back down from the promises made some years ago. In England the working day of eight hours was fixed by the agricultural board appointed by the British Government.

Mr. Teesdale: That is right.

Hon. Sir James Mitchell: The agricultural industry is nearly ruined there.

The MINISTER FOR LANDS: Not because of the hours of labour. Of course 50 years ago it would have been said that such conditions would ruin the industry. And where they were then paying 9s. a week, when the 8-hours principle was adopted, the wages rose to 50s. The prices of farmers' products to-day are higher than ever before.

*One o'clock a.m.*

Hon. Sir James Mitchell: Where is that?

The MINISTER FOR LANDS: In Western Australia, and it must be so in other parts of the world. The Arbitration Court has repeatedly said it is the duty of Parliament to fix the hours. "Go to Parliament," say the court when employees ask for shorter hours, "Go to Parliament and get your grievances adjusted politically." Yet when we try political means we are told we have no right to bring such questions here. Work a man overtime and you are not likely to make a financial success of your enterprise; but work him proper hours and your enterprise may be successful. Why should a man, earning his living by the strength of his arm, work more than eight hours a day with a half-holiday on Saturday? That is all we are asking for.

Hon. Sir James Mitchell: Then why did not you put it in the Bill?

The MINISTER FOR LANDS: We are prepared to leave the distribution of the hours to the court, so long as not more than 44 hours are worked. When a man realises that the same amount of work has to be done in a shorter period, he will put out more energy than he would over a longer period. I hope hon. members will not oppose the clause.

Mr. Latham: We are going to.

The MINISTER FOR LANDS: Yes, I know, but it will not make any difference. In England to-day men are working shorter hours than are worked in Western Australia. The unemployed are found in the cities, not in the country. That applies to Western Australia as well as to England. Last week a gentleman went up the Wongan Hills line and found 13 men unemployed, but he got jobs for them before he left the district.

Mr. Sleeman: At how much a week?

The MINISTER FOR LANDS: At very fair rates.

Mr. Sleeman: Twenty-five shillings.

The MINISTER FOR LANDS: No, nor 30s. either. I hope members will realise that a change has to be made and that it would be well to make it voluntarily.

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

| | |
|---|---|
| Ayes .. .. .. .. | 17 |
| Noes .. .. .. .. | 12 |
| Majority for .. | 5 |

| Ayes. | |
|---|---|
| Mr. Angwin | Mr. McCallum |
| Mr. Chesson | Mr. Millington |
| Mr. Coverley | Mr. Munsie |
| Mr. Cunningham | Mr. Panton |
| Mr. Heron | Mr. Sleeman |
| Mr. Holman | Mr. A. Wansbrough |
| Mr. W. D. Johnson | Mr. Withers |
| Mr. Lamond | Mr. Wilson |
| Mr. Marshall | (*Teller.*) |

| Noes. | |
|---|---|
| Mr. Barnard | Mr. J. H. Smith |
| Mr. Brown | Mr. Stubbs |
| Mr. Davy | Mr. Teesdale |
| Mr. Lindsay | Mr. C. P. Wansbrough |
| Sir James Mitchell | Mr. Latham |
| Mr. North | (*Teller.*) |
| Mr. Sampson | |

Pairs.

| Ayes. | Noes. |
|---|---|
| Mr. Collier | Mr. Richardson |
| Mr. Corboy | Mr. Denton |
| Mr. Clydesdale | Mr. Angelo |
| Mr. Kennedy | Mr. George |
| Mr. Lambert | Mr. Thomson |

Clause thus passed.

Clause 60: Amendment of Section 120:

Mr. DAVY: I move an amendment—

*That after "industrial unions" in the proviso to the proposed new Subsection 5 the words "and employers" be inserted.*

The individual employer has a right to be represented before any court, and there are lots of employers who are not in any industrial union of employers. Where, in the opinion of the President of the court, the memorandum is likely to affect an individual employer, he should be notified.

The Minister for Works: How will the court find the individual employer?

Mr. DAVY: It will be easy enough to find him if the President thinks a certain employer will be affected.

Mr. Chesson: It is easier to notify a registered body.

Mr. DAVY: It will not be mandatory for the President to notify all employers.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 61—Compulsory conference with commissioners:

Hon. Sir JAMES MITCHELL: Under the proposed new Subsection 8 any person summoned to attend before the commissioners and failing to attend will be liable to a penalty not exceeding £500. A man would not be fined anything like that amount if he ran over somebody with a motor car. What is the reason for making the penalty so heavy? For a union of 1,000 members the penalty would amount to only about 10s. per head, whereas against an employer it stands at £500. That is monstrous and almost incredible.

The Minister for Works: That is the amount in the present Act.

Hon. Sir JAMES MITCHELL: There is no conference under the present Act.

The Minister for Works: Of course there is.

Mr. DAVY: I suggest that Subclause 12 be transposed to read as Subclause 1. This will put it in its order.

The Minister for Works: I do not mind.

Clause put and passed.

Clause 62—agreed to.

Clause 63—Proceedings by and against clubs:

Mr. DAVY: This clause provides that the treasurer of the club shall be deemed to be the employer on behalf of the club, and any proceedings taken against it shall be taken against him. In many clubs there is no such person as a treasurer.

The Minister for Works: Clubs cannot be registered if they have not a treasurer.

Mr. DAVY: The proper people to be made responsible by law in the case of non-incorporated members' clubs are the members of the management committee. The clause makes no distinction between clubs that are limited companies and those that are not incorporated, and is too dangerous to pass as it is.

Clause put and passed.

Clause 64—Secretary of union to have powers of inspector under Factories Act:

Hon. Sir JAMES MITCHELL: We should not authorise union representatives under the Factories and Shops Act to inspect ordinary premises. The union can always find out from the workers how an award is being observed, and can act accordingly. The authority is to be given not so much for the purpose of seeing that the Act is being observed as for the purpose of a monthly collection.

The Minister for Lands: Good employers protect themselves by paying the amount in a lump sum.

Hon. Sir JAMES MITCHELL: No good employer would deduct half-a-crown a month from the pay of a boy or a girl.

Mr. Panton: Boys and girls contribute only 1s. per month.

Hon. Sir JAMES MITCHELL: Do hon. members opposite want to make it impossible to find employment in Western Australia? I trust the Committee will not agree to this clause.

Mr. TEESDALE: Knowing there is not the slightest chance of getting this clause altered, I suggest to the Minister that great care should be exercised in the selection of persons to be appointed inspectors by the union secretary. I have no objection to the president or secretary, or other accredited official of the union, in this connection, but on various occasions great trouble has been caused by the very objectionable type of people sometimes sent to inspect.

Mr. DAVY: If this Bill is to remain what it was originally intended to be, an Act for the settlement of industrial disputes by arbitration, there would be very much less objection to the clause than there actually is. The measure proposes to extend the ambit of the principal Act to matters which are in no way industrial, to domestic service, for instance, with the result that any inspector may be authorised to enter and inspect private houses. Under the existing law we already have factories and shops inspectors, and they are to be authorised to enter private houses for the purpose of seeing whether the arbitration award is being observed. Again, the union secretary will have the right to enter any private house in order to see whether the award is being carried out. The words "any person" presumably mean any number of persons "authorised by the secretary of the union."

Mr. Panton: What is the total?

Mr. DAVY: Not less than three, but it may be any number.

The MINISTER FOR WORKS: This clause affords an excellent illustration of the extravagant language and the perfervid imagination hon. members opposite apply to the Bill. There is not an award issued by the court in recent years that does not contain the provision objected to.

Hon. Sir James Mitchell: I bet you no award has those words in it.

The MINISTER FOR WORKS: Practically every recent award contains that provision.

Mr. Teesdale: But it is wrong to apply such a provision to a man's private house.

The MINISTER FOR WORKS: The only difference is that the provision already existing in awards is to be made part of the law. Yet we hear members saying that it is scandalous.

Hon. Sir James Mitchell: So it is scandalous.

The MINISTER FOR WORKS: We are simply extending the scope of the law.

Hon. Sir James Mitchell: How you are dealing with the rascally employer!

The MINISTER FOR WORKS: The hon. member seems to think that it is the trade union representative who is the rascally individual.

Mr. Latham: But surely those individuals should not have the right to enter a man's private house.

The MINISTER FOR WORKS: Why persist about the private house?

Mr. Latham: Because that is the effect of the provision.

The MINISTER FOR WORKS: Instead of being unheard of, a similar provision is in practically every award of the court. As to the objection about union representatives going to private houses to examine time-sheets and so on, the court would have the right to say what was necessary. As it is now, men enter private premises to read meters and so on.

Mr. Davy: But they are outside the house, and the meter readers are there by agreement.

The MINISTER FOR WORKS: And they will come to the house by virtue of the law.

Hon. Sir James Mitchell: And will go out by virtue of the boot.

Mr. Teesdale: Do you think it is right that such men should go into a man's private house and cross-examine the housewife.

The MINISTER FOR WORKS: It will be for the court to decide what shall be done.

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

| | | |
|---|---|---|
| Ayes | .. .. .. .. | 17 |
| Noes | .. .. .. .. | 12 |
| | Majority for .. | 5 |

AYES.

| | |
|---|---|
| Mr. Angwin | Mr. McCallum |
| Mr. Chesson | Mr. Millington |
| Mr. Coverley | Mr. Munsie |
| Mr. Cunningham | Mr. Panton |
| Mr. Heron | Mr. Sleeman |
| Mr. Holman | Mr. A. Wansbrough |
| Mr. W. D. Johnson | Mr. Withers |
| Mr. Lamond | Mr. Wilson |
| Mr. Marshall | (*Teller.*) |

NOES.

| | |
|---|---|
| Mr. Barnard | Mr. Sampson |
| Mr. Davy | Mr. J. H. Smith |
| Mr. Latham | Mr. Stubbs |
| Mr. Lindsay | Mr. Teesdale |
| Sir James Mitchell | Mr. C. P. Wansbrough |
| Mr. North | Mr. Brown |
| | (*Teller.*) |

PAIRS.

| AYES. | NOES. |
|---|---|
| Mr. Collier | Mr. Richardson |
| Mr. Corboy | Mr. Denton |
| Mr. Clydesdale | Mr. Angelo |
| Mr. Kennedy | Mr. George |
| Mr. Lambert | Mr. Thomson |

Clause thus passed.

Clause 65—agreed to.

Clause 66—Amendment of Section 126:

Mr. DAVY: When moving the second reading of the Bill the Minister said he could see no earthly reason why the provision that action for the recovery of the difference between money paid to an employer under an agreement and the amount provided in an award should be taken within three months from the time when the cause of action arose. If we are to force men to pay award rates that are in excess of the wages paid under an agreement, the time within which such legal action should be taken should be as short as possible. The Minister has said that in 75 per cent. of the enforcement orders that are made, the question of interpretation arises. Seeing that there may be a difference of opinion involving an interpretation, it may well be that an enormous sum may be involved in actions from time to time. It may be that an employer will have 2,000 men in his employ, to whom he is paying £4 10s. a week. The union official may accept that rate as the correct one. And five years and eleven months afterwards some bright young union secretary may spot something that conferred on this man the right to be paid £5 per week; and then this man may come back and sue the employer for the difference. That is quite wrong. As the Minister has said, in the vast majority of cases these matters are questions of interpretation. Yet the employer might be ruined by having to pay out the accumulated difference five years and 11 months afterwards.

The MINISTER FOR WORKS: I have never yet understood why the working man should be denied the right to recover what is due to him in the form of wages, while every other man in the community can recover what is due to him by way of debt.

Hon. Sir James Mitchell: But nobody ought to be allowed to recover more than he has agreed to take.

The MINISTER FOR WORKS: The question of agreeing to take does not arise. At present if a man does not proceed within the three months he may not recover. I do not see why the distinction should be drawn between recovery of wages and recovery of debt.

Mr. Davy: There is no distinction at common law. They are both the same.

The MINISTER FOR WORKS: It not infrequently happens that the employer pays wages that he knows to be short. Such a man when caught should be made to pay up the difference. Why should he be protected by a three months' limitation?

Mr. Latham: What about the employer who overpays?

The MINISTER FOR WORKS: How often does that happen? It is most unfair that because three months have expired an employee should be unable to take action for the recovery of what the employer owes him. Many thousands of pounds have been lost under the existing provision. There is no reason why there should be any special limitation on the recovery of wages. It is class legislation with a vengeance.

Mr. DAVY: The original section of the Act said that whether or not the worker agreed with the employer, his work should be paid in accordance with an industrial agreement or award. It was a special concession to the worker. The employer could not contract himself out. Then, having given that remarkable concession, the Act went on to say that to be reasonable the employee must come along and make his claim within three months. Wherever a special right is conferred, the enforcement of that right ought to be undertaken within a short time.

Hon. Sir JAMES MITCHELL: We are going much further than is necessary. This amount would really be an amount beyond that accepted by the worker. At present he must demand the difference within a given time. That is only right. The Minister ought not to ask the House to allow the debt to accumulate for years and still be recoverable. If a man allows his employer to go on paying him short, he should not be entitled to recover except within a

short time. However, the Minister is determined. I can only suppose he regards it as an offence to employ anyone. We cannot deal further with the Bill to-night, but we might be able to do something on the third reading. Probably by that time members will have realised that the Bill is not wisely drafted, and it may then be possible to amend many of the clauses to which we have objected.

*2 o'clock a.m.*

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

| | | |
|---|---|---|
| Ayes | .. .. .. | 17 |
| Noes | .. .. .. | 12 |
| Majority for | .. | 5 |

AYES.

| | |
|---|---|
| Mr. Angwin | Mr. McCallum |
| Mr. Chesson | Mr. Millington |
| Mr. Coverley | Mr. Munsie |
| Mr. Cunningham | Mr. Panton |
| Mr. Heron | Mr. Sleeman |
| Mr. Holman | Mr. A. Wansbrough |
| Mr. W. D. Johnson | Mr. Withers |
| Mr. Lamond | Mr. Wilson |
| Mr. Marshall | (*Teller.*) |

NOES.

| | |
|---|---|
| Mr. Barnard | Mr. J. H. Smith |
| Mr. Brown | Mr. Stubbs |
| Mr. Davy | Mr. Teesdale |
| Mr. Lindsay | Mr. C. P. Wansbrough |
| Sir James Mitchell | Mr. Latham |
| Mr. North | (*Teller.*) |
| Mr. Sampson | |

PAIRS.

| AYES. | NOES. |
|---|---|
| Mr. Collier | Mr. Richardson |
| Mr. Corboy | Mr. Denton |
| Mr. Clydesdale | Mr. Angelo |
| Mr. Kennedy | Mr. George |
| Mr. Lambert | Mr. Thomson |

Clause thus passed.

Clause 67—agreed to.

New clause—Amendment to Section 19:

The MINISTER FOR WORKS: I move—

*That the following be inserted to stand as Clause 5: Section nineteen of the principal Act is amended by substituting the word 'shall' for the word 'may' in the first line thereof.''*

We are providing for a wider constitution for the unions that are registered, and striking out all reference to the specified industries and the restrictions that now surround a trade union. The existing Act provides that the registrar may refuse registration to any union if in the same locality there exists an industrial union to which the members, or the bulk of the members, can conveniently belong. The suggestion is to make refusal to registration mandatory instead of permissive, to prevent overlapping and conflict between the organisations. There will be more reliance placed upon this provision than there has been in the past.

Hon. Sir James Mitchell: Have you any organisation in view?

The MINISTER FOR WORKS: If I had, I should tell the hon. member candidly. This can only apply to applications for new registration and not to unions already registered. It is to prevent the mushroom-growth of organisations that may conflict with existing unions.

Hon. Sir James Mitchell: Is it important that there should be only one union for each calling?

The MINISTER FOR WORKS: That is most important for the employers, the court and the unions.

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

## BILL—HIGH SCHOOL.

Received from the Council and read a first time.

*House adjourned at 2.10 a.m. (Wednesday).*

# Legislative Council,

*Wednesday, 1st October, 1924.*



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

## QUESTION—MINING, SOUTH AFRICA, REPORT.

Hon. H. SEDDON asked the Colonial Secretary: 1, Has any report been made by Inspector Phœnix regarding the mining industry in South Africa? 2, If so, will the Minister lay on the Table a copy of the report?