Hon. A. BURVILL: It was the same there.

Hon. J. M. Macfarlane: The growers had it in their own hands there.

Hon. H. A. Stephenson: What has been the average price of tomatoes during the last three months?

Hon. A. BURVILL: I do not require to answer that question. I want to establish the point that the agents make most of their money when a glut is being experienced. I have shown the enormous profits made in the retailing of tomatoes at 3d. a lb. when they were sold at an average of 1s. 6d. a case. When tomatoes brought a decent price, they averaged about 12s. 6d. a case. At that time they were retailed at 5d. a lb. The retailers were well satisfied with a small profit. They were not satisfied with that when there was a glut. At the same time, the consumer does not get any benefit from the position.

Hon. J. M. Macfarlane: Why did they oppose the central markets, which would have given them control of their own produce?

Hon. A. BURVILL: I will not offer any opinion on that subject. Last season the buyers so manipulated prices that they were able to get potatoes from the growers at £3 a ton less than the price at which they could procure supplies from the Eastern States. They were still trying to decrease the price of potatoes and had got it down to £7 a ton, the retail price being then 2s. 3d. a stone. We got the potato growers together and they operated a sort of price-fixing commission for themselves, by which means they prevented the agents from manipulating one grower against another. The prices they were able to obtain were reasonable, and in the course of a few months the growers got control of their own produce.

Hon. H. A. Stephenson: What happened last year?

Hon. A. BURVILL: I am telling you what happened. That is one improvement that can be effected. The voluntary system of co-operation amongst the fruitgrowers and producers, together with assistance from the Government in the direction of transport facilities, forming agencies and providing cool stores for fruit at the point of export represent further improvements that can be made. I commend to hon. members the system inaugurated in South Africa and suggest that the Bill be withdrawn and this question further considered, so that another Bill may be drafted that will meet with the approval of the growers. It is useless to pass the Bill because every grower with whom I have come in contact does not desire it. I intend to vote against the second reading.

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

House adjourned at 8.55 p.m.

Legislative Council,

Wednesday, 11th November, 1925.

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

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

To discharge Order.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.33]: I move—

That the Order of the Day for Committee progress on the Industrial Arbitration Act Amendment Bill be discharged from the Notice Paper.

In view of the importance of the Bill, it is incumbent on me to give my reasons for the unusual step I am taking. When I shall have finished, I think most people will agree that no other course was open to the Government, consistent with self-respect. On Thursday night last, when the Bill was in Committee, and when we reached Clause 57, comprising the proposed new Section 101, which provides for the determination of the court as to the basic wage to be laid before Parliament, Mr. Lovekin moved an addition to the clause,

which was carried, and which is the cause of the present trouble. The Government had made provision in the Bill that the determination of the court should be placed before Parliament merely for information. But that did not satisfy Mr. Lovekin. He wanted something more. He moved that the determination of the court should be a regulation under the Act. Every member knows what that means. It means that the determination of the court as to the basic wage could be disallowed by one House of Parliament and, consequently, become so much waste paper. There is no doubt at all as to Mr. Lovekin's aim in moving that amendment; he made his intention quite clear. He said—

> The object is to make it a regulation within the meaning of the Interpretation Act, which gives this House the power of disallowance.

Mr. Kitson protested against the amendment and so did I, but to my utter amazement it was carried, the only votes in opposition to it being those of members of the Labour Party. The sole course open to me after such a vicious and revolutionary principle have been driven into the Bill was to move to report progress, and consult Cabinet, which I did. Cabinet's answer is to be found in the motion I am now moving. I have said that the principle forced into the Bill by the majority of the Committee of this House is vicious and revolutionary. It should require very little argument to prove that it is so. The Legislative Council, like the Legislative Assembly, has the right to disallow a regulation. It is quite proper that it should have that right. A regulation is required to be based on the Act of Parliament under which it is made, and Parliament should have the authority to say whether, in framing the regulation, the Executive Council had gone further than Parliament intended. But the court's determination as to the basic wage is a totally different matter. It is the decision of a judicial tribunal, and Parliament could no more justify itself in seeking to interfere with that decision than it could justify itself if it were to seek to interfere with the decision of the Supreme Court in any of the civil or criminal cases that come before the judges for their determination. And even if it were desirable that they should do so, how incompetent would members of this House be to sit in judgment on the basic wage! They would know nothing about the merits of the case, nothing about its demerits; they would have no evidence before them—for it would take the Arbitration Court at least a month to fix the basic wage. The court would have to go into the question of cost of food, groceries, clothing, fuel, rent, and a score of other things.

Hon. A. Lovekin: Do you say that would be absolutely necessary?

The CHIEF SECRETARY: I do, if you are to be a court of appeal. A large number of witnesses would have to be called to give testimony so that the court could come to a just conclusion. And the demeanour of the witnesses under examination and cross-examination would be an important factor for consideration. But under the amendment carried by the Committee all these things are cast to the winds, and the determination of the court could easily become the sport of politicians and the prey of prejudiced legislative partisans. What would follow? We should have members circularised by all sorts of organisations in their constituencies, and as soon as the question of the basic wage was made an Order of the Day on the Notice Paper we should have the approaches to Parliament House alive with interested parties buttonholing members, one set imploring them to reject the basic wage, and the other set beseeching them to permit it to stand. Let us suppose for a moment that this Council was fitted by special training to review the decisions of the Arbitration Court. Even so, would it be a fair tribunal to set up for the purpose of discharging this responsibility? Equal representation of parties should be the first essential in any court of appeal. But here the workers would have only six representatives in a House of thirty! From the start they would be hopelessly outnumbered, they would be out-voted, and perhaps would be out-voted by reason of the honest but misguided conviction of those holding different views from theirs on industrial questions. The action of the Committee is rendered all the more unintelligible by reason of the attitude of members in respect of another part of the Bill; they would not have a layman as president of the court; they said he must be a judge; it was necessary that he should be a lawyer so that he could weigh evidence accurately, and we must be able to weigh evidence accurately. According to members of the House, it was the Judge that mattered, for the other members of the court were pure partisans who worked all they knew for their own side. But now we have inserted in the Bill a provision by which the Judge, with all his capacity for weighing

evidence accurately, and with his absolute freedom from bias—we have him subjected to censorship by Parliament, one House of which would have power to annul his decree as to what the basic wage should be. No judge would submit to the indignity that the amendment proposes to put upon him; no man worthy of the name would take the position with the possibility of such a development as I have just indicated. It is the opinion of the Government that no good can result from further discussion of the Bill in this House. It is clear that the House is not disposed to give to the measure the serious consideration it merits. That is the most charitable construction that can be placed on the action of the Committee. Members of the Government deeply regret the loss of the Bill, which contains so many valuable provisions for minimising industrial troubles. They had hoped it would be placed on the statute-book in reasonable form during this session. But apart from the wording of the amendment, its spirit plainly indicates that the Committee are not in sympathy with the Ministry in their desire to improve the machinery of the Arbitration Court in order to meet the demands that have grown up during the last thirteen years.

HON. A. LOVEKIN (Metropolitan) [4.45]: I do not think I have ever regretted having to undertake a task more than on this occasion. I regret it extremely because the action I propose to ask the House to take will have no other effect than taking the business relative to this Bill out of the hands of the Leader of the House. That is a most unusual proceeding and is adopted by a House only in very abnormal circumstances. There is another reason why I regret being impelled to move the amendment that I shall propose presently; it is that the Leader of the House has always treated us so fairly and courteously and has ever met us in our desires.

Hon. J. R. Brown: Then why don't you reciprocate?

Hon. A. LOVEKIN: I am quite willing to reciprocate, but I do not wish a Bill of this character to lapse after all the work that has been devoted to it, and to lapse not because of some vital hitch, but because of some slip. I go so far as to admit the slip for the moment, though personally I am prepared to justify the attitude I adopted the other night. For the purpose of my argument I am prepared to admit a slip, and I do not think that any Government or Minister is justified in taking advantage of a slip. I go further and say that the Government, having seriously considered this matter in Cabinet, are clinging to a very small straw as an excuse for jettisoning the Bill when they try to make capital out of what happened here the other night. What occurred was not final. The Chairman had not even put to the Committee the question, "That the clause, as amended, stand part of the Bill." Therefore, after my amendment had been carried, it was quite open to the Committee to delete the whole clause.

Hon. J. W. Kirwan: The hon. member wanted to withdraw his amendment.

Hon. A. LOVEKIN: That is true. I desired to withdraw it, but in accordance with the rules of the Committee, one hon. member exercised his right to object to the granting of leave to withdraw the amendment, and so it could not be withdrawn. The consequence was that the amendment was carried. But before the Committee had an opportunity to consider the clause as amended, and before the Chairman had put the question, "That the clause, as amended, stand part of the Bill," the Minister rose in his place, as if to take advantage of this small cobweb for some reason that I cannot explain, and moved "That progress be reported." Following upon that, the Minister has tabled his motion to-day. One of the purposes of this House is to keep a check on hasty legislation. The House on this occasion should exercise its function and not only check hasty legislation, but it should also function in checking hasty action on the part of a Cabinet who are attempting to jettison a Bill which has much good in it, and which can be made a very useful measure in the public interests. I wish to traverse two or three of the points mentioned by the Minister in submitting his motion. He said that after my amendment was carried, he could adopt no other course consistent with his self-respect than that which he had adopted. What loss of self-respect is involved in the carrying of an amendment such as was passed the other night? The Minister did not wait to see the perfected Bill, which might have put quite a different complexion upon it? As a matter of fact, my amendment, if carried, needed something to supplement it. It

needed a new clause, and in course of time I would have been prepared to put up a new clause to protect what had already been provided for by my amendment, but I could not put the new clause on the notice paper, nor could I propose it, until my amendment had first been carried. I can see no loss of self-respect entailed in the passing of the amendment. The Minister said the amendment contained principles that were vicious and revolutionary.

Hon. J. J. Holmes: Send for the police!

Hon. A. LOVEKIN: I do not intend to send for the police, but I have sent for a report, which appeared in the "Westralian Worker" of the 24th July, 1925, covering the deliberations of the State Labour Congress. Perhaps the Minister has not read the report; perhaps he is unaware of what his own conference desire in regard to the basic wage. The Minister spoke a good deal about the court having to consider the matter for a month and then put up its decision, and went on to say that no judge would tolerate its being tampered with by Parliament. What does the Minister's own congress want? The congress representatives want Parliament to take a hand in the fixing of the basic wage. Resolution No. 10 of the State Labour Congress reads:

That the Parliamentary Labour Party be instructed to prepare a Bill for early submission to Parliament, making provision for a basic wage finding of the Piddington Commission for all adult male workers and for £3 10s. per week for adult women workers, the basic wage for men to be brought into operation as follows:—£4 10s. to be the immediate basic wage, rising by 5s. half-yearly until the basic wage of the Piddington Commission is reached.

I believe the Piddington basic wage was £6 per week. That is what the Labour Congress wanted—not a tribunal appointed under the Bill to hear evidence and decide what the basic wage should be, but Parliament to step in and fix the basic wage, not only for to-day but for the future, regardless of whether it was warranted or not, rising by stages of 5s. every half year. Yet the Minister complains and suggests he would lose his self-respect if he adopted such an amendment as I submitted to give Parliament authority to intervene in case the court made some stupid provision for a basic wage, just as in times past the court has made the minimum wage for a nightman 4s. per day more than the minimum wage for an engine-man.

Hon. H. Stewart: What sort of an engine-man.

Hon. A. LOVEKIN: I think the award prescribed 19s. 4d. for a nightman and 15s. 3d. for an engine greaser on the mines. That was the effect of a Federal and a State award. If such a condition of affairs as that obtained and there were no appeal and no means of securing redress, we would probably have industrial trouble, whereas if there were means to appeal to Parliament on the lines I had in mind when framing my amendment, trouble would probably be avoided.

The Honorary Minister: Are not you a member of the Children's Court?

Hon. A. LOVEKIN: Yes, and there is an appeal from the Children's Court. A stupid basic wage of 5s. a week in one case and 40s. in the other might be put up and, under the Bill as it stood, there would be no redress. My object was to provide a safety-valve by stipulating that when the report of the court on the basic wage was laid on the Table of the House, it should be equivalent to a regulation under the Act that the House might disallow. I proposed to go further than that by providing that when either House had disallowed a regulation, it should be referred back to the court, who should reconsider it and declare a new basic wage within 14 days. That would not stultify the court; neither would it give rise to any crisis, and an advantage is that it would give redress in much-needed cases. Neither House of Parliament would ever think of interfering with a decision of the court unless there was something so radically wrong with it that it could not possibly be tolerated. I justify the amendment on those grounds, but there is a good deal to be said on the other side. If we weigh in the balance what may be said for and against the amendment, I admit there is more argument against than in favour of my proposal. Therefore, I proposed to withdraw it and, if consideration of the Bill be continued, as I hope it will be, I shall endeavour to delete the amendment. Still, my amendment would prove rather helpful to the desires expressed by the Labour representatives at their conference. Resolution No. 11 reads—

That the Arbitration Act be amended to allow of the foregoing basic wage to be incorporated in all awards.

Resolution No. 12 reads—

That in the event of the Legislative Council refusing to pass the Bills, stop-work meetings of all organised workers in every centre be called to consider the attitude of the Legislative Council thwarting the wishes of a Government elected by a majority of the people.

Hon. E. H. Harris: The Government were not elected by a majority of the people.

Hon. A. LOVEKIN: Quite so; the premises are not sound because the Government majority includes eight members representing pocket boroughs, elected by fewer than 500 people apiece. That is where the majority of the present Government come from, and the representatives of the Labour conference were quite wrong in talking about a Government elected by a majority of the people. If we turn to the returns of the latest election, we find that in the metropolitan area 91,000 people elected 12 members, while the other 98,000 people in the State elected 38 members. The premises on which this resolution was based were entirely false because the Government are not representative of a majority of the people. Resolution No. 13 of the congress reads—

That a State-wide campaign be then carried out, further stop-work meetings to be called when and where considered necessary.

That goes to show that the congress was keen upon Parliament stepping in with regard to the basic wage.

Hon. J. M. Macfarlane: Bring up their big guns.

The Honorary Minister: From what are you quoting?

Hon. A. LOVEKIN: From the report in the "Worker" of the deliberations of the last Labour Conference in July, 1925.

The Honorary Minister: You have not explained that.

Hon. A. LOVEKIN: I stated that when I began to read it.

Hon. W. H. Kitson: That is a different proposition from what you suggest.

Hon. A. LOVEKIN: My proposition was in the interests of industrial peace. The proposition put up by the Labour Conference is in the interests of class warfare. They say, "Let us have Parliament declare the basic wage, and if the Council will not agree let us have stop-work meetings all over the country and a State campaign carried out."

Hon. J. Duffell: Would you consider that revolutionary?

Hon. A. LOVEKIN: The Chief Secretary said I was revolutionary, but what about this?

Hon. J. E. Dodd: It is revolution with a move on.

Hon. A. LOVEKIN: That is perhaps very apt. The Government for some reason which I cannot discern say this is the course they propose to follow because of my little amendment. I suggest that although the Bill was put forward by the Government it has now become the property of this House, and is under its control. If there are any good parts in the Bill, it is the duty of the House to preserve them for the benefit of the people, and if there are bad parts in it to reject them. The Government propose to jettison both the good and the bad. I propose to ask the House, as the Government no longer require this Bill and will have nothing more to do with it, to take what is good of it and fashion it as we may think fit.

The Honorary Minister: That is your job.

Hon. A. LOVEKIN: We will do this in the best interests of the people. We will get some of these boards that will help to promote peace between the workers and the employers, and will help to do away with some of those threats of the Labour Conference, of a State-wide campaign and stop-work meetings. If we can get some of these boards, this part of the Bill will be of great benefit to the community. I suggest to the House that as the Government intend to scrap the Bill, we as a House should take up what is good in it, pass it on to the other Chamber, and allow that Chamber to take the responsibility of scrapping that which is good as well as that which they consider is bad.

The Honorary Minister: This is the Chamber of review.

Hon. A. LOVEKIN: We are reviewing this. That is our particular function. I am aware that this almost amounts to taking the business of the House out of the hands of the Leader.

Hon. J. J. Holmes: It means keeping control of the Bill.

Hon. A. LOVEKIN: We ourselves may take control of the Bill.

The Honorary Minister: Take the responsibility for that, but do not apologise.

Hon. A. LOVEKIN: I do not want to apologise. I am trying to do my duty to the people. No apology is needed. When the Government scrap a Bill like this, it is our bounden duty to take it up and submit to the lower House that which is good in it.

The Honorary Minister: Do not apologise for doing that.

Hon. H. Stewart: Do not forget that the Minister said it was Cabinet that decided this, and not he.

Hon. A. LOVEKIN: I do not want to stultify the Minister. That is what concerns me at present, but we are forced by the attitude of Cabinet to take this course. If we liked to impute motives——

The Honorary Minister: You can do so.

Hon. A. LOVEKIN: And to look for the nigger in the woodpile in this Chamber, possibly we might find one. It is an unusual step to take in this House, but it is not without precedent.

Hon. H. Stewart: It is unusual for Cabinet to take a step of this kind.

Hon. A. LOVEKIN: Reference to Todd's "Parliamentary Government in the British Colonies," reveals a precedent from South Australia in 1877. The work to which I refer deals with disputes between the two Houses, and then says—

In 1877, however, a more serious disagreement occurred in this colony. On 12th June inquiry was made of Ministers in the Legislative Council in regard to certain rumoured preparations for the erection of new Parliament buildings. In reply, the Council was informed that the Government contemplated the building of a new Assembly Chamber, as part of a proposed design for the better accommodation of both Houses, but that no money had yet been voted for the purpose. Upon which, on 5th July, the Legislative Council resolved, that the action of the Government, in deciding upon a site, and commencing to build new Houses of Parliament, without the (previous) sanction of both branches of the legislature is unconstitutional, and does not meet with the approval of this Council. A private member then gave notice of a motion for an address to the Administrator of the Government to represent the rights of the Legislative Council to be consulted on this subject. Sir Henry Ayers (Chief Secretary and Leader of the Government in this House) then gave notice of a motion to resolve, that it is desirable to proceed immediately with the erection of the new Assembly Chamber. On 25th July, before the afore-mentioned notices were discussed, it was resolved that the Chief Secretary, by ignoring the constitutional rights of this Council, and by his conduct generally with reference to the proposed new Parliament buildings, has lost the confidence of this Council. On 31st July, in amendment to a motion by the Chief Secretary that the Council at its rising should adjourn to the following day, it was resolved, that this House would not proceed to business so long as the Government is represented in the Chamber by a member in whom it had no confidence; and therefore that business be postponed for a week, to afford the Ministry an opportunity of changing their representative. No such change having taken place, further adjournments were made, for a week at a time, until 28th August. On that day a motion to resolve, that the Council insists upon its rights to be forthwith consulted upon the necessity and expediency of building new Houses of Parliament at the present time, was negatived upon the previous question. The Council then adjourned. On 29th August it was resolved that this Council, while objecting to the leadership of the present Chief Secretary, will proceed with business, and directs that all public Bills received from the Assembly be placed in charge of the Hon. William Morgan, a private member of the House. The Council then adjourned until 4th September, and afterwards until 11th September and 18th September, doing some business at each sitting. The Chief Secretary denied the right of the Legislative Council to take the conduct of public business out of his hands without the consent of the Governor; but the President on 18th September, presented a written statement, confirmatory of a previous ruling, justifying this proceeding, after which Mr. Morgan assumed the leadership. The Council then adjourned until 25th September.

Bills came up to the Council and Sir Henry Ayers attempted to put them forward to the House, but the House would not listen to them. Mr. Morgan then put up the Bills, and they were dealt with. The publication continues—

Apprehending that the Ministerial policy tended to the complete subordination of the Council to the Assembly, and to bring about a collision between the two Houses, thereby coercing the Council with the weight of the Assembly's authority, they concluded by requesting the Governor to take such steps as he might deem expedient in the present crisis.

Later on the Governor assured the Council of his earnest desire to preserve inviolate their constitutional rights and privileges, but expressed his disapproval of their actions in taking the conduct of public business from a Minister of the Crown, and placing it in the hands of a private member—I disapprove of that myself—this step, he held, to be "opposed to Parliamentary practice and detrimental to the privileges of the

Crown, as well as to the integrity of Parliamentary procedure." The work continues—

> Ministers have assured him of their sincere desire to avoid a collision between the two Houses, that their policy had no tendency to subordinate the Legislative Council to the Assembly, and that they felt it to be not only their interest but their paramount duty to use all legitimate means to promote harmony between both Houses. They had, accordingly, stopped the progress of the works objected to——

This is what I am suggesting to the Minister in regard to this Bill.

> ——and would incur no further expenditure thereon until due provision had been made by Parliament.

When the House next met, Sir Henry Ayers was no longer Leader, but Mr. Morgan was. This is a very drastic precedent for taking the business out of the hands of the Leader of the House. I am not proposing to go as far as that, or to say we shall not consider anything the Chief Secretary puts up. I do say that we shall ever be ready to extend to him the same courtesy that he accords to us. This particular Bill is not a personal matter either with the Chief Secretary or with me, or with any member of the House. It is a Bill that vitally concerns the people and the industrial peace of the State.

Hon. W. H. Kitson: The House does not recognise that.

Hon. A. LOVEKIN: It is our bounden duty to stand to the Bill at all hazards, and to get out of it that which is good and that which will be helpful to the people. We should not allow it to be scrapped and jettisoned at the caprice or whim of some Minister who wishes to dominate the whole position, and who, if he cannot get all he wants, will have nothing. I cannot say what has taken place before. I can only perhaps hint at it. Members will recollect that the same Bill was brought before us on a previous occasion, and was lost after a conference between the two Houses. Some members know what occurred at that conference. It is a matter of surprise to me that the Bill has again come forward almost in the very words of the last Bill, notwithstanding that some amendments that were put up last year were agreed to by the Assembly. And still we have the same old Bill here. It has apparently come to this, that the Minister who introduced the measure in another place will have the whole Bill and nothing but the Bill. None of us can afford or expect to reach that stage of tyranny or autocracy in these days.

The Honorary Minister: Whose remarks are those? Who said that?

Hon. A. LOVEKIN: I say it. They are my remarks. We can only get along if we yield a little one to the other, give and take a little. We cannot have everything. The course I have suggested is the one I desire that the Minister should take, and the amendment I shall propose will afford an opportunity for doing so. I move an amendment—

> That the words "discharged from the Notice Paper" be struck out, and the words "made the first Order of the Day for Tuesday next" inserted in lieu.

If that amendment is carried, it will not do the Chief Secretary any harm, but will give him a little breathing time. It will allow time to consider the matter calmly.

The Honorary Minister: We have already considered and decided the matter.

Hon. A. LOVEKIN: We want more time to consider the matter calmly and dispassionately.

The Honorary Minister: We have done that.

Hon. A. LOVEKIN: We want to afford the Government more time.

The Honorary Minister: Who is "we"?

Hon. A. LOVEKIN: I say "we" hoping that I shall have a majority of the Chamber with me. If I say "we" and have a minority, I am speaking for the minority. However, I hope I may be speaking for the majority.

The Honorary Minister: So long as we understand, it is all right.

Hon. A. LOVEKIN: The Honorary Minister must realise that matters are only decided by the vote of this Chamber. I cannot tell how members are going to vote. I have an idea as to one or two of them, but I do not know how quite a number of members will vote. I hope I am speaking for a majority, because the carrying of the amendment seems to me the saner course, a course to which I do not think the Government can have any objection. The amendment says to the Cabinet, "Will you please give a little further consideration to this important matter, and take till Tuesday to do it?" I can see no harm in that. The amendment says on behalf of members of the House, "Give us a little more time; let us take till Tuesday next." I have so framed my amendment that in view of the

attitude of the Minister, who intends to put the Bill in the waste paper basket, this House may keep control of the Bill and see that it does not go into the waste paper basket till we have an opportunity of further discussing it.

HON. J. E. DODD (South) [5.20]: I for one am very sorry that the position we have before us has arisen, and am also sorry if the Government have decided to hoist the white flag and sky the towel in connection with this Bill. It is astonishing to find the Government at this early stage of the Bill throwing it up. To my mind that position cannot be maintained. It strikes me that the Minister for Labour is like a spoiled child in connection with this piece of legislation and in connection with many other Bills. He wants his own way or nothing. If he does not get his own way, he is going to play "Old Harry" with everything and everybody. The Minister for Labour is prepared to sacrifice not only this Chamber but also the workers to his petulance. That, I think, is a fair way of putting the position that has arisen. As regards the Council's amendment, I consider that it is utterly indefensible; and I can assure both the Chief Secretary and Mr. Lovekin that had I been here on the night when the amendment was carried, I should have spoken and voted against it. I fail to see that either the Chamber or anybody else can defend an amendment of that nature. How can we say to a court of justice, which has to give decisions in accordance with equity and good conscience, that its decision shall be subject to regulation by Parliament? It is more than I can understand. To my mind the amendment is to some extent revolutionary. On the other hand, there are some parts of the Bill that are equally indefensible, equally against the claims of equity and good conscience. There is that particular clause which proposes the total abolition of lawyers from the Arbitration Court when charges are being tried. Surely that is as indefensible as the amendment. Are we going to say to poor unfortunate workers, not only to employers, but also to workers, men and women, that they shall be compelled to face a court of law and there be tried for acts in respect of which they may be fined heavily or even imprisoned and that they shall not have the benefit of a lawyer to help them? Mr. McCallum has taken up the attitude that we must not cross a "t" or dot an "i" in the Bill, and yet Mr. McCallum himself has made the most scathing indictment of one part of the Bill that I have ever heard. I quoted it in my second reading speech. If members will refer to "Hansard" of two sessions ago, when an Arbitration Bill was before the Legislative Assembly, they will see that scathing indictment made by Mr. McCallum. And yet the Minister for Labour has the audacity to say that this Chamber should not take any hand in forming the present Bill. To me the whole thing seems absurd. I cannot remember all Mr. McCallum said on that occasion, and therefore I would like members to look up the speech. I should be sorry indeed to say anything that might hurt the feelings of the Minister in charge of the Bill here. I have the utmost respect for Mr. Drew. Mr. Drew was my colleague for five years, and I want to take him back to 1912, when the present Arbitration Act was before the Legislative Council. I was in charge of the Bill then, and I think the only members in the House now who were here at that time are yourself, Mr. President, the Chairman of Committees, Mr. Drew, Mr. Hamersley, Mr. Cornell and myself. That Bill was before the House on 58 sitting days, and 628 pages of "Hansard" were devoted to the Bill. Over 50 amendments were tabled, in addition to the amendments tabled by myself. I do not think we have had as many amendments on this Bill, and I am certain that nothing like 328 pages of "Hansard" have yet been devoted to the present measure. In addition, the Bill of 1912 was recommitted three times. In the present case we have not even reached the recommittal stage. The Bill of 1912, after three recommittals, went back to the other Chamber, and was finally submitted to a conference. In this Chamber the Committee refused to alter many of its amendments. I do not know how many amendments went to the conference, but the number was large. The managers appointed for the Council were yourself, Mr. President, Mr. M. L. Moss, probably the keenest Parliamentarian who has ever sat in Western Australia, and myself, who was in charge of the Bill. The number of amendments was reduced down to four in the conference, and the managers came back to this Chamber, and the Chamber agreed to the Bill with the four amendments considered vital. Those amendments had reference to the court, to the inclusion of domestic servants, the inclusion of rural workers, and preference to unionists. In the

face of what took place then, every avenue should be explored before the present Bill is dropped. Certainly the Government should not be content to throw up the Bill before we have even got through the whole of the clauses. I am prepared to let the Government take the responsibility of their action. If they are prepared to sacrifice the Bill on this occasion, let them do so. May I refer to the treatment—I can find no apter word at the moment—meted out to Mr. Colebatch when he was leader of the House, in connection with the Factories and Shops Bill. What happened in regard to that measure? The Chairman was moved out of the Chair, and the Bill was lost for a day. Then it was reinstated. I believe there were over 120 amendments on the Notice Paper at one time in connection with the measure. The Government did not throw the Bill over on that occasion. They saw it through to the end, and the result is that to-day we have a very good Factories Act indeed, one of the best that there is, though no doubt improvements can be made in it, just as with the progress of time improvements can be made to all Acts. I have stated the position as I view it. I could not possibly endorse the action of the Chamber with regard to Mr. Lovekin's amendment, which I consider to be absolutely wrong. I regard that amendment as unjustified and unfair. However, I consider that the Government would be badly advised and wholly wrong if they took the action proposed in the motion now before us.

HON. J. J. HOLMES (North) [5.29]: I intend to support Mr. Lovekin's amendment, which does not take the business of the House out of the hands of the Leader. It does, however, put the Council in a position to hold the Bill which has been delivered into our possession, and which we have a right to deal with. The Chief Secretary says he has no option but to take the course proposed in the motion. I much regret that. Presumably the Chief Secretary has been forced into this procedure by some outside influence that he has not strength enough to resist. I hope the House will resent that influence and go on with the Bill. I have had over 22 years of experience in Parliamentary life and I have never before had such an absurd proposition put up to me for consideration as that of the Minister to abandon the Bill. Mr. Lovekin said that the House had the right to thank the Minister for his courtesy to hon. members. For my part, I think the Minister must also thank members, including myself, for the courtesy extended to him, and for the manner in which they have assisted him. That is especially so in view of the position last session when the Minister came back to Parliament after having been out of politics for a number of years. He had lost the thread of the business, as it were, and for him to enter the House as Leader was to expect him to take up an important and difficult position. Members of the House helped him considerably and will continue to assist him so long as he plays cricket. But if he is forced by someone else to take up such an absurd position as that now confronting us, the House has the right to say that we will have no more of it. The Bill has been referred to as the most important measure before Parliament this session. That reference was made, not by members of the House, but by the Chief Secretary and by the Minister for Labour himself. However, when the Minister for Labour found that an attempt was being made to make his Bill an equitable measure, and when he scanned the Notice Paper and realised that members here were out for equity and justice, he said, in effect, "This is no good to me; I will drop the Bill." If members of this Chamber are of the same opinion as I am, they will not allow him to do so. There are some people who favour arbitration or, at least, profess to do so. There are members of this Chamber who profess to favour it.

Hon. J. Duffell: And there are some who have no time for it.

Hon. J. J. HOLMES: The House is clear as to my attitude on that question. Anyone who chooses to study the amendments on the Notice Paper must observe equity and justice written all over them. Probably there is one matter that has influenced the Minister in his desire to get rid of the Bill. I refer to the amendment which, if included in the Bill, will give the Arbitration Court power to make its awards effective and to enforce its judgments, inflicting penalties upon those who refuse to obey the decisions of the court. What has happened in connection with the Bill that has caused the Minister to run away from it, or, to use the words of Mr. Dodd, to "show the white feather and sky the towel"? Clause 57 was the one we were dealing with. It was provided that the court should fix the basic wage and the date was fixed

by this Chamber upon which the court was to determine the basic wage. Clause 57 of the Bill—it is not our Bill—was introduced by the Government themselves to provide that the decision regarding the basic wage should be laid upon the Table of the House 14 days after the next meeting of Parliament.

Hon. J. R. Brown: It will be your Bill before you have finished with it.

Hon. J. J. HOLMES: This Chamber did not put that provision in the Bill; the Government did.

The Honorary Minister: Do you object to it?

Hon. J. J. HOLMES: I object to the Honorary Minister's silly interjections, and I hope you, Mr. President, will protect me. If his interjections were pertinent and to the point I would not mind; they are merely silly.

The Honorary Minister interjected.

Hon. J. J. HOLMES: I was showing—and the Honorary Minister did not like it—that this particular clause was included in the Bill by the Minister for Labour and not by this Chamber. Why was it put there? That was the question that was being asked.

Hon. E. H. Harris: Did not Mr. Cornell ask that particular question?

Hon. J. J. HOLMES: I was proceeding to find out the connection between the amendment and the clause itself when, unfortunately or fortunately, I was ruled out of order, and had to sit down. It was all done in a few minutes. I was trying to contend that either the amendment should be made to the clause, or the clause should be wiped out altogether. Mr. Cornell followed me and was allowed to proceed, although I was not. Mr. Lovekin was prepared to withdraw his amendment, but Mr. Cornell said—

> I ask that the amendment shall stand. The mischief has been done by placing this proposed new section in the Bill. Is it put there as an act of courtesy, or for the intention indicated by Mr. Lovekin? The Bill will certainly be returned to us, when we can refrain from insisting on the amendment, or strike out the subsection.

When Mr. Cornell referred to the Bill being returned to us, he did not mean that it would be returned from another place. The Bill was then in Committee. Some clauses had been postponed for further consideration. The Bill had to go to the House for the purpose of being recommitted, so that it could be dealt with further at the Committee stage. That was what Mr. Cornell referred to. He said, in effect, that we could include the amendment at that stage as it would at least make sense of the whole clause. He suggested that it was no good as it stood, whereas with the amendment, it would mean something. He suggested that at a later stage we could agree to the clause as amended or could reject the whole clause. However, someone, like a panther, was waiting to spring! The Minister did not wait for the Chairman of Committees to put the clause as amended to the Committee. The Minister made his jump too soon, and that amended clause has never been put to hon. members as part of the proposed new section. The Minister was so anxious, or was so pushed from behind, that he put in his shot before the amended section had been put to hon. members.

Hon. J. R. Brown: But he knew the effect of the decision.

Hon. J. J. HOLMES: Now the Chief Secretary says he will drop the Bill before even this particular clause, as amended, is agreed to! Could anything be more absurd? I said at the outset that this was the most absurd and insincere proposition that had ever been put before the House and, in view of what I have pointed out, I think I have accurately indicated the position. We can only draw upon our imaginations, and it would appear as though there has been a bit more pushing done since that stage. It seems as if the Minister for Labour has forced—the Minister here said that no other course was open to him—the Leader of the House into this unfortunate position. This House is in no way responsible for it. What is the object? It can be either of two things. One is that we are making the Bill an equitable measure which will provide that those who defy the awards of the court shall be made to pay for doing so. The other point may be political. The Minister for Labour thinks he can discredit this Chamber in the eyes of the public by saying that he tried to put an amending Arbitration Bill through, and that he was prevented from doing so by hon. members here.

Hon. W. H. Kitson: He has no need to do that; the House is already discredited in the eyes of the public.

Hon. J. J. HOLMES: If the Minister desires to argue from that standpoint and

thinks he can make political capital out of it, he has a very poor case. The electors of the State who give us our lives in this Chamber, the thinking portion of the community, the people who have to pay taxation and consider everything from a sane, sound point of view, are absolutely fed up with arbitration. The electors who sent us here would not be the least concerned if we were to throw aside the whole fabric. They are coming to my way of thinking, that we have no right to have an arbitration court or any other court that cannot enforce its judgments or awards. Because we, by way of amendments on the Notice Paper, have indicated that the position has to come to an end, the Government propose to drop into the wastepaper basket what they regard as the most important Bill before Parliament. They will not do it with my consent. The position is magnified when we refer to other Bills before us, including some that were introduced by the Minister for Labour. For my part, I could argue in favour of the amendment that is before us now, and conscientiously vote in favour of it. All this House did—but members were not allowed to complete the job, owing to the Minister's anxiety to get it into the bag—was to endeavour to give to Parliament, as the highest tribunal in the land, the power to veto an absurd basic wage, should one be decreed. Parliament has the power to displace judges and the Auditor General, and yet, forsooth, it is a revolutionary suggestion that Parliament shall consider the basic wage!

Hon. J. W. Kirwan: Not Parliament, but either House of Parliament. That is a very important difference.

Hon. J. J. HOLMES: Let me suggest that it cuts both ways. If the basic wage is too high, there is the right of appeal; if it is too low, there is still the right of appeal. The Minister said that there were six men in this House, presumably, who would be inclined to increase the basic wage, whereas the rest would be inclined to reduce it. He made no reference to another place where the majority of the members would be in favour of an increase, and no reduction at all. Then again, if we give Parliament, as the highest tribunal in the land, the right to veto the basic wage—I do not know that Parliament would ever exercise the right—there is nothing revolutionary about that proposal. The only thing revolutionary about the amendment that I can discover is that I find myself in accord with the resolution of Congress, which body is supposed to represent some of the revolutionary elements in the Labour Party. That body is in favour of Parliament doing a lot more than is proposed here. The Minister, presumably, has concluded that the resolution of Congress was revolutionary, and that the mild amendment that we proposed was revolutionary too. The Minister has arrived at the decision that there is an element of revolution within the Party with which he is associated. That is a position for which the Minister will have to answer to his supporters, and over which this Council need not pass any sleepless nights. The absurdity of the position is magnified when we refer to some of the Government Bills before us now. Take, for instance, the Day Baking Bill. That was introduced by Mr. McCallum. In that Bill Parliament, and not the court, has to decide when, how, and where bread shall be baked. No interference with the Court of Arbitration there! Parliament and not the court, in equity and good conscience, as indicated by the Minister, comes to a decision. We take it out of the hands of the court altogether and we provide when, how, and where our daily bread shall be baked. No question of revolution about that; no question of taking the business out of the hands of the Arbitration Court. That Bill puts the Minister and the Inspector of Factories above the Deity. What is the use of asking the Deity to "Give us this day our daily bread," when the Minister and the Inspector of Factories, outside the Arbitration Court altogether, can impose conditions that will prevent us from getting our daily bread. Talk about setting up an impossible position! I never heard anything more monstrous. Yet when a simple amendment is submitted like that put up by this House to qualify a section, the Government run away from the Bill. In the Day Baking Bill, Parliament is going to decide when and how bread shall be baked. Bread is baked throughout the length and breadth of this great State. We have heard from Mr. Gray about the climatic conditions. Let me ask the hon. member how the people in Broome are to bake their bread in the daytime. In that part of the State, in the summer months, the manual labourer has to work between 2 and 6 o'clock in the morning and 4 and 8 o'clock in the afternoon. Yet the

Government, without any knowledge of the subject, usurp the functions of the Arbitration Court and put up a Bill like the one I have quoted. Next take the Eight Hours Day Bill. Whilst the Government wish to drop the Arbitration Bill because of the amendment carried by this House, and carried only as a sort of preliminary canter, the Eight Hours Day Bill proposes to go so much further than the Legislative Council would have it go. It stipulates, without evidence, equity or good conscience, or anything else, the number of hours a day a man shall work. It also provides, and it gets worse as it goes along, that when an award is in existence, having been arrived at by the court after hearing evidence, no matter what the number of hours the court may have fixed in that award, 44 shall not be exceeded in any future award. It also sets out that when an application is made by a union to the court, during the currency of an award, the court shall amend such award so that it may be in accordance with the directions and provisions of the Bill. The Legislative Council has not asked, in the Arbitration Bill, that directions shall be given to the court. The Eight Hours Day Bill proposes that the House shall give directions to the court, and the court, after having arrived at a decision and fixed an award according to the evidence, an employees' representative may come along having the Bill behind him, and direct the court to alter the hours set out in the award to 44. Surely, as one goes on, the absurdity of the position becomes more magnified. To quote an old saying, the Minister is straining at a gnat and swallowing a camel. Personally I would abolish arbitration. Failing that, I am prepared to proceed with the amendments that appear on the Notice Paper. There is no question of taking the business out of the hands of the Minister. The Chairman of Committees should automatically go back into the Chair and resume where the Committee left off. The Bill could then be reported to the House and later returned to another place, which place could then take the responsibility of abandoning the Bill which, the Government told the public, was to be the Bill of the session. If the Government abandon the Bill they will do so for one purpose only, and it is that they believe it will be possible for them to make political capital out of their action. If ever they backed the wrong horse, I am satisfied that they have backed it on this occasion. I intend to vote for the amendment and hope it will be carried. Then, when we get back into Committee, I am inclined to think that, on the Chairman putting the amended Clause 57, the first thing the Committeee will do will be to excise the whole clause and declare "We will keep this matter away from Parliament altogether; let the court decide the question." Another point: The Government last session abandoned a similar Bill, and one of their reasons for doing so was that they wanted the Legislative Council to fix the hours. This House said, "No, that is the duty of the court." Now the Government take up an exactly opposite attitude and declare that the court is to fix the basic wage and that Parliament shall have no say in the matter. Last year the Government wrecked their own Bill, because they wanted to bring Parliament to interfere with the jurisdiction of the court in fixing the hours to be worked under awards. We said, "No, that is the duty of the court." I am certain that, when the amendment was made to Clause 57 last week, the impression was that when it came before the Committee again this week, as I hope it will, the first thing to be done would be to not only exclude the amendment that was carried, but to exclude the court. I do not desire to say anything further at this stage except that I hope the amendment will be carried.

HON. J. W. KIRWAN (South) [5.55]: We have heard three excellent speeches which, in some respects, were very convincing. Notwithstanding those speeches, I do not intend to vote for the amendment. If the amendment and the motion be put, I shall be compelled to vote in favour of the motion, but I shall do so with considerable reluctance. The only thing that will influence me in favour of the motion is that I object to the business of the House being taken out of the hands of the Chief Secretary. But if the motion be carried and the Bill be lost, then I say unhesitatingly that the full responsibility for the loss of the Bill must rest with Cabinet, and not with this Chamber. That point can be made very clear. The difference that has arisen between Cabinet and a majority of members of this House is due to a misunderstanding that, I think, can easily be explained. Therefore I hope both sides will reconsider the position in a spirit of sweet reasonableness. It would be most unfortunate if, as the re-

sult of this misunderstanding, the Bill were lost. Both the parties to the misunderstanding made a very grave mistake. The first was made by Mr. Lovekin, who, the other evening, admitted having made the mistake and then attempted to rectify it. I shall endeavour to make it plain to the House exactly what happened. There was a paragraph in Clause 57 which stated—"The Minister shall within 14 days after the receipt of such determination"—that is, the determination of the court, in the matter of the basic wage—"if Parliament is then sitting, or if not, then within 14 days after the next meeting of Parliament, cause such determination to be laid before both Houses of Parliament." The Committee wanted to know why the decision should be laid before Parliament, and if it were to be laid before Parliament, why Parliament should not have the right to offer some opinion on the subject. The hour was rather late, the Committee had been sitting a very long time, and I could see that both sides were tired. However, Mr. Lovekin, not getting an explanation satisfactory to him, then moved that the following words be added—

> And such determination shall be deemed to be a regulation under this Act.

The Chief Secretary and Mr. Kitson pointed out the full import of that amendment. It was an amendment that I would not support if I had opportunity to vote on it; for it would simply mean that either House of Parliament would have the right to review and set aside a decision of the Arbitration Court on so important a matter as the basic wage. Mr. Lovekin at once saw the full import of his amendment and, characteristically, as soon as he discovered his mistake, he had the courage to admit it. He asked leave to withdraw his amendment. As members know, an amendment cannot be withdrawn if any member of the Committee objects. One member, who is not here to-day, objected to the withdrawal. As chairman I formally asked him did he object to the withdrawal of the amendment, and he said he did. In those circumstances I had no alternative to putting the amendment. Mr. Lovekin, palpably, was troubled and uncomfortable about having to vote for an amendment that he wished to withdraw. A number of members who had not heard the brief discussion came in and voted with Mr. Lovekin. However, after the statements made here to-day by members of influence in the House, I have not the slightest doubt, and I am sure the Chief Secretary and the supporters of the Government cannot have the slighest doubt, as to what would happen if on recommittal that amendment was re-submitted to the Committee. As was pointed out by Mr. Holmes and other members, we have not yet passed away from Clause 57. There are many provisions in that clause yet to be dealt with, and I am confident of what the result would be if the Committee had an opportunity to review its decision of Thursday night last. There can be no doubt the Government have seized on the Committee's mistake. I do not think the Leader of the House has been in any way responsible, for he is not a man who would do that sort of thing. Mr. Dodd put the position very well when he pleaded that the interests of the workers should not be sacrificed to the petulance of the Minister. However, excellent the Minister in another place may be, and however excellent the Bill he has produced, surely it is going too far to set up the claim for himself and his Bill that they are perfect and cannot be altered, and that if we attempt to alter the Bill we shall not have it at all. If that is to be the Ministerial attitude in respect of legislation, we shall never have any advance, never any reform. I hope Cabinet will exercise the spirit of reasonableness in this matter and that we shall not be asked to vote either for the motion or for the amendment. I suggest that we should adjourn the debate and so give the Chief Secretary opportunity to consult with Cabinet and convey to them the assurance that the Committee does not intend to insist upon the proposal contained in Mr. Lovekin's amendment, a proposal that would never have been carried had it not been that one member of the Council insisted upon his objection to its withdrawal.

HON H. STEWART (South-East) [6.8]: Apart altogether from whether the Committee were right or wrong in their decision on Thursday night last, I propose to show that there is no justification whatever for the action of Cabinet in attempting to have the Bill discharged. The Chief Secretary's speech gave no adequate reason for that action. Fundamentally the Government's action is wrong, because it is based on what, after all, was not a considered decision of the House.

Hon. E. H. Harris: Do you think it is propaganda?

Hon. H. STEWART: That is what I believe. The eloquent verbiage put up by the Chief Secretary was foreign to the graceful sentences in which, usually, he expresses himself to the House; it did not ring true. A decision carried in Committee is not necessarily a considered decision of the House, not until the Bill has completely emerged from the Committee stage, and opportunities for recommitting the Bill once, twice or several times, have been presented.

Hon. E. H. Harris: Generally that is done by the Minister in charge.

Hon. H. STEWART: Yes, it has been done every session since I have been in the House. On this occasion not even "the clause as amended" was put to the Committee. But I want to refer to the instance cited by Mr. Dodd. A Government, not a Labour Government, brought down here the Factories and Shops Bill, now on the statute-book as an Act amended by both Houses. When the Bill was in this Chamber the Chairman was moved out of the Chair and, seemingly, the Bill was lost. Did that Government say "We will not go on with the Bill"? No. After consultation with the Solicitor General they found constitutional means of having that decision reviewed. The decision was reversed on the following day, not by any members reversing their votes, but by a number of members who had not been present when the original decision was arrived at.

Hon. W. H. Kitson: But that could not have been done on this occasion.

Hon. H. STEWART: No, but on this occasion we had not a considered decision of the House. As the result of close attention to select committee work recently, I was pretty tired last week and so was out of the Chamber when Mr. Lovekin's amendment was being discussed. In response to the division bells I came in and voted. In Committee, on occasion, one is constrained to cast his vote without first going very deeply into the question before the Chair; for he knows that if a mistake is made he will have opportunity to recommit the Bill. I was absent from the Chamber on the first day, but it was on my vote cast on the following day that members had opportunity to review their decision to move the Chairman out of the Chair when the Factories and Shops Bill was under discussion.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. H. STEWART: I was remarking that when the Factories Act Amendment Bill, introduced by a coalition Government, was before us in 1919, the Chairman of Committees was moved out of the Chair. Even then the Leader of the House did not throw in the towel, but he sought every means to fight for the Bill that his Government had introduced. Many amendments were proposed to the Bill, and after it had passed the Committee stage, it was recommitted a second time before being reported to the House. Members even considered whether it should not be recommitted again on the third reading. I direct attention to these instances to show that, until the Council have fully considered the report of the Committee, there is no justification for regarding a measure as reflecting the considered opinion of the House. Members with experience of the Chamber know there is ample opportunity to review any part of a Bill right up to the time that it leaves this House. I could give many instances, even during my comparatively short term of eight years in this House, of members on receiving further information, having modified their considered opinion though not their final opinion. Even when the Committee had reached certain decisions on the Factories Act Amendment Bill, the Leader of the House returned with modifications in order to bring the measure more into accord with the desires of his Government. He did not ask nor did he expect members to alter their considered opinion, because he knew that would not be permissible under the Standing Orders. But he did endeavour to get the amendments modified in order that the Bill might be made to conform as nearly as possible to the measure as presented by his Government. Another instance that occurs to my mind was when the Divorce Amendment Bill of 1919, introduced by Mr. Nicholson, was before us. I proposed an amendment, which I believed would prevent people from putting their marital partners in an asylum for a period of years in order to secure divorce. The hon. member scoffed at my interpretation, and after one or two members had been won to my way of thinking, progress reported. When the Bill again came before the Committee, a majority of members saw eye to eye with me. I give that as an illustration not of a decision altered, but of an opinion modified after the fullest consider-

ation had been given to a question in Committee. Even had progress not been reported that night, I have no doubt that the Divorce Bill would have been recommitted and that the Committee would have accepted the amendment.

Hon. J. W. Kirwan: It is a pity that the House on that occasion did not reject the whole Bill.

Hon. H. STEWART: I appreciate the hon. member's point of view.

Hon. J. W. Kirwan: The House rejected it in the following session, though.

Hon. H. STEWART: I have a lively recollection of the Licensing Act Amendment Bill having been recommitted in 1922, and of the then Leader of the House having fought the amendments at every stage. After the Bill had passed through Committee, it was recommitted, and it was then reprinted in order to give members an opportunity to understand the position fully. Because of an amendment carried in Committee, I moved the insertion of a new clause which, according to "Hansard," page 1750, read:—

> That the following be inserted to stand as Clause 37a:—"Section 3 of the Sale of Liquor and Tobacco Act, 1916, Subsection (1), line one, is amended by striking out the words 'two-gallon license' and inserting in lieu thereof the words 'brewer's license or spirit merchant's license.'"

I moved that new clause, not because of any particular views I held, but in the interests of good legislation. The very able and persistent Minister then in charge of the House spoke against my amendment, and when I saw that he was carrying the Committee with him, I asked leave to withdraw my amendment. It was not the first time that I had asked leave to withdraw an amendment when I saw there was no hope of securing the support of a majority of the Committee. On that occasion the Committee did not refuse the request, as was done on Thursday last. The Bill, having passed through Committee, was recommitted, and I had something more to say on the question, as is recorded in "Hansard," page 1834. The Minister had moved to delete two-gallon licenses and substitute one-gallon licenses, and I made the following remarks:

> Our Leader's attitude is most interesting, especially in view of the stand he took when voting against a similar proposal in connection with the Sale of Tobacco Act. I wish he had shown his bona fides by stating that these were wholesale licenses.

Then when the Bill was further recommitted, the Minister moved another amendment. I had moved to secure the insertion of a new clause, and the Minister rang me on the telephone and spoke to this effect, "Regarding your amendment, you are quite right, and I am going to propose a new clause to achieve just what you desire." I asked, "Why did you accept it when I proposed it?" He replied, "I did not quite see the force of what you were trying to achieve." The Minister's amendment read—

> That a subclause be added as follows:—"Section 3 of the Sale of Liquor and Tobacco Act, 1916, is amended by inserting after the words 'Licensing Act of 1911,' in line 2, 'or a brewer's license or a spirit merchant's license.'"

The Minister remarked—

> I have to thank Mr. Stewart for drawing my attention to this matter. When he raised the point I did not follow his argument, but afterwards I discovered that he was perfectly right.

Whether the vote taken on Thursday last was right or wrong does not signify. Any body of men or any individual can be right and can be wrong. I have given an instance to show that had I not been permitted to withdraw my amendment, the Committee would have voted against it. The Minister, as I have shown, himself introduced an amendment at a later stage, and the Committee adopted it, showing that the Committee would have been wrong on that occasion had they voted against me. That amendment to the Licensing Act has stood ever since. Until a Bill has been fully considered and has left the Committee stage, been reported to the House and accepted by the House, no one can pass judgment upon the action of members. The case put up by the Leader of the House is not worthy of consideration, seeing that it is founded on such a flimsy pretext, the question that the whole of the clause should stand not having been put, and there having been no opportunity to recommit. I hope that both the motion and the amendment will be withdrawn. I do not like to see the House take a step that might lessen the feelings of admiration, respect and good fellowship that we feel towards the Minister. Last session when the prestige of the Chamber was questioned, the Minister very properly stood by

and with us. We want to stand by and with him. There is no justification for Cabinet even considering this matter, or for instructing him to take the action that has led to this motion being moved and to the Leader of the House making the excuse he did. We know that supporters of the Government have said it is of no use proceeding any further with the Bill, but other members feel quite differently on the subject. In the face of all the circumstances, it looks as though the Chief Secretary's motion is due to some preconcerted action. This is a case where we are justified in speaking our minds. It must be clearly understood that this Chamber in taking any action it does will not be taking it in consequence of the motion on the Notice Paper, which is put there on unsound grounds. If the calamity should occur that this motion is not withdrawn, I feel, from the case that I have stated, that I must support the amendment. There is no precedent so far as this Chamber is concerned, and I hope there never will be, for interfering with the conduct of the business of this House by any but the Leader. The Chief Secretary is highly respected, and sincerely esteemed by every member. There are, however, cases where unwarrantable actions bring about certain undesirable results. If the motion is pressed, objectionable as it would be to me to do anything that would weaken the prestige of the Leader of the House in the conduct of its business, I will support the amendment.

HON. A. J. H. SAW (Metropolitan-Suburban) [7.47]: I am sure that the position which has arisen with reference to this very important Bill is greatly regretted by every member of the House. Should Mr. Lovekin's amendment be pressed, I shall certainly vote against it, because I hope the occasion will never arise in this House when I shall feel it incumbent upon me to give any vote that will take away the control of the business of the House from its recognised Leader. Like previous speakers, I hope that neither the amendment nor the motion will be taken to a division. If the motion of the Chief Secretary goes to a division, it will be my duty, unwilling as I am, to vote in favour of it. I realise that the responsibility in this matter rests with the Government. If in a moment of petulance, the Government see fit to withdraw the Bill from the House at this stage the responsibility is theirs, and I shall vote with them. I have said I will never be a willing party, except in cases of very urgent necessity, to taking the control of the House out of the hands of its Leader. I do not think any members of this Chamber will recognise our Leader in the epithet which Mr. Holmes applied to him. He was speaking of the occasion when, at the conclusion of Thursday's business, the Chief Secretary moved that progress be reported, and in this connection Mr. Holmes referred to him as a panther. I do not think any of us recognised the Minister under that name.

The Honorary Minister: He is likely to say anything.

Hon. A. J. H. SAW: A more patient, a more cautious and a more forbearing Leader, I do not think I have ever served under in this House.

The Honorary Minister: We do not take Mr. Holmes seriously.

Hon. A. J. H. SAW: I am sure none of use would subscribe to that epithet. The Leader of the House enjoys the esteem of every one of us, and none of us would do anything in any way to weaken his influence or power in the House. The position that has arisen is not the fault of any particular section of the House. Probably all sections have their responsibilities. Throughout the passage of the Bill I have done what I could to help it along, with the exception of those clauses which I thought were fundamentally wrong in principle. I very much regret when the division was taken, and this very important amendment was adopted, that I had for a few minutes to leave the Chamber. As has been stated by many speakers, the result arrived at on that occasion was not the considered opinion of the Chamber. Mr. Lovekin, who had moved the amendment to the clause, had wished to withdraw it, but under the forms of the Committee was not allowed to do so. I think the vote that was cast in favour of the amendment was largely one of sympathy with the hon. member on the part of those who were present, because he had not been allowed to withdraw the amendment. I do not think it was the considered opinion of the House, or that, if the matter had been recommitted, the Committee would have upheld that decision.

Hon. J. E. Dodd: Who prevented the withdrawal of the amendment?

Hon. A. J. H. SAW: One member who had a perfect right to do so if he wished, but we are not responsible for the action of any one member. Had I been here I would

not have voted with Mr. Lovekin. I regard his amendment as an extremely injudicious one. The determination as to the basic wage should be entirely the function of the Arbitration Court. It is purely an economic question, and one that should not be approached from the political side. Mr. Lovekin's amendment would have made the decision of the court on the basic wage the plaything of politics, and I certainly do not think that could be defended. The Committee was wrong, even out of sympathy, and no doubt with the full determination to revise the matter when it came up for recommittal, in voting as it did. Many instances could be alleged, and have been alleged this evening, on points that have been raised where decisions have been arrived at, and have been reviewed on recommittal. I might instance what occurred during the passage of this Bill last session, with reference to the question of assessors sitting by the side of the judge. If my memory serves me rightly, the Committee first determined that assessors should sit there. On recommittal the assessors were thrown out, and when the Bill was again recommitted, the assessors were restored.

Hon. J. J. Holmes: I think you are right.

Hon. A. J. H. SAW: That was a point on a vital clause of the former Bill in which the Committee reviewed its decision twice.

Hon. H. Stewart: In the light of fuller information.

Hon. A. J. H. SAW: I think it was in the light of greater wisdom. There is no doubt that had this clause been recommitted, the decision of the Committee would have left entirely unfettered the decision of the court with reference to the basic wage. There are, as Mr. Dodd has pointed out, many injudicious things in the Bill that was brought down to us by the Government. I would instance only three of them. First, there is the question of preference to unionists. This involves the equal rights of our citizens to employment. If preference to unionists were carried, a certain section of our community would not have an equal right to employment as compared with others. That is fundamentally wrong, although no doubt other people take a different view. Then there is the other question to which Mr. Dodd alluded, that of refusing counsel to a man who was put on his defence in the Arbitration Court. That must be fundamentally unsound. The other point was with reference to retrospective awards, which I characterised in a two-line speech as unfair and unjust. I am still of the same opinion. Not only was the amendment that Mr. Lovekin had inserted in the Bill injudicious and wrong, but there are quite a number of other instances of a similar nature in the Bill as brought down to us.

Hon. E. H. Gray: That was the last straw that broke the camel's back.

Hon. A. J. H. SAW: I think it is the last straw that the donkey refused to look at.

Hon. H. Stewart: The camel had a big hump.

Hon. A. J. H. SAW: Mr. Holmes has defended Mr. Lovekin's amendment. He said that the decision on the basic wage would thereby be reviewed by Parliament. That is not strictly true. What it meant was that either House of Parliament would have the right to disallow it. That is not a wise provision to make in the Bill. I hope the Government will reconsider their decision. In view of the great importance of the Bill, its importance to the community at large, especially in these days of unrest and especially as the House is ready and always has been ready, and was ready on the last occasion, to concede a considerable number of amendments to the Government, I appeal to the Government, as one who has tried to deal fairly with measures they have brought before us, to reconsider their decision and, not in a spirit of petulance and haste, throw out this measure.

Hon. A. BURVILL: I move—

That the debate be adjourned until Tuesday next.

Motion put and negatived.

HON. E. H. HARRIS (North-East) [7.58]: I am not prepared to cast a silent vote on this important motion. The responsibility devolves upon members to decide whether a Bill of this importance shall be cast aside or not. When introducing the measure, the Leader of the House pointed out that it was one of the most important pieces of legislation which the Legislature of the State had ever been asked to deal with. I endorse the view that it is one of the most important Bills we have had, and I can assure the Leader of the House it is my desire not to embarrass the Government in respect of any legislation they may bring forward, or to

push to unreasonable limits any objections that we may submit. If the Government were not conversant with the circumstances under which the unfortunate happening of Thursday occurred, we could understand the attitude they are adopting, especially if they really thought that members were hostile to the Bill. As he had a perfect right to do, Mr. Cornell insisted, on the spur of the moment I think, upon Mr. Lovekin not withdrawing his amendment. Later on, however, he saw the error of his action, and immediately the House rose handed to the Clerk a notice indicating that he would move to strike out not only the amendment, but the subclause. That appears on the Notice Paper to-day. I believe that if Mr. Cornell had received an answer to his query as to whether the subclause had been inserted as a matter of courtesy, or the reason for its insertion, no difficulty would have arisen. He did not get an answer and therefore insisted upon the amendment being moved. If it is the matured judgment of the Government, in view of all the circumstances with which they are acquainted, that the Bill should be withdrawn, it looks to me like a clear demonstration that the Government are looking for some point as a basis upon which to create a quarrel with the Legislative Council. Much has been said during the discussion upon the Bill as to the actions of the Council in dealing with the Arbitration Bill last session. In the course of my second reading speech this session I expressed regret that the Government had not taken advantage of the amendments agreed upon last session and embodied them in the Bill now before us as a first instalment towards reform in connection with our industrial legislation. The Government have not seen fit to accept them, and the only reason I can assign for their action, if they persist in their present attitude, is that they desire to create trouble with the Legislative Council for party or political purposes. I trust they will not persist in that attitude. If they do, I am afraid it will be in order that they may go to the industrialists of Western Australia and tell them that last session they had to withdraw the Bill because of the action of the Legislative Council and that again this session they have had to withdraw it because of an amendment that had been moved. The laying aside of the Bill will necessitate the withdrawal of the Eight Hours Day Bill now before the Assembly? I sincerely hope that the Leader of the House will give serious consideration to the question of withdrawing the motion now under discussion.

HON. W. H. KITSON (West) [8.4]: The debate on the motion and on the amendment has brought forth some most interesting explanations regarding what took place on Thursday night last. I was very pleased to hear some of the explanations advanced because they threw quite a flood of light upon the attitude of this Chamber, not only in connection with Clause 57 but with other most important clauses of the Bill. I wish to deal with one or two of the explanations that have been made. First of all I would refer to one which was made, I think, by Mr. Kirwan. He said that Mr. Lovekin had made a mistake.

Hon. E. H. Gray: And not the first time, either.

Hon. W. H. KITSON: He suggested that after Mr. Lovekin realised that he had made a mistake, that hon. member desired to withdraw the amendment. I think Mr. Kirwan also said that, such being the case, the Government must take the responsibility for the mistake made by Mr. Lovekin.

Hon. J. W. Kirwan: I said nothing of the kind.

Hon. W. H. KITSON: That was the only inference that could be drawn from the hon. member's remarks.

Hon. J. Nicholson: Nothing of the sort.

Hon. W. H. KITSON: That was the statement that was made. Mr. Lovekin admitted having made a mistake and desired to withdraw the amendment, but one member, as he had the right to do, objected to the amendment being withdrawn. It went to a division and was carried. It has been suggested that, in view of the action now taken by the Government, the Government must accept full responsibility for the loss of the Bill.

Hon. J. Duffell: Mr. Lovekin said he made a slip.

Hon. J. W. Kirwan: That is the interpretation you put upon the remarks that were made.

Hon. W. H. KITSON: That is so, but Mr. Lovekin admitted that he made a mistake.

Hon. J. Duffell: No, a slip.

Hon. E. H. Gray: A slide.

Hon. W. H. KITSON: Hon. members can call it what they like. The matter was debated and the seriousness of the position was pointed out. Owing to Mr. Cornell insisting upon the amendment being proceeded with, it went to a division and when it was taken we found that the whole of the members who voted had made a slip, with the exception of the four supporters of the Government who were present. Thus, the majority of the members voted with Mr. Lovekin, despite the fact that he had already admitted that he had made a mistake.

Hon. E. H. Gray: Some of them did not know what they were voting for.

Hon. J. E. Dodd: You must not forget that some members were not present.

Hon. W. H. KITSON: I have not forgotten that; I limited my remarks to those who voted. What I state cannot be denied. It has been remarked by one or two members that they were outside the Chamber while the discussion was proceeding and when the division bells rang they entered the Chamber not knowing the exact position regarding the debate. That being so, what does that say for those particular members?

Hon. J. Duffell: Did anyone say that?

Hon. W. H. KITSON: Two members have pointed out that they were absent while the discussion was proceeding, and yet they came in and voted.

Hon. E. H. Gray: That is what you call opposition on the blind!

Hon. J. R. Brown: That is what you call reviewing legislation!

Hon. W. H. KITSON: Every hon. member has a right to vote as he thinks fit, but I do not see that they have the right to blame the Government if Ministers say they will not allow the Legislative Council to frame the industrial legislation for this country, seeing that the Government were returned to power on a policy that included industrial arbitration. I take exception to the remarks of at least one hon. member who suggested that the Leader of the House had been subjected to outside influence. The Leader of the House has stated clearly that the reason for the notice of motion standing in his name was that Cabinet had considered the position and had arrived at a decision the effect of which was indicated in his motion.

Hon. J. Nicholson: Is not Cabinet outside this House?

Hon. W. H. KITSON: Of course Cabinet is apart from this Chamber.

Hon. J. Nicholson: Then that statement was quite correct.

Hon. W. H. KITSON: The hon. member who made that reference intended the inference to be drawn that the Minister was affected by influences outside Parliament. That reference had no connection with Cabinet.

Hon. V. Hamersley: You mean the Trades Hall.

Hon. W. H. KITSON: If you like.

Hon. E. H. Gray: The big menace!

Hon. W. H. KITSON: I take exception to that hon. member's statement. When the present Government bring forward legislation in accordance with their policy, they have a perfect right, as has any other Government, if they consider the Council is not acting fairly and equitably, to withdraw a measure.

Hon. V. Hamersley: Even at the Committee stage?

Hon. W. H. KITSON: Yes. A lot has been said about the fact that the Bill is still at the Committee stage, and that it will be possible to recommit the measure. That position is admitted.

Hon. A. Burvill: Notice in that direction had actually been given.

Hon. W. H. KITSON: Yes, but since Thursday last; it could not be given at the time. What attitude has been adopted by the Council in connection with the Bill? It was said by an hon. member that perhaps one reason why the Government desired to withdraw the Bill was that equity and justice were to be provided for.

Hon. E. H. Harris: That is, in the Bill's amended form.

Hon. W. H. KITSON: That is so. Let us examine that aspect. Does it provide equity and justice for domestic servants?

Hon. A. Lovekin: Yes.

Hon. E. H. Gray: Of course it does not.

Hon. W. H. KITSON: Does it provide equity and justice for the members of the A.W.U.?

Hon. A. Lovekin: Yes.

Hon. W. H. KITSON: Does it provide equity and justice for men who have to wait for 12 months before an award can be issued?

Hon. J. R. Brown: No.

Hon. W. H. KITSON: Does it provide equity and justice for men engaged to do

certain work for men who are not engaged in an industry?

Hon. J. Duffell: It does not provide for the court enforcing its own judgments.

Hon. A. Burvill: Those questions are mere camouflage.

Hon. W. H. KITSON: It is not camouflage.

Hon. A. Lovekin: Then let us pass the Bill.

Hon. W. H. KITSON: Is it equity and justice that obstacles shall be placed in the way of those who desire to go to the court?

Hon. A. Lovekin: Why not let the House pass the Bill?

Hon. J. Nicholson: What about the boards that are to be appointed?

Hon. W. H. KITSON: Industrial boards cannot operate until a case has gone to the Arbitration Court. This House has placed further obstacles in the way of unions who desire to approach the court. Throughout the whole debate it has been shown that members of the Council are prepared to agree to certain modifications to the parent Act, but not to the vital principles of the Bill as introduced by the Government. The Council restricted the choice of president.

The PRESIDENT: I do not think the hon. member can review the Bill too extensively.

Hon. W. H. KITSON: Very well, Mr. President, I will not proceed with that particular phase any further. I think I have said sufficient to show that, from the point of view of the industrialists of our community, the Council has not treated the Bill in the way it should have done.

The PRESIDENT: I think we were dealing with Clause 57 and the amendment.

Hon. W. H. KITSON: One or two members suggested that, if they cared, they could imputes motives. One hon. member was honest enough to suggest political motives. So far as Mr. Lovekin is concerned, there is absolutely no need to impute motives because he made his position particularly clear. We need only refer to his own words because, when he moved the amendment, he said very plainly—his remarks are set out clearly in "Hansard"—that he was moving the amendment in order that either House might have the right to disallow. Since then, of course, he has said he would like an opportunity to withdraw.

Hon. A. Lovekin: For the purposes of this argument only. Otherwise I adhere to the position I took up the other night.

Hon. W. H. KITSON: He said he had made a slip, and several others have put forward that explanation. I am prepared to accept Mr. Lovekin's statement that it was a slip on his part, but I am not prepared to accept the suggestion that because he made a slip, every other member who voted with him also made a slip. It showed conclusively to me that their decision had been previously arrived at.

Hon. A. Lovekin: That is not a fact.

Hon. W. H. KITSON: This afternoon Mr. Lovekin said that if his amendment had been allowed to stand, it was his intention to move a further amendment.

Hon. A. Lovekin: That is right.

Hon. W. H. KITSON: But it is rather strange that whereas the original amendment was on the Notice Paper, the further proposed amendment has not there appeared.

Hon. A. Lovekin: The second one was to have been a new clause.

Hon. W. H. KITSON: Still there is no reason why it should not have appeared on the Notice Paper, except that at the time the original amendment was placed on the Notice Paper it was not thought it would be necessary to add a new clause.

Hon. H. Stewart: It is quite a common thing to have in one's mind a second amendment that cannot go on the Notice Paper until the fate of the first is revealed.

Hon. W. H. KITSON: This proposed second amendment, just as well as the first one could have been on the Notice Paper. Now I want to deal with only one other point raised, namely, the statement made by Mr. Lovekin that the Labour Congress was desirous of doing just what he desired to do. He quoted a decision of the Labour Congress asking the Labour Government to bring in a Bill dealing with the basic wage. But Congress did not ask for a Bill that would provide for this Chamber or the other Chamber deciding the basic wage.

Hon. A. Lovekin: Oh, yes, it was to have been £4 odd per week, and to be raised 5s. at the end of six months.

Hon. W. H. KITSON: They had already decided what should be the basic wage, namely that laid down by the Piddington Royal Commission. They also suggested that if the introduction of that basic wage would be too heavy for the industries of the State to carry all at once, the difficulty was to

be overcome by introducing a Bill providing for a basic wage of, I think, £4 10s. and to rise periodically until it reached the wage laid down by the Piddington Royal Commission.

Hon. A. Lovekin: Who was to decide that? Parliament.

Hon. W. H. KITSON: That was very different from the amendment proposed by Mr. Lovekin. The Labour Congress is there to decide what it thinks will be in the best interests of its members; and it has the right to request the Government, any Government, to bring in legislation that will benefit its members.

Hon. A. Lovekin: And Parliament had to decide.

Hon. W. H. KITSON: Parliament had not to decide what the basic wage should be. In this instance we were asking that the Arbitration Court should decide the basic wage. Mr. Lovekin said in effect, "Yes, that is all right, but when the Arbitration Court has decided, this Chamber shall have the right to review the stupid decision which may emanate from this branch of the Supreme Court."

Hon. A. Lovekin: "Any stupid decision"; not "the stupid decision."

Hon. W. H. KITSON: Just so. Did the hon. member expect a stupid decision from the Arbitration Court? It sounded like it. All the explanations in the world cannot get away from the fact that members of this Chamber have indicated in no uncertain way just where they stand in respect of arbitration and the Bill.

Hon. E. H. Harris: Do you want to scrap the Bill?

Hon. W. H. KITSON: All the excuses in the world cannot hide that from the public. From the very inception of the Bill in this Chamber members here have tried to so shape it that the Government cannot possibly accept it. They have carried amendments to the Bill that they know quite well the Government cannot possibly accept. Therefore, I do not blame the Government for the attitude they have adopted.

Hon. J. Duffell: Has any amendment been made that was not made to the Bill of last year?

Hon. W. H. KITSON: When the Committee carried that amendment giving this Chamber the right to disallow the basic wage arrived at by the court, I said to more than one member, "The Arbitration Bill is dead, and I will not waste another five minutes on it."

Hon. A. Lovekin: You were trying to catch hold of something very flimsy.

Hon. V. Hamersley: The Arbitration Act itself has been dead for some years, has it not?

Hon. W. H. KITSON: The hon. member may think so. The Bill was an effort on the part of the Government to make the Arbitration Act a workable measure of some value to industrialists. But all that has been done in this Chamber has been to place obstacles in the way, to carry amendments calculated to nullify the benefits the Bill would bestow upon the workers. I take it that as a result of that, the Government have adopted the attitude outlined in the motion. I am sorry the Committee carried that amendment on Thursday night, for I am sure that some members did not understand the seriousness of the decision. On the other hand the majority of members understood what the amendment really meant, and although they were well aware that the mover of the amendment desired to withdraw it, and was not allowed to do so owing to the attitude of one member, they still voted in favour of it when they could have negatived it.

Hon. A. Lovekin: It's a thin stick to beat a dog with.

HON. J. NICHOLSON (Metropolitan) [8.25]: I move—

That the debate be adjourned till Tuesday next.

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

Ayes	.. ..	15
Noes	.. ..	5
	Majority for	10

AYES.

Hon. C. F. Baxter	Hon. J. M. Macfarlane
Hon. J. E. Dodd	Hon. J. Nicholson
Hon. J. Duffell	Hon. A. J. H. Saw
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. E. H. Harris	Hon. H. Stewart
Hon. J. J. Holmes	Hon. H. J. Yelland
Hon. J. W. Kirwan	Hon. A. Burvill
Hon. A. Lovekin	(*Teller.*)

NOES.

Hon. J. R. Brown	Hon. J. W. Hickey
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. E. H. Gray	(*Teller.*)

Motion thus passed.

BILL—DAY BAKING.

Second Reading.

Debate resumed from the previous day.

HON. C. F. BAXTER (East) [8.28]: Sometimes Parliament is engaged on Bills of a restrictive nature. This is one of them. Whilst we look for a measure to confer benefits in a certain direction, we require to see that no section of the community is being imposed upon. The Bill seeks to achieve two objects, one being to relieve the operatives of night work. But the Bill will relieve only a certain number of operatives.

Hon. E. H. Gray: A big proportion.

Hon. C. F. BAXTER: About 75 per cent. The Bill aims at building up the trade of a few of the larger bakers and wiping out the small man.

Hon. W. H. Kitson: But the proposals in the Bill have been agreed to.

Hon. C. F. BAXTER: Of course. What an unholy combination—employees and master bakers. They know that day baking will result in putting up the price of bread, and this too comes from the party that is supposed to be looking after the consumer.

Hon. E. H. Gray: That is all bunkum.

Hon. C. F. BAXTER: Naturally; anything that does not emanate from the hon. member's brain must be bunkum. The persons that should be considered are the consumers. They have received no consideration whatever. I challenge anyone to prove that bread will not be dearer if day baking is adopted. Carters will start to deliver bread on Saturday mornings and a large majority of the customers must take delivery of bread that was baked on the day before, whilst a small minority, those who are at the end of the baker's round, will receive fresh bread. How would hon. members opposite feel on Monday morning if they had to sit down to a breakfast at which there was bread that had been baked on the previous Friday?

Hon. J. Duffell: The carters are opposed to day baking.

Hon. J. M. Macfarlane: They do not know where they are.

Hon. E. H. Gray: They are not opposed to it.

Hon. C. F. BAXTER: The carters' union are strongly against the proposal.

Hon. E. H. Gray: They have not said so.

Hon. C. F. BAXTER: Probably, like a number of others, they are not game to say so. I know of one baker who on a Sunday morning, and in a space of barely 30 minutes, gets rid of 400 loaves of bread. There is no doubt about it that two injustices will be inflicted if the Bill passes as it is; one will be to increase the price of bread, and the other will be the elimination of the small man. At the present time the overweight in the 2lb. loaf is 4 ozs. With day baking we cannot get away from the fact that the overweight will have to be increased to 6 ozs.

Hon. E. H. Gray: Rubbish.

Hon. C. F. BAXTER: I am repeating what has been given to me by leading bakers who have been in the trade for many years.

Hon. W. H. Kitson: Where did your information come from?

The PRESIDENT: Will hon. members allow the speaker to proceed without so much interruption?

Hon. C. F. BAXTER: If the overweight has to be increased, the price must also be increased. No baker can put on an additional 2ozs. to the loaf and sell that loaf at the price he is receiving to-day.

Hon. E. H. Gray: Someone has been pulling your leg.

Hon. C. F. BAXTER: I assure the hon. member it is not so easily pulled.

The PRESIDENT: I do not know that that is Parliamentary language.

Hon. C. F. BAXTER: Dr. Saw stressed the aspect, from the hygienic point of view, of having bread enclosed in sealed envelopes. That sounds very well, and if it could be carried out without any serious difficulties, might prove beneficial. I ask Dr. Saw, however, at what stage the bread could be put in the envelopes? It would be necessary to see that the bread had cooled down. The important point is that if sealed wrappers are to be used, it will mean that bakers will have to alter or add to their machinery and the cost will probably run into £500 or £600. That the small man cannot afford to do, and as a result he will be squeezed out. Then again, when the machine was installed for wrapping the bread it would deal only with square loaves. If it is necessary to handle other kinds of bread, additional machinery will have to be procured. All this will mean the piling on of expense, and it will add to the cost of living. Another matter touched upon

by Dr. Saw was the danger that was likely to follow from eating new bread. Most of us like new bread. The hon. member was quite right in saying that many who ate new bread had no right to do so. Of course it all depends on the state of a man's digestive organs The present system of baking bread is not good, and that is brought about by the system in vogue, of checking the baker's honesty, that is to say, the weighing of the bread. We know that the longer bread is kept the more moisture goes out of it. The result will be a fear of prosecution.

Hon. J. Nicholson: Stale bread is liable to become light.

Hon. C. F. BAXTER: Yes, when the moisture goes out of it. The position could be met by an alteration of what is asked for in the Bill. We should give earnest consideration to three sections of the community. The first is the consumer, who in point of numbers, is perhaps the most important. Then there is the small baker who is earning his livelihood and who, under the Bill, will go out of the trade. Next come the carters. They too are in an impossible position. Subclause 2 of Clause 3 which relates to the hours of baking, should be altered to make the hour in the morning 4 o'clock instead of five. The difference of that one hour might meet the situation, and I feel sure that the operatives would be better pleased, especially in the summer time. Subclause 3 provides—

> No person, whether he is working on his own account or for any other person, shall make bread for trade or sale or employ any person or authorise or permit any person to be employed in making or baking bread for trade or sale between 8 o'clock in the evening on Friday and 5 o'clock in the morning on Sunday.

It is undesirable to work on Sunday if it can be avoided. I think it can be avoided. Let them commence work at 9 o'clock on Friday night and go on until they have finished on the next morning.

The PRESIDENT: That matter can best be dealt with in Committee.

Hon. C. F. BAXTER: It is my intention to place amendments on the Notice Paper, but I was explaining what I thought would be the better system to adopt on the Friday night. As regards Sunday work a start should be made at midnight on Sunday. That would allow the operatives to be free from the early hours on Saturday morning until midnight on Sunday.

Hon. E. H. Gray: That has been tried and has failed.

Hon. E. H. Harris: The baker does not like Sunday work.

Hon. C. F. BAXTER: No man likes Sunday work. When the Bill reaches the Committee stage I hope that it will be amended in a direction that will make it a workable measure.

HON. J. E. DODD (South) [8.45]: I support the Bill for several reasons, but principally in the interests of the operative bakers, and because the measure is the outcome of a recommendation of the International Labour Conference. Night work in any industry is unnatural. Apparently in some industries it cannot be avoided, but the more we reduce night work, the better it will be for the community. I happen to know a little about night work, because for several years I worked in the mines under the three-shift system, which meant that two shifts were worked by night. I have often heard men say that after a week of night work they felt like a squeezed-out rag, and that is the best description I can give of it. After having completed a week of night work, a man has no energy left. I might refer to the report of the Royal Commissioner on Mining, Mr. Kingsley Thomas, where he advocated the abolition of the night shift wherever possible. It is well recognised that a man is better able to work by day than by night. More particularly does this apply to the summer season when it is difficult for a man on night shift, be he miner, baker, or anyone else, to get any sleep at all. Night work, too, is anti-social, because a man does not care to go out to any social or educational function when he has to think about night work. The baker has to work all the year round on night shift; there is no day work for him. In the Factories Bill that was introduced in 1913, there was a proposal to do away with night baking, but that measure was defeated I listened to the speech of Mr. Gray with considerable interest. He gave us a lot of information and from his experience as a journeyman as well as a master baker, he is well entitled to speak. Dr. Saw also gave some valuable information which members might take to

heart. There is no gainsaying the fact that new bread is not wholesome. On the subject of day baking there is a recommendation from the International Labour Office. I have read the report presented by Mr. Curtin, who was the workers' delegate to the conference held last year when the question of day baking was considered. Mr. Curtin has presented a very instructive report which it would repay members to peruse. If the Government intend to bring down further Bills embodying the recommendations of the International Labour Conference, I hope they will make representations to the Federal Government to secure the three reports, those of the workers, the employers and the Government delegates, and have copies either distributed amongst members, or laid on the Table of the House. It is unfair to ask us to pass legislation based on those recommendations unless we know the views of the delegates. I am inclined to think that more power should be given in the Bill to the inspector of factories to grant exemptions in certain parts of the State. Western Australia is a very big State, having quite a number of different climates, and I doubt whether we could make this principle uniform. At Kalgoorlie the master bakers object to any spread of hours except from 10 o'clock in the evening till 7 o'clock in the morning. This is a recommendation of the International Labour Conference. The conference also made several other recommendations which have been outlined by Mr. Harris. What I wish to stress is that hours that would apply to the metropolis might not be applicable to some of the smaller country towns. The Government might well consider the question of permitting the inspector of factories to exercise discretion in granting exemptions. Already it is proposed to permit him to exercise discretion in regard to breakdowns, etc. It has been asked how this measure would operate in the North-West. One of the representatives of the North in another place stated that there was nothing but day baking in the North-West at present. Whether that is so, I cannot say. However, I am afraid that it will be difficult to carry out the system of day baking in its entirety in some parts of the country. I hope members will agree to the second reading and in Committee will endeavour to mould the Bill so that it will meet the different conditions prevailing in this large State.

HON. J. DUFFELL (Metropolitan-Suburban) [8.51]: This Bill contains a great deal that is worthy of favourable consideration. It is accompanied by certain information purporting to have emanated from the master bakers and from the operative bakers who, we are informed, have jointly agreed to this measure. Since the Bill has been under discussion, however, certain members of the Master Bakers' Association have waited upon me and assured me that they knew nothing of its provisions until they saw the reports of the discussion in the Press. During the last two days there have been within the precincts of the Chamber representatives of the Master Bakers' Association—men in a fairly large way of business—and they have not hesitated to say that the measure has not been considered by their association. It is probable that the executive considered the clauses and agreed to them. The measure, however, has received further consideration from other bakers in the metropolitan and metropolitan-suburban areas who are not in a position to employ labour. I have a list of 23 such bakers, located between Midland Junction and Fremantle, who are not employing labour and who state that if the Bill is passed in its present form, they will have to shut up shop. Under the provisions of the measure, it will be impossible for them to continue in the baking business.

Hon. A. J. H. Saw: Can you tell us why?

Hon. J. DUFFELL: Yes; the bread they bake is sold over the counter. In one or two instances they are making small goods, which are sold to the market gardeners in the early hours of the morning. They claim that this is a very important part of their business.

Hon. H. Stewart: They sell that bread before the flies get about.

Hon. J. DUFFELL: These small bakers are entitled to consideration. Some master bakers employing labour, are opposed to the Bill. One who is in a large way of business was in the House this afternoon and he said he knew nothing about the Bill until he read the reports in the Press. Western Australia is a large State having a variety of climates, and we must bear in mind that what would suit the metropolitan area might not suit other portions of the State. If bakers in the country districts had to comply with these conditions, they would fare very badly indeed.

Hon. E. H. Gray: In the big towns of the Great Southern they are working the day baking system at the present time.

Hon. H. Stewart: In only some of them.

Hon. J. DUFFELL: I am presenting the facts as they have been represented to me. I am chiefly concerned about the 23 bakers in the metropolitan-suburban area who state that the passing of the Bill in its present form will mean the end of their business.

The Honorary Minister: Are they small men or large men?

Hon. J. DUFFELL: They are men who do the work themselves without employing labour.

Hon. E. H. Gray: Or their children?

Hon. J. DUFFELL: The Bill contains some good features, and if the second reading be passed, we might be able to amend it in Committee to meet the cases to which I have referred. The position of the pastrycooks must be considered. If the Bill were passed in its present form, the pastrycooks would be very unfortunately placed. There is a conflict of opinion between the members of the Bread Carters' Union and the operative bakers as to the amendments required. Perhaps the Honorary Minister would consent to have the Bill referred to a select committee. The whole matter could be thrashed out in two or three days, and the Bill could then be presented in such a form that probably every member could agree to it. It is a measure that will have an important effect upon the community. It must result in an increase in the price of bread, and anything tending in that direction must receive careful consideration. There is no provision in the Bill to stipulate that the price of bread shall not be affected by the operation of the measure. I hope the Honorary Minister will agree to the appointment of a select committee.

On motion by Hon. W. H. Kitson, debate adjourned.

House adjourned at 9 p.m.

Legislative Council,

Thursday, 12th November, 1925.

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

MOTION—RAILWAY DINING CARS.

Debate resumed from the 29th October on the following motion by Hon. A. Lovekin—

That the present system of leasing the dining cars on the railways, especially on the goldfields line, is detrimental to the best interests of the State, and should be immediately altered or revised.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.35]: The railway dining car service betwen Perth and Kalgoorlie and vice versa has been attacked by three hon. members, namely, Mr. Lovekin, Mr. Cornell, and Mr. Macfarlane. Mr. Lovekin's chief complaint is about the fruit. He quotes the remarks of one of the delegates of the Imperial Press Conference who said, "I thought this was a good fruit-growing country. I suppose you export all that is of any value, and you yourselves eat the windfalls." Mr. Lovekin did not give the name of this Pressman. It was quite unnecessary for him to do so as the unkind observant revealed his identity. It is common talk that the hypercritical individual in question had not one good word to say publicly about Australia, whatever he may have had to say privately. I picked the gentleman myself at the first attempt, and my guess, if it can be called a guess, was the guess also of the Commissioner of Railways. The Commissioner, however, had more material to go upon than I had, for he had read that the same cynical gentleman had made a precisely similar remark in New South Wales when he asserted that that State was exporting the best fruit, and selling the windfalls locally. The facts are these: The car on the special train that brought the Press delegates from Kalgoorlie to Perth was served by the Department itself. If my information is correct the