member has his story quite straight. Let me put it this way: Even though these boards are created for a purpose and they have their own loan-raising powers, I still think it is the duty of the Government to ensure that none of these boards would borrow money which would not be put to economic use. Members would not expect the Minister for Education or the Minister for Works to build schools or hospitals out of loan money if those buildings were not to be used for three or four years. We would not expect this proposed water board to build a new dam or reservoir from which no water would be obtained for another ten years, because that would be uneconomic.

Similarly, we would not expect the Fremantle Harbour Trust to borrow money for expenditure on new berths which would not return any revenue for the next four or five years. So the Fremantle Harbour Trust has been advised to use its borrowing powers only to the extent that the money borrowed can be put to economic use. That is all the power the trust has. I have obtained this information to try to help the honourable member to sum up the Bill in a proper way.

The two main objections to it are the political aspect and the financial aspect, and I believe I have covered those points to the best of my ability, and according to the knowledge and information that has been submitted to me. Also, I can assure members that the information has come from the most authoritative source. I say again that the Government would be lacking in its duty if it missed an opportunity to use loan funds which will be made available by this board being constituted and being granted its own borrowing powers, because the money that would be made available to the Government would be used for the benefit of the State as a whole.

Other States are much more enterprising than we are in this type of loan raising. In the past this State has found it difficult to use the amount of money allocated to it by the Loan Council for semi-Government borrowing. At one stage Western Australia nearly had its loan allocation reduced because the semi-Government borrowings had not been applied for at that stage. However, by a piece of quick thinking on the part of our Under-Treasurer and the Premier, we overcame that difficulty. If we do not make use of these opportunities to borrow money, the other States will. We have to make sure that we grasp every opportunity of getting every penny we can for semi-Government borrowing so that we do not lose our allocation to the advantage of the other States.

Despite the fact that political issues have been raised in regard to this Bill, as far as I am concerned my support of it is because of the board being set up and being granted power to raise loans so that the State can benefit from the use of the funds that are made available, or, alternatively, the moneys it can borrow. We could then use the General Loan Funds for the development of the State. I hope I have given the answers to the questions that have been raised.

**Question put and a division taken with the following result:—**

Ayes—16

| | |
|---|---|
| Hon. C. R. Abbey | Hon. G. C. MacKinnon |
| Hon. N. E. Baxter | Hon. R. C. Mattiske |
| Hon. A. F. Griffith | Hon. H. R. Robinson |
| Hon. J. Heitman | Hon. S. T. J. Thompson |
| Hon. J. G. Hislop | Hon. J. M. Thomson |
| Hon. A. R. Jones | Hon. H. K. Watson |
| Hon. L. A. Logan | Hon. F. D. Willmott |
| Hon. A. L. Loton | Hon. J. Murray *(Teller)* |

Noes—13

| | |
|---|---|
| Hon. G. Bennetts | Hon. R. H. C. Stubbs |
| Hon. D. P. Dellar | Hon. J. D. Teahan |
| Hon. J. Dolan | Hon. R. Thompson |
| Hon. J. J. Garrigan | Hon. W. F. Willesee |
| Hon. E. M. Heenan | Hon. F. J. S. Wise |
| Hon. R. F. Hutchison | Hon. H. C. Strickland |
| Hon. F. R. H. Lavery | *(Teller)* |

**Majority for—3.**

**Question thus passed.**

**Bill read a second time.**

*House adjourned at 9.34 p.m.*

# Legislative Assembly

Thursday, the 31st October, 1963

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The SPEAKER (Mr. Hearman) took the Chair at 2.15 p.m., and read prayers.

## BILLS (2): INTRODUCTION AND FIRST READING

1. Traffic Act Amendment Bill (No. 2).
Bill introduced, on motion by Mr. Brand (Premier), and read a first time.

2. Police Act Amendment Bill.
Bill introduced, on motion by Mr. Craig (Minister for Police), and read a first time.

## QUESTIONS ON NOTICE

1. *This question was postponed.*

### DEPARTMENTAL REPORTS

*Delay in Tabling*

2. Mr. W. A. MANNING asked the Premier:

(1) How many departmental reports are required to be tabled in Parliament each year?

(2) How many of these have been tabled this session?

(3) Of these, how many relate to—
(a) year ended June, 1962;
(b) year ended June, 1963?

(4) What reasons can there be for the absence of many reports to June, 1963—four months after the end of the year?

(5) Can any difficulties be overcome so that reports can be made available early enough to be of value?

Mr. BRAND replied:

(1) This figure is determined by the Acts which require that departmental reports should be tabled. It would take very considerable research to arrive at an accurate figure.

(2) 43.

(3) (a) 24.
(b) 19.

(4) and (5) I understand the main reason for delay is the necessity to collate statistical and other information, which takes considerable time, particularly when the information must be obtained from outstations and branches. This must be done as from the 30th June.

### CREDIT BETTING

*Correction of Alleged Error in Legislation*

3. Mr. TONKIN asked the Minister representing the Minister for Justice:

(1) As it was stated in the Burden case on behalf of the Crown that the draftsman had achieved the opposite of what was intended (viz., that there was to be no credit betting) and that he had achieved the means by which the board can bet on credit, is it the intention of the Government to amend the law to ensure that the will of Parliament is obeyed?

(2) If not, is it to be construed that the Government is in favour of off-course credit betting and is content to take advantage of a draftsman's alleged error?

Mr. COURT replied:

(1) No. The will of Parliament is being obeyed and is sufficiently expressed in the regulations.

(2) No. See answer to No. (1).

### TOTALISATOR AGENCY BOARD

*Operations at Norseman and Esperance*

4. Mr. MOIR asked the Minister for Police:

When does the Totalistor Agency Board plan to commence operations at Norseman and Esperance?

Mr. CRAIG replied:

On the 18th November, 1963 and the 28th January, 1964, respectively.

5. *This question was postponed.*

## PURCHASE AND RENTAL HOMES

*Allocations in Metropolitan Area*

6. Mr. GRAHAM asked the Minister representing the Minister for Housing:

What application dates have been reached for the allocation of dwellings in turn in the Perth metropolitan area for—

(a) purchase under the State Housing Act;

(b) purchase under the Commonwealth-State Housing Agreement;

(c) rental under that Agreement for—

(i) three-bedroom units or larger;

(ii) two-bedroom units;

(iii) one-bedroom units;

(iv) pensioner couples;

(v) single pensions;

(d) McNess housing?

Mr. ROSS HUTCHINSON replied:

(a) and (b) October, 1962. There is no waiting period for those applicants who own their own land.

(c) (i) August, 1961.

(ii) Houses—November, 1960. Flats—December, 1961.

(iii) October, 1962.

(iv) November, 1960. There are 42 units under construction and further tenders will be called progressively during the financial year.

(v) No single-unit accommodation has been erected under the Commonwealth-State Housing Agreement.

(d) May, 1961, (only 11 outstanding applications).

## CAR TRAILER FITTINGS

*Contravention of Traffic Regulations*

7. Mr. JAMIESON asked the Minister for Police:

(1) Is he aware that standard trailer fittings on at least two makes of popular cars contravene the traffic regulations when not in use by obscuring portion of the rear number plate?

(2) Will he take action to draw the attention of Holden and Falcon distributors that they may be inadvertently contributing to their clients breaking of traffic regulations?

Mr. CRAIG replied:

(1) Generally speaking, trailer attachments supplied for Holden and Falcon cars do not contravene the regulations if the ball joint is removed when the trailer is not used.

(2) Manufacturers have already had their attention drawn to this problem by the Australian Motor Vehicle Standards Committee.

## BELMONT HIGH SCHOOL

*Additional Classrooms*

8A. Mr. JAMIESON asked the Minister for Education:

Is it intended to build additional classroom accommodation for the Belmont High School before the beginning of the next school year?

Mr. LEWIS replied:

No.

## CARLISLE SCHOOL CHILDREN

*Attendance at Governor Stirling High School*

8B. Mr. JAMIESON asked the Minister for Education:

Is it a fact that indication has been given to children attending Carlisle in grade 7 that they will have to attend Stirling High School at Midland Junction next year?

Mr. LEWIS replied:

There is a possibility that some children from Carlisle will have to attend Midland Junction next year as a temporary measure, but the matter has not been finally decided.

## POLICE LOCKUPS

*Improvement of Standard*

9. Mr. JAMIESON asked the Minister for Police:

(1) Is it a fact that Roe Street lockup and a number of other police detention lockups in this State do not conform to the minimum standard of the United Nations Organisation for detention quarters?

(2) If this is so, will he request the Premier to make available immediate finance so as to bring such detention quarters up to minimum U.N.O. standard?

Mr. CRAIG replied:

(1) and (2) Yes. The Government recognises that the Roe Street lockup, and a number of others are not up to modern standards and action is being taken to replace them progressively.

Finance has been made available and work has already commenced on the erection of a new Central Police Station and lockup at East Perth at a total cost of £500,000 for these buildings. A sum of £125,000 is to be spent during the current financial year.

## SEWERAGE FOR EASTERN SUBURBS

*Installation of New Scheme*

10. Mr. BRADY asked the Minister for Water Supplies:

(1) When is it expected a new sewerage scheme will be built or planned for the eastern suburbs to cater for areas like Bellevue, Greenmount, Swan View, Middle Swan, etc.?

(2) Is the department aware that septic tank systems are not considered satisfactory in these areas?

Mr. WILD replied:

(1) There are no immediate plans for sewering these areas as this will depend on future development and availability of finance.

(2) The department is aware that the operation of septic tank systems in such areas does provide local problems where the soil does not permit of quick absorption.

## AGED WOMEN'S HOME AT EAST GUILDFORD

*Closure and Replacement*

11. Mr. BRADY asked the Minister for Health:

(1) Is it proposed to close the aged women's home at East Guildford (Woodbridge) which has operated for the past 20 years?

(2) What is the reason for the closure?

(3) Has an alternative aged men's and women's home or any alternative home been arranged to replace the East Guildford home?

Mr. ROSS HUTCHINSON replied:

(1) to (3) Some consideration has been given to closure, but this will not eventuate until other accommodation has been provided.

## ROADS AT GUILDFORD

*West Swan Road: Heightening*

12. Mr. BRADY asked the Minister for Works:

(1) Are any plans being made to heighten the West Swan Road where it intercepts Barker's Bridge at Guildford?

*Swan Street: Building up for Traffic Diversion*

(2) Are any plans being made to build up the Swan Street road at Guildford with a view to diverting traffic from James Street over a new bridge north of existing bridge?

Mr. WILD replied:

(1) Yes. In collaboration with the Swan-Guildford Shire Council the West Swan Road is to be reconstructed and widened over the next two or three years.

(2) Yes, as part of a long-range plan for the improvement of the road system in that area.

## HOUSES IN SWAN ELECTORATE

*Number Under Construction and Total for Current Year*

13. Mr. BRADY asked the Minister representing the Minister for Housing:

(1) What number (if any) of houses are being built for the State Housing Commission at present in—

(a) Midland;

(b) Koongamia, Bellevue;

(c) Guildford;

(d) Hazelmere;

(e) Caversham?

(2) What number of houses is it expected will be built in those districts in the current year?

Mr. ROSS HUTCHINSON replied:

(1) The commission is building five houses at Koongamia; 20 at Eden Hill; and 15 at Ashfield.

(2) It is expected the commission will build five houses at Midland; 30 at Eden Hill; 55 at Ashfield; and further houses at Koongamia, if the demand warrants.

## EDUCATION DEPARTMENT SWIMMING CLASSES

*Cancellation at West Midland*

14. Mr. BRADY asked the Minister for Education:

(1) Have swimming classes conducted by the Education Department at West Midland been cancelled?

(2) If so, what is the reason for the cancellation?

Mr. LEWIS replied:

(1) and (2) No.

## SWAN STREET BRIDGE AT EAST GUILDFORD

*Finalisation of Plans*

15. Mr. BRADY asked the Minister for Works:

(1) Have plans for the Swan Street bridge, East Guildford been finalised?

(2) When is it expected tenders will be called for building the new bridge?

(3) Is the department aware there have been two failures at the bridge during the past 12 months necessitating diversion of traffic at great inconvenience to Hazelmere residents?

Mr. WILD replied:

(1) Yes.

(2) Within the next three weeks.

(3) Yes.

## QUESTIONS WITHOUT NOTICE

### FLUORIDATION OF WATER

*Government's Intention on Legislation*

1. Mr. HAWKE asked the Premier:

(1) In view of the decision of the Queensland Government and the reason for the decision on the subject of the compulsory fluoridation of domestic water supplies, does he propose to abandon his own Government's fluoridation legislation which is now before the Legislative Council?

(2) If not, does the Government now intend to support the Labor Party's proposal to incorporate in the legislation a provision for the taking of a referendum of the local people before sodium fluoride is added to any domestic water supply?

(3) Should the answer to Nos. (1) and (2) be "No", how much further delay is likely before the Government brings the fluoridation Bill forward for final decision in the Legislative Council?

Mr. BRAND replied:

I thank the honourable member for giving me notice of this question. The reply is as follows:—

(1) to (3) It is not proposed to abandon the fluoridation Bill on an inconclusive Press report published in Saturday morning's copy of *The West Australian*. However, the Minister for Health has cabled the British Ministry of Health for information on the report; and, pending receipt of this information, the passage of the fluoridation Bill will be delayed. I think it appropriate to point out to the Leader of the Opposition that approximately 50,000,000 people in the United States of America are drinking fluoridated water at or above the approved level of 1 part per million; that approximately half a million people are drinking fluoridated water in the United Kingdom; and that the people of Perth have been, and are at this present time, consuming naturally fluoridated water at a level considerably higher (about 0.2 p.p.m.) than the level of fluoride used in the recent Oxford tests. It is pertinent to note that the health of the people in these places, including Western Australia, has not suffered in any way.

Mr. Hawke: The Premier is not looking too well.

Mr. BRAND: I was going to say the same thing about the Leader of the Opposition. However, I hope he is well.

### PARLIAMENTARIANS' INQUIRIES

*Departmental Replies*

2. Mr. JAMIESON: On Wednesday, the 16th October, I asked a question of the Premier as follows:—

> In view of the recent issue of instructions to Federal Government departments that inquiries from State members of Parliament must be answered by the department through the Federal member of the particular division concerned, will he issue similar instructions to State Government departments as to matters referred to those departments by Federal members being replied to through Assembly members for the district concerned to avoid many duplications of inquiry?

The Premier was absent on that occasion and the question was answered by his Deputy as follows:—

> I have no knowledge of any such recent instructions but I shall have inquiries made.

I would like to know from the Premier whether he has done anything further in the matter.

Mr. BRAND: My attention was drawn to the question asked by the member for Beeloo and I have had inquiries made. However, before I give him an answer I would like to refresh my memory on the facts. I do not know whether the proposition is as practicable as it appears on the surface.

### DRIVING AND CAR LICENSES

*Central Office for Renewals*

3. Mr. HEAL: The transfer of the Police Traffic Branch from James Street, Perth, to Plain Street, East Perth, has caused some inconvenience to motorists in the renewal of their driver's licenses and car licenses. Will the Minister give consideration to setting up an office in central Perth to deal with the renewal of these licenses?

Mr. CRAIG: Possibly some inconvenience is caused to people in the city in their being required to travel to East Perth if they desire to pay cash for the renewal of their licenses. We are at present negotiating for the establishment of a central office, and I am hoping that with the co-operation of my colleague, the Minister for Lands, such office will be established in the Rural and Industries Bank building. Of course it will be possible for it to deal only with the actual renewals of driver's licenses and vehicle licenses. It will not be able to handle transfers and other matters associated with traffic licenses. It is possible that this office could be established within the next two months.

## LEAVE OF ABSENCE

On motions by Mr. May, leave of absence for six weeks granted to Mr. Curran (Cockburn) on the ground of ill-health; and for two weeks to Mr. Bickerton (Pilbara) on the ground of urgent public business.

## STAMP ACT AMENDMENT BILL (No. 2)

*Second Reading*

MR. BRAND (Greenough—Treasurer) [2.31 p.m.]: I move—

That the Bill be now read a second time.

This is the first of several measures which have been designed for no other reason than to raise additional revenue in order to finance increased expenditure from the Consolidated Revenue Fund. As I stated when introducing the Budget for this year, the Government would be faced with a deficit of more than manageable proportions without some lift in revenue collections; and I referred at some length to the need to avoid the continuing drain on loan funds resulting from revenue deficits.

I also referred to the procedures followed by the Commonwealth Grants Commission in determining the special grant for this State which, in effect, require us to maintain comparability with the standard States of New South Wales and Victoria. Whenever the impact on State finance of Grants Commission considerations is under discussion there is invariably frequent reference to the so-called "penalties" imposed by the commission, but in fact this is not a true description of the adjustments made by the commission.

I do not think it is generally understood that the amount of the special grant paid to this State up to this point in time would have been the same, irrespective of whether our levels of taxation and charges, and the standard of Government services, were the same as, or differed from, those of New South Wales and Victoria.

Perhaps I could illustrate this fact with a simple example. Let us assume that we finished last financial year with a deficit of £700,000, and that the return from State taxes was less by £200,000 than the amount that would have been received if our rates had been equal to the average of New South Wales and Victoria.

In accordance with its existing procedures the commission would impose an adverse adjustment of £200,000 for our lower severity of taxation; and, if there were no other corrections or adjustments, would recommend the payment of a grant of £500,000. We would therefore be left with a final deficit for the year of £200,000, being the amount of the adverse adjustment which would have to be cleared by a charge to loan funds.

On the other hand, if our rates of State taxation had been equal to the average of New South Wales and Victoria, we would obviously have collected an additional £200,000, and would therefore have finished the year with a deficit not of £700,000, but of £500,000, which would be the amount of the grant recommended by the commission.

In both sets of circumstances the grants recommended by the commission would be exactly the same amount of £500,000. What the commission does not do is to recommend an increase in the grant simply to provide the State with revenue it could have obtained from its citizens without imposing on them any heavier burden than that shouldered by the citizens of New South Wales and Victoria.

This point can be further illustrated by looking at an extreme situation. This State, along with all other States, levies taxation of one kind or another, and last year we collected £7,381,000 which, for the purposes of this illustration, we will assume represents the same burden on the average taxpayer in this State as in other States. Now, suppose we were to abolish all forms of State taxation, thereby increasing the deficit by £7,381,000. Would it be reasonable to suggest to the Grants Commission that our special grant should be increased by £7,381,000, so that the residents of this State could enjoy a concession not extended to the citizens of any other State?

I am sure the Grants Commission would not think so; and it is apparent that if we were to abolish State taxation, the commission would most certainly not increase our grant so as to make up the loss in revenue. The deficit arising from the abolition of taxation would have to be financed by the State by using loan moneys for this purpose instead of employing those funds in the provision of schools, hospitals, and other facilities. In these circumstances it could hardly be claimed

that the Grants Commission was penalising the State by not increasing our special grant so as to cover the deficiency caused by the abolition of State taxation.

If the commission confined its determinations to a comparison with the standard States of our revenue-raising efforts, then there would be cause for complaint, but it gives equal attention to expenditure, and here we are assisted to provide our citizens with approximately equivalent services to those given to the residents of New South Wales and Victoria. In these circumstances it is surely not unreasonable to expect our citizens to pay approximately equivalent taxes and other charges.

It is possible for the State to avoid having to increase its taxes and charges by keeping its expenditure on social services below the level of similar expenditure in New South Wales and Victoria. In this respect an adverse adjustment for less severe taxation, and other charges, could be offset by a favourable adjustment for a lower level of expenditure in the field of social services. I say it is possible; but is such a course feasible?

Take education, for example. Should we insist on a lower standard in this State than in New South Wales and Victoria? Should we have larger classes and fewer courses than those two States? I think not; and I doubt whether any member in this House would be prepared to say we should. In the case of hospitals, should we cut back the level of service now available so that we fall below the standard of the standard States? Questions of a similar nature might be asked of the Police Department, and many others.

In New South Wales, in particular, it has been found necessary to increase taxation and other charges so as to keep pace with demands for expanding social services; and if we want a similar expansion in this State we must either increase our taxes or obtain the required finance from loan funds through the funding of revenue deficits, which means less money for schools, hospitals, harbours, water supplies, and the like.

It could be said that Victoria is not raising its taxes this year, and so the standard is not as severe as it would be otherwise; but let us not forget that Victoria has budgeted for a deficit of £2,477,000; and although that State may be able to use its loan moneys for deficit funding, we are certainly in no position to follow suit. We need our capital funds for the development of this State; and in prevailing circumstances it is essential, in order to conserve them for this purpose, to implement the Budget proposals for increasing revenue collections which will assist in keeping the revenue deficit to a manageable figure.

The Bill in the hands of members proposes that the initial license for a new vehicle, and the transfer of a license, shall be charged with *ad valorem* duty in respect of the value of the motor vehicle to which the license or transfer relates. Duty is to be assessed at the rate of 10s. for every £100, and also for any remaining fractional part of £100, of the value of the motor vehicle to which the license or transfer relates.

I do not suppose anything has had more of an impact on modern life than the motor vehicle. In this State the number of motor vehicles registered at the 30th June, 1946, was 67,111, and 10 years later this number had grown to 178,353. By the 30th June, 1960, the number was 211,797, and today there are no fewer than 255,241 registered vehicles in Western Australia. We now have one vehicle to every 3.02 persons in this State. In 1946 there was one vehicle to every 7.33 persons.

This tremendous increase in the number of vehicles has, of course, required a larger expenditure in the provision of roads and the maintenance of safety on the roads. One of the most important aspects of road safety is that of police supervision and control of traffic, the cost of which is a significant and a growing charge on the Budget. With the rapid growth in the volume of traffic an increasing amount of work is being performed by the Police Force, which has led to expansion in recent years, in terms of both personnel and equipment.

Along with other sections of the community, the Police Force is sharing in the recently granted benefits of increased annual leave entitlements and higher rates of pay; and only recently it was necessary for me to approve of the provision of an additional £60,000 for which no allowance was made in the Budget, to cover salary increases during the current year. In addition, a further 27 police officers will be recruited in February next to fill the gaps occasioned by the grant of additional annual leave.

The number of motor vehicle accident cases is increasing and last year no fewer than 18,948 inquiries were carried out by the Police Department. Apart from the cost of making these police inquiries, the number of motor vehicle accident cases is having a heavy impact on hospital finances. In this respect, it will be realised that motor vehicle accident cases in general involve greater costs because of the specialised surgical and other attention which are often required.

In the Budget speech I pointed out the need to increase hospital fees because our net per capita expenditure on hospitals was so much in excess of the average of New South Wales and Victoria. However, even with the additional income to be received from these increases it was still necessary to provide substantially increased finance for the adequate maintenance of

hospitals, and an additional £543,000 was required from Consolidated Revenue for this purpose.

Having regard to the factors I have mentioned, the Government believes it is reasonable to expect motor vehicle owners to make some additional contribution to Consolidated Revenue to help meet the financial burdens imposed on the State by the rapid and continual growth in vehicle registrations.

I should also add that New South Wales imposed a similar duty during last financial year and, by so doing, has altered our relative position with respect to State taxation as assessed by the Grants Commission. As a result, our adjustment for relative severity of taxation will now contain an unfavourable element on this account which we cannot afford to ignore.

Under the provision of the Bill, duty is only payable when a vehicle is first licensed or when a license is transferred. Duty is not payable on the ordinary renewal of a license or where a fee is not charged for the issue of a license.

Exemption from duty will therefore apply where a vehicle—

(a) belongs to the Crown;

(b) belongs to a local authority;

(c) belongs to the Fire Brigades Board or any other fire brigade if the vehicle is used exclusively for purposes connected with the prevention and extinguishing of fires;

(d) is used exclusively as an ambulance;

(e) is owned and used by a minister of religion, but only in respect of one vehicle where the minister owns more than one vehicle;

(f) including a tractor (other than a prime mover) is owned by a person who carries on the business of farming or grazing and is used solely on his farm or pastoral holding and is not used on a road otherwise than in passing from one portion of the farm or holding to another portion of the farm or holding; and

(g) is a trailer constructed and used solely for the purpose of carrying a gas producer or other motive power producing plant to propel a vehicle and to carry fuel for that vehicle.

Free licenses are also granted to a wide range of charitable and public bodies and, accordingly, these institutions would not be required to pay duty. Provision has also been made in the Bill to exempt dealers from duty where vehicles have been licensed or acquired for the purposes of resale or demonstration.

As I indicated in the Budget Speech, the estimated revenue to be received under this Bill is £280,000 for a full year, and £125,000 in this financial year on the assumption that it operates as from the 1st January next. I commend the Bill to members.

**Debate adjourned, on motion by Mr. Hawke (Leader of the Opposition).**

## TRAFFIC ACT AMENDMENT BILL (No. 2)

*Second Reading*

**MR. BRAND** (Greenough—Treasurer) [2.48 p.m.]: I move—

That the Bill be now read a second time.

This is a short measure, but another one to implement the Budget proposal which aims to increase the present fee payable on application for a license to drive a motor vehicle. The existing fee is 10s., and it is proposed to raise this charge to £2.

There are two reasons for advancing this proposal. Firstly, the present fee does not adequately cover the cost of testing and registration of new drivers; and, secondly, as I pointed out when bringing down the Budget, the additional revenue to be obtained from the increased fee is required to assist in keeping the revenue deficit to manageable proportions.

I do not propose to repeat the detail which I gave in my address on the Budget with respect to the need to avoid heavy deficit funding operations, but would simply stress the importance of taking the necessary steps to conserve loan funds for capital works.

The additional revenue which should be derived from this measure of £38,000 in a full year and £19,000 in this current financial year is not of a substantial order, but nevertheless it will help to meet the growing costs of the Traffic Branch of the Police Department. I might say the Police Department has a responsibility to ensure when a license is issued that a driver knows how to handle the car; knows the rules of the road and—what I should think is more important—the need to be courteous and co-operative when driving in the traffic we see in the city today.

The proposed fee of £2 will apply only in the case of an initial license and will therefore not be a recurring charge. It is also proposed to retain the existing provision in the Act that if a second or subsequent application for a license is made within three months after a similar application by the same person has been refused, an additional fee is not payable in respect of the second or subsequent application.

I think it will be obvious that the present fee of 10s. is insufficient to cover the time spent by police officers in handling the initial application for a license; the eye, oral, and road tests involved; and the re-examination of applicants who fail at

their first attempt to obtain a license. This involves quite a lot of time. The proposed fee is more in keeping with the cost of providing the service, and accordingly I recommend the Bill to the House.

**Debate adjourned, on motion by Mr. Hawke (Leader of the Opposition).**

## TAXI-CARS (CO-ORDINATION AND CONTROL) BILL

*Second Reading*

Debate resumed, from the 29th October, on the following motion by Mr. Craig (Minister for Police):—

That the Bill be now read a second time.

**MR. GRAHAM** (Balcatta) [2.51 p.m.]: It would appear that the Government has been checking the policy speech delivered by the leader of the Western Australian branch of the Australian Labor Party just prior to the elections held last year. Since this Bill is the first indication I have had—and, I think, anyone else has had—that the Government had in mind a proposition to set up a taxi control board, the reason for my earlier observation can be found in the words used by the Leader of the Opposition in his policy speech, where he said, "We will set up a board of control for taxis in the metropolitan area with representation thereon for taxi owner-drivers."

Mr. Burt: Imitation is the sincerest form of flattery.

Mr. GRAHAM: In case the interjection was missed by *Hansard*, the member for Murchison said *sotto voce* that "imitation is the sincerest form of flattery." In other words, full marks to the Opposition for propounding this idea and a second-class award to the Government for following suit. Because of what I have said, it is not my intention to oppose the Bill at the second reading. At the same time I wish to state very definitely and emphatically that the Bill, in my opinion, is clumsy, incomplete, and ill-considered.

Mr. Bovell: Now you are spoiling it all.

Mr. GRAHAM: No. I have made that general statement, and I hope and trust it will be possible for me to demonstrate to all members, including the Minister for Lands, that my analysis and consequent statement were well-founded.

The Opposition proposed that steps along these lines should be taken since the taxi industry in the metropolitan area represents something in excess of £1,000,000 capital invested. I am certain all members will agree that police officers, however efficient and conscientious they may be, have had no training or experience whatsoever to make them capable of arriving at all the conclusions in connection with what might be proper from the point of view of that industry and its welfare, bearing in mind at all times the interest of the public generally.

In connection with the personnel of the board, I find myself in disagreement with the views of the Government. It is proposed, first, that the chairman of the board shall be the Commissioner of Transport. It should be obvious to the Minister, and within the knowledge of all members, that since the passing of the Metropolitan (Perth) Passenger Transport Trust Act in 1957, and subsequently the Metropolitan Transport Trust taking over all of the bus services operating in the metropolitan area, the Transport Board—now called the Department of Transport—has had nothing whatever to do with passenger transport in the metropolitan area; nothing whatever. Therefore it is a body as foreign to passenger transport in the metropolitan area as perhaps is the bird-lovers' society!

Accordingly it is a matter of some amazement to me that the head, or some lesser figure, of the Department of Transport should, in the Government's view, become the king pin of this new board to control the operations of taxis in the metropolitan area. Surely there was some loose thinking on the part of somebody—the Minister, or his adviser or advisers—or else somebody did not have a knowledge of the facts. Or perhaps there could have been some other reason of a more personal nature.

Therefore, when this Bill gets into Committee, it is my intention to move that there should be another person; a person other than the Commissioner of Transport. I suggest that the proper public officer should nominally be the Commissioner of Main Roads or his deputy, having in mind the traffic engineer of the Main Roads Department—an officer who has at his command information respecting roadways, present and future; the density of traffic; statistics relating to passengers that are carried, and movement of vehicles and persons generally.

I suggest that his advice, even if he were not placed on the proposed board, would be eagerly sought on very many occasions; and therefore, what better arrangement than that he should be a part of the board itself, rather than this complete outsider, this foreigner, this Department of Transport, whose principal function at the present moment is the granting or refusing of permits to transport goods of a certain nature beyond certain points, either from the metropolitan area or from some given points in the country; and in addition to that, the organising of regular road services in certain parts of country districts. But so far as the metropolitan area is concerned, I repeat that it has nothing whatever to do with it, and therefore it is anomalous to say the least; and it is encompassed by the

word I used earlier—the word "absurd"—that an officer of the department should become the member of this taxi control board in the metropolitan area.

Here let me anticipate the Minister by stating that I am well aware of the fact that in addition to the metropolitan area there can be taxi control areas declared in other parts of the State. But obviously there would be an impact within a very small radius of certain country towns and centres. My argument would still apply, because the taxis operating at Albany, Bunbury, Geraldton, and elsewhere, are at the present moment not subject to the Department of Transport.

Another peculiarity from my point of view is that one member of the board shall, in the words of the Bill, be a person "chosen from a panel of three names submitted by the body known as the Local Government Association of Western Australia." What knowledge or qualifications would the president or a member of, say, the Cockburn Shire Council, or the Guildford Shire Council, have of the requirements of the taxi industry, more especially where the demand is greatest; in other words, in Perth and in Fremantle?

The Minister might suggest that it could be somebody from the Perth City Council. But a councillor who happens to be a butcher by occupation, and who was elected to the Perth City Council, would not, as a result of such election, be qualified to play a part in the control, management, and co-ordination of the metropolitan taxi industry.

To follow on my earlier point, it is possible that the three nominations from the Local Government Association could come from minor local authorities in the metropolitan area. But whether they be from such local authorities or from the Perth City Council itself, or whether they be councillors or employees of a council, there is not necessarily any requirement or guarantee that such persons will know the first thing about this matter. So it is my intention to move to replace the Local Government Association nominee with a representative of the Metropolitan (Perth) Passenger Transport Trust.

Members will surely agree with me that there are two forms of public road transport in the metropolitan area: one conducted by the M.T.T., and the other by the taxi operators. It is inevitable that some day something will be done in regard to this matter—and, with a more progressive Government, something would have already been done—so that there will be co-ordination of activity between the M.T.T. and the taxi operators, and so that some of the bus services will be supplemented by these smaller vehicles which are adequate for the task. The whole rearrangement could be made. In any event, that sort of thing has not occurred up to date, but we could make provision in respect of it for the future.

The M.T.T., apart from its part in working together, as far as possible, with taxis—and, of course, competing in other instances—could bring a fund of knowledge and information to the board, because that authority has a knowledge of patronage and routes. Its inspectors are continually moving around the various parts of the metropolitan area.

If those two alterations are made in the personnel of the board, any and every member giving the matter consideration will, I suggest, inevitably come to the conclusion that it will be a more representative board and one far better equipped for the important task which Parliament will entrust to it.

There is a whole host of amendments that I would choose to make, but which I have not yet placed upon the notice paper. I trust the Minister will accede to a request that I now make: that we proceed no further than the second reading today in order that an opportunity will be provided for the amendments I have in mind to be placed on the notice paper, and so that the Minister, in turn, may have an opportunity to study them to learn their full significance.

Mr. Craig: I would sooner go ahead; and, if there is any amendment that I am in doubt about, we can report progress; but let us try it first.

Mr. GRAHAM: Very well. I am indicating now, however, that there will be a number of amendments; and, as I mentioned to the Minister privately, it is my desire that the Bill be treated objectively, and not on a party-political basis, with the purpose of endeavouring to have a practical and workable organisation set up; because it would appear that both the Government and the Opposition are in agreement with the principle that there should be a board to undertake many of the functions which are at present in the hands of the Police Department. I shall indicate my queries and proposals as I proceed.

I notice, for instance, that when a vacancy occurs on the board the vacancy shall, for the balance of the period, be filled by the Minister. In my humble opinion, it would be a more just and equitable proposition to ask the respective authorities who are to have representation to put forward a nomination to fill the vacancy. Something untoward could occur only a month or two after a certain person had been appointed to the board, and then the Minister would be as free as the sea to appoint anybody of his own choosing; there is no obligation on him to have regard for the section which Parliament thought should be represented on the board.

A little later the Bill provides that the chairman shall preside at all meetings of the board at which he is present; and, in his absence, his deputy shall preside. But nowhere in the Bill is provision made for the appointment of a deputy chairman. So we do not know whether there can be one; or whether the appointment would be made by the Minister; or whether the board, at one of its own meetings, would make such an appointment. I think we are entitled to know what machinery would be employed; and, I repeat, there is no machinery in the Bill.

I draw the Minister's attention to an earlier portion of the Bill—the definition of the term "taxi-car"—where it says that a "taxi-car" means a passenger motor vehicle other than an omnibus within the meaning of the State Transport Co-ordination Act. I think the words "and the Metropolitan (Perth) Passenger Transport Trust Act, 1957," should be included there, since the Department of Transport has ceased to exist in passenger transport so far as the metropolitan area is concerned.

Quite a number of matters are enumerated in the clause dealing with the powers and duties of the board, but in my opinion they are very incomplete. I fancy the Minister has deliberately skirted around a few items; because, when introducing the Bill, he told us that representations had been made to him by the taxi operators, and that they had discussed many things within the industry, such as fares, flagfall rates, taxi ranks, number of taxis licensed, transfer of licenses, and so on. I guarantee here and now that they also discussed with him multi-ownership and absentee owners, and such matters. But, for the life of me, I am unable to find in the clause to which I have referred that any regard shall be had by the board for the matters I have mentioned. I am wondering whether it is deliberate evasion.

Members should be aware that it has been the policy for many years to encourage a state of affairs whereby the person who owns the taxi operates it, instead of an individual, or a company, owning 10, 20, or more taxis and letting them out at £21 a week to mugs who, in the majority of cases, give it a go for a few weeks and then find it is impossible to return to themselves anything approaching the basic wage. But there is always another mug to take over, and so these investors continue to have this return of £21 a week to themselves; and I do not think they should be encouraged.

So the policy was developed to endeavour to discourage them, and in future to grant a taxi license only to an operator, and to provide that he should hold not more than one license. There is no suggestion in this Bill that the board shall require people to conform with that concept which I think is most desirable.

I think, too, that something specific should be stated in the measure in order to deal with several other matters. For instance, if there is to be a properly-regulated system of taxis operating in the metropolitan area and elsewhere, I do not think it is right that taxi company A should have taxis of a certain colour—say, red and white—and then that company B should set up in business with a slightly different name but operating taxis with almost the same colour scheme as company A—designed, of course, to confuse. So I think there should be some reference to the colour of the taxis operating as a group in order to avoid conflict; because this, incidentally, could lead to a taxi war between the operators.

I believe, too, that there should be some understanding, or some regulation, in regard to names; because it is obvious to many of us that endeavours have been made to mislead the public by using names somewhat similar to well-known and established names in the industry.

I also think there should be something specific in the Bill in regard to some form of control over the dress worn by taxi-car operators. I do not want members to get the idea that I am necessarily suggesting that every taxi driver should be clothed in a uniform and wear a peak cap; but I think, at the same time, there should be some requirement, because I am aware of a case of a driver of a taxi who was clothed with an open-neck singlet, a pair of trousers held up by braces over his shoulders, no socks, and a pair of slippers. The person transported by the taxi happened to be a woman who was very ill and who was on her way to a maternity hospital.

No doubt there are many other aspects in respect of which there should be specific power granted to the board. Although the board is to be in control, I notice, in many parts of the Bill, that the commissioner is to issue or to receive plates; and in other parts of the Bill it is provided that the plates shall be issued by the board. My feeling in the matter is that there is no unitary control and that the board as such should make all the decisions. There are, of course, other aspects of operation which will come within the ambit laid down by such board.

I complain of the severity of the penalties that are proposed to be inflicted on those who operate a taxi-car without a license which shall be granted by the control board. Where the board is vested with power to refuse a person a license, either for his vehicle or for himself within the formula which will be laid down by Parliament, then I think such a person, if he feels sufficiently aggrieved, should have a right of appeal to a magistrate.

I notice that number plates of a type to be approved by the board shall be issued to every vehicle licensed under this

legislation. There is no mention of it, but I ask the Minister: Is it intended that there shall be a charge for these special plates which taxi operators will be required to display on their vehicles?

I am perturbed about the point I mentioned earlier; namely, the question of multi-owners and the transferring of plates. Indeed, the opening words of clause 18 are, "A license issued under this Act is transferable" without there being any limitation whatsoever. The Minister is well aware that there are limitations within the existing Traffic Act, and in the procedure followed by the department in order to reduce—almost to an irreducible minimum—the number of taxi plates which are transferred from one party to another.

I am wondering, too, whether the proposition that the board may charge fees up to £15 per annum for a taxi is not somewhat excessive. The great bulk of the activities of this board are already being carried out by the Police Department, and the charge is 15s. per wheel. So, in the case of taxis, if it is a four-wheeler the charge is £3 a year. But here is a proposition where an operator could be charged up to £15 a year. My thought is that the charge is excessive. Admittedly the Minister has stated that probably £10 will be charged initially in order to see what the debits and credits will be; or, in other words, what the balance sheet will disclose at the end of the year. This is a pretty big step-up because only this afternoon we had a Bill introduced to increase charges on motorists, and I think there is a further increase to come in addition to those that have been made with monotonous regularity in both the Commonwealth and State spheres in recent years.

In my opinion the Bill falls short of requirements because of the fact that it should contain an amendment to repeal quite a number of the relevant sections of the Traffic Act, but does not seek to do that. I have skipped over some of the points I intended to make, and some of the amendments I intend to move, when the Bill goes into Committee, being conscious of the fact that there are some hundreds of people either within Parliament House or within the precincts of Parliament House grounds who are here not for the purpose of listening to a debate on taxi-cars, but a debate on a matter which is more vital.

*(Applause from the Gallery.)*

The SPEAKER (Mr. Hearman): I warn those present in the gallery that if there are any further demonstrations of this nature I shall have to take some action to clear the gallery. You are entitled to be here, but you must not make any demonstration or any comment of any kind.

Mr. GRAHAM: With those remarks I conclude my contribution. Before resuming my seat I wish to say that I think the demonstration of which you, Mr. Speaker, complain is perhaps another reason—apart from the unbusinesslike way of treating this legislation—why the Minister should defer the Committee stage of the Bill until the next sitting of the House. All members will then have the amendments before them on the notice paper, and the Minister will have had sufficient time to think about them and to refer them to his advisers. With those reservations and comments I support the second reading.

**MR. CRAIG** (Toodyay—Minister for Transport) [3.21 p.m.]: It is not my intention to delay the House to enable discussion on what are considered by some members in this House to be more important matters than the Bill before us. I would remind the member for Balcatta that this item appeared on yesterday's notice paper, but he requested that the item be deferred. The Premier agreed to his request, and hence the item has appeared on today's notice paper in the position it occupies. I consider, and I also suppose members on both sides of the House consider, that the function and machinery of Parliament should continue, irrespective of what developments take place in the meantime.

I must correct the views of the member for Balcatta when he stated very emphatically at the commencement of his speech that either the Government or I had stolen something from the policy of the Labor Party in regard to the creation of the proposed taxi board. I can assure him just as emphatically and truthfully that personally I was not aware of that policy. On this matter I am guided by the representations that have been made to me since I became a Minister. If the Labor Party considered the formation of such a board was warranted, the first thought which comes to my mind is this: Why did it not establish that board when it was in office? The circumstances at that time might have been different; but I do not know, because I was not in Parliament then.

Mr. Oldfield: Have you not heard of the Legislative Council?

Mr. CRAIG: That has nothing to do with this debate. I brought forward certain matters as a result of the representations which had been made to me by the Taxi Owners' Association and by the taxi industry. Last evening, or the evening before, I tabled the annual report of the Commissioner of Police, which contains a reference to the conditions that existed in the industry some time ago; and those conditions could be construed as chaotic. Recently considerable improvement has been effected, possibly as a result of the knowledge gained that something was to be done by the Government to meet the wishes of those concerned, or those engaged in the taxi industry. That is the very purpose of this Bill.

The member for Balcatta said that the composition of the proposed board was unsatisfactory, and that the Transport Department should have no connection with it. But, after all, for what is that department established? It is a department which is responsible for co-ordinating all forms of transport, whether it be inside or outside the metropolitan area. Admittedly, its functions, so far as metropolitan transport is concerned, have been reduced considerably as a result of the formation of the Metropolitan Transport Trust; but nevertheless the function of the Transport Department covers metropolitan transport.

It was suggested that possibly the Commissioner of Main Roads or his representative would be more suitable to act as chairman of the proposed taxi board. I do not deny that the commissioner or his deputy could fulfil the obligations required of that office in a very satisfactory manner, but no more than the commissioner of transport or his deputy.

Another point in regard to the composition of the proposed board is that, of the five members, two are to be direct representatives of the taxi industry. If I were to agree to the suggestion of the member for Balcatta, and included, say, a representative of the Metropolitan Transport Trust, I would have to appoint another member, in order to maintain the balance. If I did that, the membership of the board would be increased to seven, but there would still be only two representatives of the taxi industry on the board. The main purpose of establishing the board is to give the taxi industry a more direct say than it had in the past. I would not be agreeable to increasing the number of members beyond five; nor would I be agreeable to removing the Commissioner of Transport or his deputy from the proposed board.

Mr. Graham: At no time did I suggest that the membership of the proposed board be increased.

Mr. CRAIG: If we did increase the number—

Mr. Graham: I do not want that.

Mr. CRAIG: Does the honourable member suggest that the representative of the Metropolitan Transport Trust should replace the representative of the Local Government Association? I could not agree to that suggestion, for the reason that provision is made in the Bill for the extension of the control areas to, say, Kalgoorlie, Bunbury, or Geraldton. I cannot be convinced that the Metropolitan Transport Trust has a greater knowledge of the transport conditions in those country centres than the Department of Transport. I could not agree to that suggestion of the honourable member.

Some objection was raised by the member for Balcatta to the possible selection of a butcher as a representative of the Perth City Council. When I suggested a representative of the Local Government Association, it has to be realised that, not only is the Perth City Council concerned with taxis, but also the Perth Shire Council and the Fremantle Municipality. It is for those councils, through their organisations, to suggest a panel of names. We should bear in mind the fact that the Perth City Council, which has control of parking meters and parking generally in its area, is in a position to give assistance to the proposed board when it is formed. I am trying to be as co-operative as I can in this matter.

The member for Balcatta has suggested several amendments that he proposes to move. To deal with them briefly now, firstly I refer to the filling of a vacancy on the board. It is the prerogative of the Minister to appoint someone to fill a vacancy. That might be a stop-gap method, but some machinery should be available in case of dispute, or in case the parties cannot reach agreement on their representative. The Minister will then have power to appoint someone to fill the vacancy. The same practice applies under the Companies Act; and when a vacancy occurs on the directorate of a company, it is empowered to appoint another person as director until the particular member's term of office has expired. Regarding the appointment of the deputy chairman of the board, although there is no mention of a deputy I should imagine he would be appointed by the members of the board. Concerning the powers and duties, as the honourable member suggested, they are possibly the basis on which the board functions.

Many matters were brought to my notice which required consideration by the Government, by myself, or by the proposed board; but I feel the parties concerned withheld some which require more thought and decision. I therefore suggested to them that if Parliament agreed to the formation of the proposed board they would have some material to work on straightaway. I could suggest quite a number of points, other than those I outlined in my second reading speech.

The question of multiple ownership of taxis has been discussed with me by the interested parties. The question of dress was also discussed, and that is to be one of the functions of the board. Two inspectors are to be appointed, but they will not actually replace the two police patrolmen who are now engaged on this particular work. The inspectors will work in conjunction with the existing patrolmen. Of course, the police are more concerned with the traffic side, while the inspectors of the board will be concerned more with behaviour, dress, and appearance of taxi drivers, and the condition of taxis.

Regarding number plates, I do not think any charge will be imposed for the issue of these. They are to be issued only for identification purposes to indicate that a particular taxi is operating through the

proposed board. Taxis will still be required to be licensed in the normal way, and carry the normal taxi plates that are now issued.

The question of a £15 fee was raised and it was said to be excessive. The fee proposed is £10. At present they pay £3, and this would mean an increase of £7. Circumstances might arise in the future whereby the board might consider that an increase is warranted from, say, £10 to £15. The increase is already covered under the Bill. There is no intention at all of making it £15.

I put this matter to the taxi industry, and those concerned were quite agreeable to meeting that cost. If they had objected strongly in any way—only one or two did object—I would not have gone on with the Bill, because we must have the finance in order that the board can function.

The Department of Transport is trying to help in many ways. It is making office space available and will, no doubt, make some staff available free of cost also. If it is found that the cost of administering the board can be reduced, then possibly the board itself will recommend a reduction in the fee.

I do not want to labour this particular point, but I was very interested in what the Premier said when introducing his traffic Bill this afternoon. He referred to an increase in the fee for the examination of new drivers. He said that a driver needs to be courteous and co-operative. I have in mind the fact that we have some 900 holders of conductor's licenses covering some 700-odd taxis. I feel the influence of the board upon these drivers—I am not saying it is necessary in the case of all drivers, but definitely is in regard to a few—will improve their behaviour and courtesy. The influence of the board on these drivers will have an effect upon other drivers in our community, not only upon their behaviour, but also their general manner towards the public.

**Question put and passed.**

**Bill read a second time.**

*In Committee*

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Craig (Minister for Police) in charge of the Bill.

**Clauses 1 and 2 put and passed.**

**Clause 3: Interpretation—**

Mr. GRAHAM: First of all, welcome back, Mr. Chairman, after your absence following your accident.

I am disappointed that the Minister has decided to proceed with the Committee stage, because this Bill was introduced less than 48 hours ago. Time should be allowed in order that members and the Minister might follow the amendments proposed. Before moving the amendments which I intend to move, I will tell the Minister that I feel the Bill is in very poor shape. In order to expedite its passage, so that those hundreds of people to whom I made reference earlier will not be completely disappointed, I will ask a colleague in another place to move other amendments I have in mind, as I have been denied the opportunity because of circumstances. I move an amendment—

> Page 2, line 6—Delete the word "Transport" with a view to substituting the words "Main Roads."

There will be a consequential amendment in the following line.

The principle is that the chairman of the taxi control board shall be the Commissioner of Main Roads, or his nominee, who I suggest should be the traffic engineer. The Commissioner of Transport and his department have as much to do with the taxi industry as the man in the moon, and therefore it is absurd and ridiculous that the Minister should try to foist this foreign department—I do not use the word foreign in any disrespectful manner—on to them. I advanced my reasons beforehand, and nothing the Minister has said has caused me to alter my opinion.

Mr. CRAIG: Might I also, Mr. Chairman, endorse the expressions of good wishes to you on your return, voiced by the member for Balcatta.

I cannot agree to this amendment, for the reasons I stated in the course of my reply to the second reading debate. The Main Roads Department is not in my particular department, and it is quite logical that the Transport Department—over which I have control—should cover all angles of transport, whether concerning passengers or goods. It is also intended that the board will extend its activities to country areas in the not too distant future.

The Commissioner of Transport also has a very active Transport Advisory Board which consists of quite a number of gentlemen who are well qualified to be a guide on these matters. They have the machinery and a research division studying the economics of all forms of transport, and these are not readily available to the Main Roads Department. I do not say that with any desire to write down the value of the Commissioner of Main Roads and his staff. Either he or anyone could fill the role quite satisfactorily; but for the reasons stated I cannot agree to the amendment.

**Amendment put and negatived.**

**Clause put and passed.**

**Clause 4 put and passed.**

**Clause 5: Taxi Control Board—**

Mr. GRAHAM: I move an amendment—

> Page 4, lines 6 to 10—Delete all words after the word "be" down to and including the word "authorities."

If that amendment is successful I shall move to insert these words—"Nominated by the Metropolitan (Perth) Passenger Transport Trust." I want to indicate to the Minister that I shall not answer him back when he replies; I shall not call for a division; and neither will I move any other amendment, notwithstanding I feel the necessity for it.

This amendment is for the purpose of making a member of the board a representative of an organisation whose business is the carriage of passengers, instead of having a representative of the Local Government Association. The further the Minister went the more he got bogged; because he was talking about the fact that this could go to country districts. Just fancy if a shire councillor from Bunbury, for instance, was nominated by the Local Government Association! He would be 25 per cent. of those sitting under the chairman deciding what is to be the policy and the procedure in respect of taxis, when the great majority of taxis are in the metropolitan area—some 700 of them.

I was not reflecting on the Perth City Council when I said a butcher from the Perth City Council, who happened to be a councillor, could be the choice of this body. It could be a watchmaker from the Perth Shire Council; it could be a chemist from the City of Fremantle; and so on. The fact of being a shire councillor does not, of course, necessarily carry with it any qualifications whatever, or any knowledge or experience over and above that which is possessed by the man in the street. By this provision in the Bill we are defeating the objective of trying to have on the controlling authority people who have a knowledge of the industry and some idea of what the industry is, instead of leaving it to the police as we do now.

I think the amendment speaks for itself; and under ordinary circumstances, where members had freedom of choice—which they have not got on the other side—it would be agreed to. The amendment does not propose to increase the number of members on the board, but merely to alter the representation to ensure that somebody who knows this type of industry is a member of it.

Mr. CRAIG: I cannot accept this amendment, although the M.T.T. comes under one of my portfolios. The reason why we mentioned the Local Government Association was in anticipation, I suppose, of the thought that it would be a city council representative because of that body's association with parking and all its problems, and particularly its knowledge of taxi ranks.

Mr. Graham: Then why don't you state the Perth City Council?

Mr. CRAIG: We are not being offensive to the Shire of Perth or the Fremantle City Council.

Mr. Graham: But you don't know whose names will be submitted.

Mr. Tonkin: You didn't worry about that with the water board.

Mr. CRAIG: All I am concerned about is getting the board established. The sooner we get it established the sooner the taxi industry will settle down, and then the position will be more satisfactory to the taxi operators and the public generally.

Mr. H. May: You hope.

Mr. CRAIG: If the honourable member is going to raise these minor points—and that is all they are—we will get nowhere.

Mr. Graham: The composition of the board is minor.

Mr. CRAIG: I am not trying to force this proposal on to the industry or on to members.

Mr. Graham: It doesn't look like it!

Mr. CRAIG: It was something brought to me by the industry itself, and I am trying to help the industry. If the honourable member feels that a representative of the M.T.T. should replace a representative of the Local Government Association he is quite at liberty to move along those lines.

Mr. Graham: And he has done so.

Mr. CRAIG: And the honourable member can try to do so in another place. I am not prepared to accept it on this occasion.

**Amendment put and negatived.**

**Clause put and passed.**

**Clauses 6 to 29 put and passed.**

**Title put and passed.**

*Report*

**Bill reported, without amendment, and the report adopted.**

*Third Reading*

**Bill read a third time, on motion by Mr. Craig (Minister for Police), and transmitted to the Council.**

*Sitting suspended from 3.50 to 4.7 p.m.*

## INDUSTRIAL ARBITRATION ACT AMENDMENT BILL (No. 2)

*Second Reading*

Debate resumed, from the 24th October, on the following motion by Mr. Wild (Minister for Labour):—

That the Bill be now read a second time.

**MR. W. HEGNEY** (Mt. Hawthorn) [4.7 p.m.]: This Bill represents a violent departure from the major provision of the Industrial Arbitration Act which has been in existence, with amendments, ever since 1900. I propose to deal with that aspect later in my remarks. At this stage I think

I should refer to some of the passages in the Minister's speech and point out that, at least in one instance, he has not worried about studying the provisions of the Bill; or if he did he set out deliberately, or otherwise, to mislead the members of this House.

The Minister said the Government decided that improved arbitration facilities were necessary. I suggest the remedy was very simple. The remedy was to appoint additional conciliation commissioners, one or more, and to leave the structure of the Arbitration Court as it has stood for the last 60-odd years. The Minister referred to the remarks of the President of the Arbitration Court, to the effect that there was congestion in the court, and a heavy burden was placed on the Conciliation Commissioner.

Nobody would deny that to any great extent; but the position was accentuated by the number of applications for increased margins, and for three weeks' annual leave, and this threw extra work on to the court. But if the Government wanted to retain the existing machinery—which is ideal for Western Australia—the remedy, as I have said, is simple. Another conciliation commissioner, with the requisite qualifications, could have been appointed, and the congestion would then have been removed.

The Minister said the Bill provides for an increase in the number of tribunals available to deal with industrial disputes. He proposes to abolish altogether the present Arbitration Court, and to set up a commission with four commissioners. The Minister also said that the Bill clarifies certain powers which were in doubt, and alters a number of provisions which have been productive of industrial disputes; and that it makes a number of changes designed to render conciliation more attractive.

To anybody who understands, to any extent, the machinery of industrial arbitration, that would be most laughable, if it were not so serious. Let us have a look again at what the Minister said. He said the Bill clarifies certain powers which were in doubt, and alters a number of provisions which have been productive of industrial disputes. I suggest that that stems from some of the vicious legislation that this Government introduced in 1952, when it amended a number of sections of the Industrial Arbitration Act for the purpose of streamlining the machinery, but actually with a view to hamstringing the unions; and it has, if anything, accentuated the position which obtained 11 years ago.

I will deal with that aspect later. For the present, let us see what else the Minister had to say. He mentioned that the court had power to grant preference to unionists. I say here and now, without any equivocation whatever, that that statement is very misleading. The court only has power under this Bill—or the commission will have power under the Bill—to grant preference at the commencement of employment, where a unionist and a non-unionist apply for employment. In that instance the member of the union is entitled to preference. If there is going to be any retrenchment, and if two people are to be retrenched, the non-unionist will go first.

But, during the whole course of one's employment, there is no obligation in this Act on a worker to continue to be a member of the appropriate union. I say now—and I defy the Minister for Labour, or any other Minister of the Government to contradict me—that the provision written into the Bill is that the court shall not grant any form of preference to unionists. Yet we have the Minister making a statement—and I have a copy of his speech—to the effect that the commission will have power to grant preference. I would say that this provision in the Bill is a diabolical attempt to undermine the influence of the trade union movement in Western Australia.

Mr. Crommelin: That is only your opinion, anyway.

*(Disturbance in Gallery.)*

The SPEAKER (Mr. Hearman): Order! This is the last opportunity you people in the gallery will have. If you do not behave yourselves the gallery will be cleared.

Mr. W. HEGNEY: We also find there is a most reprehensible clause in the Bill which deals with the right of a person to membership in the union. Perhaps I will read that provision a little later, to demonstrate how obnoxious such a provision can be, particularly when it finds its way into such legislation as this. At the moment I want to continue to indicate what the Minister had to say on this measure. He further said, the Bill empowers the court to order payment, by a union, of penalties imposed on its members for taking part in a strike. The Bill goes further and imposes on the union a penalty if some of its members, against the wishes of the governing body of the union, cease work for any reason whatever.

I might mention, in passing, that the measure also provides that in the abolishing of the present Arbitration Court, the Supreme Court judge, who is President—he had, and still has, the status of a Supreme Court judge—cannot be tramped; but the lay members of the court will have their services dispensed with, if this Bill becomes law, and they will be paid their full salary for the unexpired portion of their term.

One of the last paragraphs of the Minister's speech is a real gem. This is what he said—

> This Bill merits the approbation of every good unionist.

I know you look amazed, Mr. Speaker; and I might say that I, too, am amazed. That is a precis of the Minister's speech. I propose now to deal with some of the aspects of industrial legislation in this State as they have affected the working people; and as they will affect them if this obnoxious measure becomes law.

The compilation of this Bill was veiled in secrecy. Certainly no member on this side of the House knew that such an important measure was going to be introduced. We did have a slight indication from the Minister, in connection with the Factories and Shops Bill, that it was his intention to introduce an amendment to the Industrial Arbitration Act to provide that industrial inspectors would be appointed under that Act.

But nobody here knew anything about this Bill; and certainly no active member of the trade union executives knew anything; and I am satisfied that the measure represents a very vile and vicious attack on the trade union movement of Western Australia, and it is a viper-like strike at the President and the lay members of the Arbitration Court. Representatives of the industrial unions were not invited to submit their views.

The Minister did indicate in regard to the previous Bill I referred to—the Factories and Shops Bill—that the unionists were invited to express their views and make recommendations in connection with amendments to the Factories and Shops Act. That was done in the early stages. But I submit that the Government, through its Minister, absolutely ignored the recommendations of the industrial unions of this State and wrote into that Bill—which will become an Act—provisions which are obnoxious to the interests of the trade union movement in this State.

Mr. Crommelin: You did not consult the manufacturers in connection with your unfair trading Act.

Mr. W. HEGNEY: This Bill was concocted in the offices of the Employers Federation, in the Minister's office and that of the Liberal Party. They are entitled to do that. But the hypocrisy of it is this: We hear from Liberal Party members the Liberal organisation, and others in this House about the harmonious relations between the workers and the employers in Western Australia. However, when there was an opportunity for the Government to do something in this regard—when it decided to introduce this Bill—there was no attempt to consult the trade union movement and enlist its co-operation.

This Bill was drawn up without reference to the trade unions. As a matter of fact, it is common knowledge now and bandied around the city who are going to be two of the commissioners—

Mr. Heal: Gerry Wild is one!

Mr. W. HEGNEY: —under the new set-up. In the circumstances, the measure has been received with suspicion, distrust, and hostility, by the trade unionists of this State. It seeks to amend more than 150 sections of the Industrial Arbitration Act, yet there was not one gesture to ascertain the views of the unions. Despite this fact, we had the Minister saying that no doubt this measure will receive the approbation of all good unionists. Well!

Liberal Governments have been noted for their vicious interference with this Act; and I propose, with your indulgence, Sir, to quote a few examples. I have a vivid recollection of what took place, because I was directly concerned.

In 1925 an Industrial Arbitration Act Amendment Bill was introduced. It was comprehensive, and it carried over from the previous 1912 measure certain major provisions. It also wrote into the Act a provision that, once in every 12 months, the Arbitration Court was charged with the responsibility of declaring a basic wage, and that basic wage was to be determined on the needs of an average worker with an average family, living in the community in reasonable comfort.

The first basic wage declaration was made in 1926 by Judge Dwyer, and the basic wage was £4 5s. That continued with a variation of one or two shillings until 1930, when the Mitchell Liberal Government was returned to power. Immediately, the new Minister for Labour (Mr. Lindsay), who was also Minister for Works, introduced a Bill which provided that, at the time of falling prices, quarterly adjustments would be made to the basic wage. That Bill was passed late in 1930. Had the Act remained as it was, the basic wage would have remained at £4 6s. until the 30th June, 1931; but by that simple amendment in 1930 of providing for a quarterly adjustment in lieu of the annual adjustment, in March 1931 the basic wage was reduced from £4 6s. to £3 18s.

In accordance with the statistician's figures the basic wage was reduced progressively until it reached the all-time low of £3 8s. in the late 1930s. Prices started to rise until we came to the wartime period, when the National Security Regulations pegged the basic wage. We now come to the year 1950, when the industrial unions of the Commonwealth made strong representations to the Commonwealth authority and were instrumental in having substantial increases effected in the basic wage. In due course, the then judge of the Arbitration Court (Judge Dunphy) had an application made to him, and the overflow

from the Commonwealth increase was reflected in the State arbitration awards, and the basic wage quarterly adjustments continued to operate. In that judgment in 1950 there was an amendment to provide that not only was the basic wage to be calculated on the needs basis, but also the economic capacity of industry to pay was to be taken into account; and it was taken into account.

Since 1950, the basic wage has continued to rise. The previous judge of the Arbitration Court decided late in 1952 or 1953 that basic wage adjustments would not be operative in this State. This was possible because the provision in the Arbitration Court includes the words, "the court may" and not, "the court shall" adopt the quarterly adjustment; and His Honour (Judge Jackson) decided the basic wage would not be increased by the quarterly adjustment.

The then judge was transferred to the Supreme Court and another judge was appointed; and from that time onwards the judge, in his wisdom, and in the wisdom of the members of the court, decided that the basic wage adjustments "shall" be effected; and in practically every quarterly adjustment there has been an increase until today, when the basic wage is in the vicinity of £15 per week.

In 1953, as Minister for Labour in the Labor Government, I introduced a Bill containing a provision with teeth in it—preference to unionists—in order to take out the word "may" and substitute the word "shall" so as to make it incumbent on the Arbitration Court to grant adjustments whether they were upward or downward. However, members of this Government, who were then in Opposition, opposed it, and the measure was rejected in another place. I am not, Mr. Speaker, allowed to say the Legislative Council in this instance. That actually happened; and the position has remained until the present time. Now we come to this point: Ever since 1953 to the present time, these basic wage adjustments have been effected.

If a group of workers cease work for one day, two days, or a few days, no matter what the cause, we find there is strong opposition to their action and they are brought before the Arbitration Court; but when a Government has a majority, things can be done in a constitutional way. When the Government finds that groups of vested interests, and groups of people are hostile towards the decisions of the Arbitration Court and cannot get around those decisions because of the Act, it considers the best thing to do is to abolish the Arbitration Court altogether—and that is what this Government is trying to do. It will abolish the Arbitration Court if this Bill goes through. It cannot sack the judge, but it can transfer him; and it will discontinue the employment of the two lay members.

The matter of the basic wage is very important. I might be wrong in my forecast; but knowing this Government and the things it will come at, I have a pretty rough idea that one of the reasons for abolishing the present Arbitration Court is so that it can, in due course, have a reduction made in the basic wage in this State. I know there have been underground attempts to bring the State basic wage in line with the Federal basic wage, despite the fact that the Industrial Arbitration Act has been in operation and the basic wage adjustments have been implemented from time to time under the provisions of that Act.

I previously mentioned the 1952 amendments. I have had a look at the debates that took place then when the Government of the day introduced an amendment to the Industrial Arbitration Act. As I said before, this measure contained a number of vicious penal clauses and the Government thought that, as a result of the introduction of the measure, there would not be any more cessations of work, no matter for what cause. The measure contained a penalty of £50, or six months' imprisonment—and that was quite a common penalty. Anybody who has the time to look will find penalties of that nature in the present Industrial Arbitration Act.

As a matter of fact, the Government of the day suspended the Standing Orders to push the Bill through. The Act, as then amended, has now been in operation for some 11 years, but the Government wants to introduce provisions that are even more stringent—it wants to hamstring the industrial workers of this country even more. We on this side of the House will oppose this Bill as vehemently and as strongly as we possibly can; and I believe the reaction throughout the length and breadth of Western Australia will be so bitter and strong against this attempt by the Government to undermine the actual machinery of arbitration that it will discontinue its attempt.

I said I would go back to the year 1900. I find, on referring to the 1900 Statutes, that they contain an Act known as the Industrial Conciliation and Arbitration Act, 64 Victoriae No. 20, 1900. The court was to consist of three members, including the president, and he was to be a judge of the Supreme Court. In 1902 the Act was amended. This amendment related to the settlement of industrial disputes by conciliation and arbitration. It was assented to on the 9th February, 1902, and the court was to consist of a president and two members. An amendment was made in 1909 which provided that the court could regulate in various ways the terms and conditions of apprenticeships. In 1912 the previous Acts were repealed, but the major provision contained in the 1912 Act included a section providing that the court was to consist of a judge, who was to be a Supreme Court judge, and two lay

members. The same thing occurred in 1925, when a provision for the determination of the basic wage was included.

I mention these things to show that through the years, from before federation until a few years after responsible Government took effect in this State, the principle being followed in this State in regard to the settlement of industrial disputes was on the basis of a court constituted of three members, one being a Supreme Court judge, one appointed on the nomination of the employers' organisations, and another on the nomination of the employee organisations.

I suggest that principle has been substantially favourable to the interests of Western Australia, and it has performed a very important function in our industrial community. I know the Minister and his Government will say, "Well, now, there have been stoppages of work." The Minister said there was a stoppage at the Ord River, at the Alcoa Refinery, and somewhere else. Human nature being what it is—and I will deal with this aspect more fully later—I would say there will never be a time when there will not be stoppages either for five minutes, one hour, or two days, depending on the circumstances.

This Government will highlight an industrial dispute of one or two days; but when one looks at the *Commonwealth Year Book* or at the day to day statistics, one will find the Government has not calculated the number of working days that are lost through unemployment. It is staggering to see the amount of time lost through unemployment in this State and in the other States of the Commonwealth.

During the Committee stage I propose to refer to a few of the provisions in this Bill which, as I said before, are more stringent than those of the 1952 Bill.

In regard to the abolition of the Arbitration Court, I think I interpret the views of the trade union movement when I say that the present Arbitration Court and its present structure should continue. If there is any adjustment through expansion of industry or through other circumstances, then it would be necessary to appoint additional conciliation commissioners. There is only one appointed now, and the remedy is to appoint additional commissioners. Incidentally, in regard to the retail trade advisory committee envisaged under the Factories and Shops Bill, the Opposition did its utmost to provide that a representative of the Trade and Labor Council should be one of the members of that committee; but the Government refused. It could not very well refuse to have a representative of the Trades and Labor Council on the proposed factory welfare board.

Concerning the present incumbent of the position of conciliation commissioner, the Government could not avoid appointing him as a commissioner. A man named Mr. George Gill, who was secretary of the Employers Federation, was the opposite member to the employees' representative on the Arbitration Court. Mr. Schnaars was the workers' representative. I understand that the position of Conciliation Commissioner was offered to Mr. George Gill, the employers' representative. However, he accepted a more lucrative or more attractive position in the Eastern States, which left the only other member of the Arbitration Court to whom the position could be offered. He has carried on ever since.

So far as the appointment of the industrial commissioners is concerned, if this Bill is to be carried, then the trade union movement will want some say as to who those commissioners are going to be. I would not trust this Government in regard to the appointment.

I now propose to deal with the matter of preference to unionists, as mentioned by the Minister. I propose to read the relevant clause in the Bill for the benefit of members. On page 29 it reads as follows:—

> (2) The Commission in the exercise of the jurisdiction conferred on it by this Act shall not by any order or award—

That is the negative. To continue—

> (a) grant preference of employment to members of any union except as provided by section sixty-one A of this Act;

Proposed new section 61A reads as follows:—

> 61A. (1) The Commission may insert in any award a provision granting preference of employment to the members of such union or unions as may be specified in the provision limited to the case—

I will continue to quote from the Bill—

> (a) where such a member and a person who is not such a member are offering for service or employment at the same time; or
>
> (b) where either such a member or a person who is not such a member is to be dismissed from service or employment on account of retrenchment.

There is the extent to which the proposed arbitration authority can exercise the principle of preference to unionists. If there is competition for a position, then preference will be given to the member of the appropriate union. If retrenchments take place, the first person to go will be the non-unionist. It will not matter if a union member has been financial during the term of his employment.

The Minister tried to mislead the House into believing that the measure was on all fours with the New South Wales provisions; but nothing is further from the

truth. To keep the record straight I propose to read the relevant section of the New South Wales Act. It will be seen that the New South Wales Act provides for absolute preference to be given to unionists, as we think it should be. Section 129B of the New South Wales Arbitration Act, at page 713, reads as follows:—

> (1) An employer engaged in any industry or calling to which an award or industrial agreement relates or applies shall give absolute preference of employment to members of the industrial union or unions engaged in such industry or calling.
>
> (2) Where an adult person is, at the date of commencement of the Industrial Arbitration (Amendment) Act, 1953, employed by an employer in any industry or calling to which an award or industrial agreement relates or applies, or after such commencement enters into employment with an employer in such industry or calling, or is employed by an employer in an industry or calling to which no award or industrial agreement relates or applies and an award or industrial agreement is made in respect of such industry or calling, such adult person shall not continue in such employment after the expiration of a period of twenty-eight days from the commencement of the Industrial Arbitration (Amendment) Act, 1953, or such entry into employment or the date on which the award or industrial agreement so made becomes operative, as the case may require unless,
>
> (a) he is a financial member of an industrial union of employees whose members are engaged in such industry or calling; or
>
> (b) he has applied to be admitted as a member of such industrial union.
>
> (3) An employer bound by an award or industrial agreement shall not knowingly continue in employment in any position or employment subject to the award or industrial agreement any adult person who contravenes or fails to observe the provisions of subsection two of this section.

The Minister stated that the court had power to grant preference; that it had discretionary power. He also said that the measure followed the New South Wales Act. Either an office boy compiled the Minister's speech, or he has been led up the garden path and, in turn, has tried to lead us up the garden path.

Preference to unionists was one of the cardinal planks of the Labor Government's industrial platform. In connection with a Bill that was passed in this place in 1953, but which missed out in another place, I was charged with the responsibility of introducing the measure in the Legislative Assembly. It provided that the principal Act should be amended by adding after section 71 the following section:—

> 71A. Where preference of, or in, employment in an industry is mutually agreed by the parties to an industrial dispute or other matter before the Court, or where an application for preference of, or in, employment in an industry is made to the Court by an industrial union of workers, the Court shall grant preference of, or in, employment to members of the industrial union of workers concerned, and may grant preference of, or in, that employment to members of such other industrial union or unions of workers as the Court thinks fit and in any case may, in granting the preference, impose such conditions as the Court thinks fit.

That was the preference clause introduced by the Labor Government of Western Australia, and certainly the proposal of the Minister falls far short of a preference to unionists provision as we know it.

I now come to a very important point. Preference to unionists is a major plank of the industrial platform of the trade union movement in this State. We believe that as the arbitration system has grown up over the years it has envisaged a combination of employers and employees through their industrial associations or unions, and the Arbitration Court is the machinery used for the purpose of determining the awards and conditions that apply in an industry.

It costs money for organised workers to obtain these awards from arbitration. It is recognised that in the interests of industry and of the welfare of the workers, it is necessary that every man and woman who is working at a particular job should be covered by an industrial award or agreement; that he or she should subscribe to a particular organisation, and that organisation should help to keep the awards and conditions up to the mark.

Had it not been for the efforts of unionists over the years the standard of living would be a long way below what it is now. That being so, it is necessary for unionists to continue to advocate and fight for the incorporation of the principle of preference to unionists in the Statute and in all industrial awards or agreements that may stem from the Arbitration Court.

What did the Arbitration Court do? In recent years it has introduced a system of preference to unionists. Let us go back to 1938, when the present Chief Justice was the chairman of an industrial board set up under the present Act. There were two lay members of that industrial board. The board heard voluminous evidence in regard to the building industry; that there

was chaos in the building industry; that subcontracting, piecework, and other methods were being adopted by those people who were interested in sidestepping the provisions of the award. As a result of the evidence placed before the board by the unionists, the present Chief Justice decided to write into the award a preference to unionists clause, and that has operated ever since. That took place as far back as 1938.

The present Arbitration Court has had before it a number of applications in regard to preference to unionists, and this Arbitration Court—the present authority —has, in a number of instances, granted preference to unionists; and the preference clause has been written into awards and determinations.

In other cases the court has decided, for certain reasons, that preference would not be written into industrial awards. The President of the Arbitration Court, who is a Supreme Court judge, did not lightly write the preference provision into the awards and determinations issued by him and his co-members. The provision was included after the court heard the requisite evidence from the employers and the unions.

I come now to the question of a five-day week for bakers. For years the Bakers' Union was trying to get a five-day week, but could not succeed. Time after time the union went before the Arbitration Court; it was incessant in its efforts to get a five-day week, a reform which has now been established in Australia for many years. The bakers contended that they were entitled to it.

About 12 months ago, due to the evidence placed before the Arbitration Court by both parties, the court decided to grant a five-day week for the baking industry; and the court was attacked for its decision.

I come now to this point: There is the basic wage adjustment which has been operated by this court for the last nine or nine and a half years. There is the five-day week which the bakers have won after trying to get it over a long period of years. There is the preference to unionists policy which has been written into the awards in increasing numbers.

These decisions do not coincide with the views of certain vested interests in this community; and, while the present Arbitration Court is in existence, their efforts may be thwarted. So they have decided to get rid of the Arbitration Court altogether and put another form of arbitration authority in its place. One might say that is not provided for. I have mentioned, without any contradiction, I think, that the question of preference to unionists is going to be stymied under the new set-up; and it is doubtful whether it would be right and proper under this measure for an industrial agreement made between employers and workers to contain a preference to unionists clause.

Certain interests do not want the present court to continue; and there has been written into the Bill in regard to the powers and authority of the conciliation commissioner a definite restriction which prevents any or all of the conciliation commissioners from enumerating the days on which work shall be performed in a particular industry.

I say quite definitely that this provision is aimed at the Arbitration Court, and if it is got rid of, and the industrial commissioners are not empowered to restrict the number of working days, then the five-day week for the bakers is gone, and the preference to unionists is gone. As I said a while ago, over the years efforts have been made by the unions to have this principle written in to the Arbitration Act and in to their awards.

There was a time, even in this country, when men were gaoled for belonging to a union because it was illegal to do so, and when some people were afraid to belong to a union because of the economic consequences. Human nature being what it is, however, the unions became stronger, and they became better organised and were able to have certain laws passed, and they became a force in the community; and to protect their own interests they advocated the preference to unionists policy.

This Government does not like it, and those whom it represents do not like it. They do not like the five-day week; they do not like the basic wage adjustment provision; and they do not like preference to unionists, and they say now that the best thing to do is to employ constitutional methods and use their brutal majority of one in this part of Parliament and of two or three in another place to ensure the inclusion of this amendment so that the powers of the Arbitration Court will be curtailed. That is the position as I see it.

I propose a little later to deal with a few of the amendments that I have on the notice paper. I might say in passing that I have tried to alter the wording of some of the provisions in the Bill so that instead of preference to unionists not applying, it shall apply. I propose also to provide for entry into works of accredited union secretaries for the purpose of carrying out their business and to ensure that the terms of their awards or agreements are being carried out.

As far as preference to unionists is concerned, it is incumbent these days, I suggest, on every person to belong to a union. I am reminded of an incident which occurred when a chap, who had been a non-unionist all his life was about to die. He said to his wife, "Mary, I want the union members to act as my pallbearers when I die." She said, "You do! You

have never subscribed a penny to the union although you have always got the benefit of its efforts through its awards and agreement. Why do you want the union members to act as your pallbearers?" He said, "Well, they have carried me this far, they might as well carry me the rest of the way."

I am also reminded of a mental home which was staffed by a doctor and 20 nurses. An overseas visitor had a look through the home, in which there were 500 inmates; and, when he was leaving, the doctor said, "What impressed you most?" The visitor replied, "You have 500 inmates, but only 20 nurses and yourself to control them. Are you not afraid of their overpowering you?" "Not a bit. Lunatics will not organise." Those are illustrations of why it is necessary in these days for employees in a particular industry or calling to be financial members of their appropriate union.

I am getting to the point of the industrial inspectors about whom members have heard quite a bit recently. I do not propose to quote extensively from the Act. Suffice it to say that the Minister decided to rigidly curtail the powers of the inspectors under the Factories and Shops Act. He decided to curtail their powers in respect of policing industrial awards, because he said it was proposed to appoint industrial inspectors under the Industrial Arbitration Act; and reference is made in the Bill to industrial inspectors.

The Industrial Arbitration Act already provides that factories and shops inspectors shall exercise the powers of industrial inspectors and may have the right of entry into different establishments; may inspect the appropriate books—the time and wages book, and so on—and, where breaches of awards are alleged, may take the necessary action before an industrial magistrate. The same thing applies in respect of machinery inspectors under the Inspection of Machinery Act. This Government proposes to remove that power and repeal the provision in the present Act, and curtail the powers of the factories and shops inspectors.

There is mention in the Bill of factories and shops inspectors, inspectors appointed under the Electricity Act, and inspectors appointed under the Machinery Act having certain powers of inspection, but not the right to take action where there are breaches of awards.

Quite recently the Minister said it was not the function of inspectors to police awards; that the union should do the policing itself. There is an inconsistency in that attitude. The Minister curtails the activities of the unions in regard to preference to unionists, and then removes the power that was reposed in factories and shops inspectors for years; and now he provides for the setting up of inspectors under the Industrial Arbitration Act.

If he appoints even one or two inspectors, I will be surprised; and if he does appoint some inspectors I notice that, in accordance with the Bill, they will be under his thumb; and knowing what the Minister thinks—and he interprets the views of his Government—I have no faith in the effectiveness of such appointments.

I am satisfied that the Factories and Shops Bill and this measure run hand in hand; and, in reply to some statements I made, the Minister did say that the advisory committee could not extend the number of days on which shops would be open, or the hours during which they would be open under the Arbitration Court award.

Now, however, we find that in this Bill the conciliation commissioners will not be able to stipulate the days on which work will be performed in an industry, and therefore the advisory committee will rule the Chief Inspector of Factories and will determine the days on which employees of particular industries or shops will have to work.

I come now to the provision dealing with applications for registration as unions, and the point I wish to deal with is the provision concerning the certifying solicitor. I hope the member for Subiaco will not take umbrage at what I shall say. The Bill provides for a certifying solicitor to be appointed to examine the proposed rules of a society before registration, and this solicitor will, if the rules are in accordance with the law, issue a certificate. The Bill also provides that the certifying solicitor shall be paid a fee for each set of rules he examines; and it provides also that the Minister shall appoint the certifying solicitor. Will this solicitor be a Government employee attached to the Crown Law Department; or will he be a man in private practice and be paid a fee for each set of rules that he examines? I would like to know the answer to those questions.

How hypocritical and laughable it is when the Minister says the Bill will receive the approbation of every good unionist! I will proceed to cite to the Minister a few instances where it will receive the strongest opposition from every decent, good unionist. The Act gives any union the right to apply for disallowance of a rule of the union for certain reasons. The Bill proposes that the right be given to any person to apply for the disallowance of a union rule, whether he is a member of the union or not. That is just another move in the direction of hamstringing people.

I wish now to refer to another provision; and I will read the clause. I do not know at whom the Minister is hitting, but there has been no provision like this in the Act so far. I think, however, I should read what is in the Bill; and this is in regard to membership of unions, and the

provision seeks to prevent a man from earning a living, as it were, because it states—

> The principal Act is amended by adding a section as follows:—
>
> 9C. (1) A person employed in a calling or industry is, unless he is of general bad character, entitled, subject to payment of an amount properly payable in respect of membership—
>
> (a) to be admitted as a member of a union that is a union of workers in or in connection with that calling or industry; and
>
> (b) to remain a member thereof so long as he complies with the rules of the union.

I would like to know from the Minister: What is his interpretation of "general bad character"?

Mr. Fletcher: A militant trade unionist.

Mr. W. HEGNEY: Only the other day the Minister for Health introduced a Bill providing for the reform of people who had been in prison. Does the Minister for Labour mean that if a man has been in prison for stealing, for assault, or for breaking the traffic laws half a dozen times and not paying a fine, he is of general bad character? What does it mean? This provision is most objectionable and I would be surprised if even some members of the Government voted for it. It continues—

> For the purposes of this section—
>
> (a) a person whose usual occupation is that of employee in a calling or industry; or
>
> (b) a person who is qualified to be an employee in a calling or industry and desires to become such an employee,
>
> shall be deemed to be employed or usually employed in that calling or industry.

Now, in this following part we have the leg irons being applied, because it reads—

> Nothing in this section applies to a person as to whom there is reasonable ground for believing that—
>
> (a) he is a member of an unlawful association within the meaning of subsection (1) of section thirty A of the Crimes Act, 1914-1960 of the Parliament of the Commonwealth; or
>
> (b) he advocates or encourages, or has, within one year immediately before seeking to become a member of the union, advocated or encouraged any of the matters referred to in that subsection.

I now propose to read the subsection which is mentioned in that provision and it should not find its way into an Industrial Arbitration Act which is designed to ensure industrial peace in the community. In the Commonwealth Acts of 1961, on page 511, section 30A of the Crimes Act reads as follows:—

> The following are hereby declared to be unlawful associations, namely:—
>
> (a) Any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages—
>
> (i) the overthrow of the Constitution of the Commonwealth by revolution or sabotage;
>
> (ii) the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilized country or of organised government; or—

The words, "of organised Government", are very important. The subsection continues:—

> (iii) the destruction or injury of property of the Commonwealth or of property used in trade or commerce with other countries or among the States,
>
> or which is, or purports to be, affiliated with any organisation which advocates or encourages any of the doctrines or practices specified in this paragraph.

That is a very sweeping provision to incorporate in an industrial arbitration measure. I suggest that if there is any person in the community who is breaking the law, or who transgresses the law by advocating the overthrow of constitutional Government in Australia, this is not the legislation under which action should be taken against him. Regardless of whether a man applies for a job in a shearing shed or at the Midland Junction Workshops, if he is qualified to be employed at either of those places, why should there be a total screening of what he believes in and what he does not believe in? He is entitled to earn his living, and if he is breaking the law there are 150 different Acts under which he may be committed. So, to find this provision in the Bill, and then for the Minister to say, "This will receive the approbation of all good unionists", is astounding.

In passing, I will put this suggestion to the Minister and his colleagues: There is, to quote one instance, a Russian embassy in Canberra. Is there an organised form of government in Russia? Surely one

would not say there is not! A Government that can send a cosmonaut around the world 100 times must have some form of organised Government. But the point is that the Russian Government is recognised by Australia and there is a Russian embassy in Canberra. If I advocated the overthrow of Russia, would I be liable under the Crimes Act? I would be advocating the overthrow of a constituted and organised form of government. Can members see how far-reaching this provision can be?

If I advocated the overthrow of governments of the countries in South-East Asia, which could be corrupt or otherwise, would I be entitled to be a member of a union? The further one probes into this provision, the more one realises how far-reaching it can be. I cannot understand a responsible Minister or any of his colleagues allowing it to find its way into a Bill of this character.

Mr. Hawke: Where is this responsible Minister you are talking about?

Mr. W. HEGNEY: Here is another provision which no doubt the Minister will say will receive the approbation of good unionists. At present unions registered under the Industrial Arbitration Act can lodge an objection with the Registrar of the Arbitration Court against the registration of another union, or against another union expanding its constitution, on the ground that there is already a registered union to which prospective members could conveniently belong. That is the practice. Many unions oppose the application of another union for registration by the court. But under this Bill it is proposed to give the employer the right to interfere in a union's affairs, and such a provision is supposed to receive the approbation of good unionists. I can assure the Minister that the relevant clause will be strongly opposed.

I have already mentioned what the four commissioners will have power to do; and if there are going to be any commissioners the trade union movement will want to have some say on their appointment. After all is said and done, trade unions have a say in the appointment of commissioners under the Commonwealth legislation.

There is another provision in the Bill, but I will not read the whole of it to the House, but merely a few of the relevant lines, in order to see what can be done under it. Part of this clause reads—

> The Commission in the exercise of the jurisdiction conferred on it by this Act shall not by any order or award—

The following has to be read very closely—

> —require any worker to enter into, remain in, or resume employment with an employer unless in the opinion of the Commission—
>
> (1) the worker is taking part in a strike; . . .

That is an amazing clause. At present the Arbitration Court, as such, has power, when there is a dispute between an employer and a worker, and where the worker considers he has been wrongfully and unjustly dismissed, to order his reinstatement. That worker's union is entitled to approach the court to have an examination made of the circumstances so that the court may exercise its power. It is a protection against the victimisation of any worker, and it can be used only when the court is completely satisfied that a worker has been unjustly dismissed for something he had done during the course of his employment. Yet the provision in the Bill proposes to eliminate from the principal Act that protection for the worker.

We on this side of the House will oppose that provision, and I hope the House as a whole will not agree to its inclusion in the Act. This is 1963, and we are living in a machine age. When we were the Labor Government we tried to remove a section from the Industrial Arbitration Act; but, unfortunately, the proposed amendment was not agreed to in another place. That section stated that the court shall not have power to limit the hours of work in the agricultural and pastoral industry.

I was formerly a pastoral worker and a shearer working under a Commonwealth award and my workmates and I were not brought under this particular provision. The Commonwealth award for the shearing industry would still operate and it now provides for a 40-hour week. At the time I was in the industry it provided for a 48-hour week which was subsequently reduced to a 44-hour week. There was need for a State determination, which the union sought, in regard to the pastoral and agricultural industry to provide that the court would have power to limit the hours of work. I repeat that this is a machine age. The position may have been different in the days of horses, and teams, and the firestick; but in a machine age we say this provision is redundant and should be removed from the Statute book.

I would now like to mention the continual reference in this Bill to the Minister's right to interfere. The well-known phrase "in the public interest" is used. Under the Act at present, in any State instrumentality or State department under the jurisdiction of any Minister, the Minister has the right, in the public interest, to interfere in any case that is before the Arbitration Court. The Minister has that distinct right under the Act now, and we do not propose to take it away because we believe it is most desirable.

However, it is now proposed, by this Bill, to give a Minister power and authority to intervene in any private case brought before the Arbitration Court. The provision is astounding and amazing. I

cannot see any reason for it other than that it is designed to interfere with the activities of the trade unions, or for some other reason the Minister may be able to explain.

I would like to make a brief reference to the existing practice of matters being submitted to the court. The approach to the court has been facilitated by employers' organisations and industrial unions, inasmuch as the Employers Federation will accept the serving of a notice on behalf of several employers in certain instances, and the unions will accept or represent certain groups in industry, depending on the union and its members; and, as a result, an application would be made to the court and the hearing would be expedited. But according to the provision in this Bill it would be incumbent on the union to serve a notice on every single employer; because if any employer failed to receive a notice, although he might belong to an organisation, he could apply to the court for an exemption from the award.

I will now refer to the decision relating to the appeals court. The Minister said this measure was designed to facilitate the machinery of arbitration. In my opinion, it will do anything but that. Under the existing law, which has been in operation for years, following a hearing of a case by an industrial board or the Conciliation Commissioner, the employers' organisation, or the trade union concerned, always had a right of appeal against any decision made by either the industrial board or the Conciliation Commissioner. An appeal can be made to the Full Arbitration Court, the president of which is a Supreme Court judge, and the Act provides that the decision of the Arbitration Court shall be final and binding. No further expense is entailed by the union or the employer.

However, under this Bill what is proposed? The Minister proposes that four industrial commissioners shall be appointed, each of whom could sit in a separate office or separate court hearing four different cases simultaneously, and four different awards could be made on the same day. It is also provided that the four awards can be appealed against and the appeals are to be made, in the first place, to the other commissioners sitting as a court. So if one commissioner makes an award an appeal can be made against his decision, and the other commissioners who will sit in what is to be called a court of sessions will hear the appeal.

Then what happens? The jurisdiction of the Western Australian industrial appeal court is brought to bear. It is true that the Bill provides that on all matters of law and jurisdiction an appeal can be made to the Western Australian appeal court, but that is going to entail more legal costs for the union and will, if anything, delay the whole process of arbitration. I think the matter of the appeals court is one that will have to be given further consideration.

I do not know that any great body of employees in this community is aware of the purport of the clause which deals with apprentices. In the existing Act apprentices are provided for, and the Arbitration Court has jurisdiction over them. The employers are obliged to allow time off for them to undergo technical training and instruction. Periodically apprentices are examined. It is also provided that if the progress of an apprentice is not satisfactory, then further training may be ordered, and such training has to be undertaken by him. The employer will continue to bear the cost.

In the Bill it is proposed to insert into the Act the following words:—

> but if and only if, the failure of the apprentice to make satisfactory progress is due to the fault of the employer.

This will have a far-reaching effect in that an apprentice could be off work through sickness, or for other reasons, and be not able to keep up to the standard required of him. We think that provision in the Bill should be deleted altogether.

I now turn to the provision in the Bill relating to a penalty which may be imposed on the executive of a union. When a union is prosecuted in court for the action taken by some of its members, even though the union may not have been able to do anything to prevent such action, because a number of its members stopped work it can be fined. In the Bill it is provided that the union may be fined unless it can show good reason and produce evidence to indicate it has done everything possible to get the men back to work. We propose to take steps to amend the relevant section in the Act which was inserted in 1952. This was the penalty provision which the McLarty-Watts Government introduced, and which this Government has not improved.

We propose to take steps to defeat the provision which penalises a union for the action of some of its members, even though that union may not have any jurisdiction over those members. I noticed the Minister skipped over that section in the Act when he introduced this Bill. It is objectionable, and we will do everything to remove it from the Act. This is the provision I am referring to which the McLarty-Watts Government inserted into the Act in 1952—

> Nothing in this section shall prohibit the suspension or discontinuance (not being in the nature of a strike or lock-out) of any industry or of the working of any persons therein for

> good cause independent of an industrial dispute; but on a prosecution for any contravention of this section the onus of proof that any such suspension or discontinuance is not in the nature of a strike or lock-out, and that such independent good cause exists, shall lie on the defendant.

In other words, the onus lies with the union. As far as we are concerned this onus of proof should be switched around 180 degrees. I have an amendment on the notice paper which seeks to delete that section from the Act altogether.

Before concluding, I would like to say that the trade union movement is gravely perturbed at the action and attitude of this Government in introducing this Bill. If one were to examine the statistics relating to industrial disputes one would find that over the years comparatively few disputes entailing any great loss of work, occurred in the State. The last *Commonwealth Year Book* discloses the fact there were about 22 disputes in Western Australia in the year, although industry in this State was growing.

Some people in the community consider that strikes should not occur; of course, everyone hopes for that with the industrial machinery that is available. But when the Government continues to so mould the arbitration machinery as to restrict the activities of the workers, and treat them as semi-criminals, then there will never be industrial peace. It will only come about with better relationships between the employer and employee. A measure such as the one before us does not help to improve the situation. On the contrary, it stirs up antagonism, bitterness, and hatred, both personal and general, as a result of such legislation. I have no doubt that any trade unionist, who studies the provisions of this Bill, will come to realise that this is an attempt to undermine the influence of the trade unions in Western Australia. It is an attempt on the part of the Employers Federation to hamstring the activities of the unions.

Furthermore, this Bill is a direct and a personal insult to the President of the Arbitration Court, because it seeks to remove him from the position which he has occupied continuously for nine or ten years, and which he has filled so efficiently to preserve industrial peace in our community.

Although the average person does not want to see strikes occurring, there will inevitably be some cessation of work now and then. The circumstances surrounding industrial activities and human nature are such that they will always provoke someone to strike. Without any warning, sometimes in industry, small or large, there will be a stoppage of work. The way to restore industrial peace is to discontinue introducing legislation such as this which imposes heavy penalties on trade unions.

The record of this Government is a shameful one, in relation to the introduction of industrial legislation. I repeat what the Government did in 1930, without going into detail. It took the opportunity on a constitutional basis to reduce wages by 8s. per week in March of that year, instead of July. In 1952 it made an all-out attack on the trade union movement, as evidenced by the provisions it inserted into the Act in that year. In 1963, because the decisions of the Arbitration Court had not wholly suited certain interests in this State; because the 5-day week had been introduced; because of quarterly basic wage adjustments; and because of preference to unionists, the Liberal Party and those for whom it stands decided that the Arbitration Court must be abolished, and in its place another authority be formed. As far as the trade union movement is concerned, the authority of the Arbitration Court and its existence will continue, and we shall do all we can to ensure that it is preserved.

[*Applause.*]

The SPEAKER (Mr. Hearman): I said previously that if there was another demonstration the gallery would be cleared. There might be some people present who would like to see it cleared. I think a very bad lead has been given on this occasion, and possibly it has been misunderstood by those in the gallery. Members generally should realise that when we have a gallery such as this, it behoves them to deport themselves in such a manner that everything will be done to uphold the prestige and dignity of this House.

If the gallery has been encouraged to misbehave, it is now up to members to ensure that nothing they do on the floor of the House will encourage those in the gallery further—however much the latter may have misunderstood the position. I am prepared to overlook the breach on this occasion, but this is the last occasion on which I shall do so.

**MR. BRADY** (Swan) [5.25 p.m.]: The member for Mt. Hawthorn has covered very fully most of the amendments proposed by the Government in regard to the Industrial Arbitration Act. He has dealt with some very specifically, and with others generally. By and large my contribution in this debate will be along the lines of gauging the reaction of the community and the trade union movement to the type of legislation contained in the Bill.

The effects of the provisions in the Bill will be felt throughout Western Australia —from Wyndham to Esperance, and from Jurien Bay to the Giles meteorological station. Its impact will be felt by all sections of the community; and when I say

that, I mean all sections, because the ultimate result of this legislation could have a drastic effect on innocent people.

First and foremost, the Bill will, in effect, directly attack the working conditions and set-up of approximately 80,000 to 90,000 workers, and indirectly attack approximately 190,000 to 200,000 people in the community, comprising the members of the families of the workers. It will also have an effect on manufacturers and those engaged in commerce; and it will have an effect on primary producers. Because of the far-reaching effects of the Bill one is justified in saying it is the most important legislation affecting the economy of Western Australia that has been introduced in this House.

We have to consider all aspects of the Bill, and to examine the history of industrial arbitration, and what happened in Australia previously. We all know that the Bruce-Page Government was defeated in the Commonwealth Parliament over the introduction of a similar type of legislation to that contained in the Bill before us. One of the members, the late William Morris Hughes, was not prepared to support that Government in its attempt to interfere with industrial arbitration, and he crossed the floor of the House. That led to the downfall of the Government. Down the years other Governments have fallen when they tried to interfere with industrial arbitration.

There are some people in the community who, as a rule, do not support the Labor Party; they could quite easily vote for the Liberal Party or the Country Party at elections. But with the introduction of this legislation they would be aware of its consequences, and they would not support a Government which sponsored legislation which would bring about industrial unrest, and upset the peace which exists in industry in Western Australia. For that reason those people will urge their parliamentary representatives to refrain from pressing on with this Bill, in order that industrial repercussions might be avoided.

The unions have achieved what they now enjoy by long-drawn-out fights in the Arbitration Court, by direct action, by discussion at conferences, by agreements, and so on. What they have obtained they hope to hold. If there is any chance of their losing what they have obtained, they are entitled to show their opposition by their votes in elections. They are entitled to show their opposition by becoming interested in this debate and by attending in large numbers. They are the ones who are vitally concerned, and they make up the first line of attack.

Let us examine this legislation. Firstly, it is comprehensive; it is not an attack on only one section of the industrial arbitration set-up of Western Australia. There are 159 amendments to be made to an Act which has stood the test of time for over 50 years. From 1912 to the present time the principles of industrial arbitration as we know them have been observed in this State; but this Government sees fit to introduce 159 amendments. Some of them are major amendments and others are merely consequential. But the fact remains that they are all-embracing. We must, as an Opposition, have a look at them and see what they mean not only to the workers, but to the economy of the State and the people as a whole; and that is exactly what we will do.

The Minister when introducing this legislation referred to the fact that the main aim was to break down the congestion in the Arbitration Court. In his usual form —he probably believes in the theme that silence is golden—he gave us a minimum of information in regard to what the proposed amendments to the individual sections mean, so we must look at them.

The Minister's main argument, I think, was that owing to the congestion at the Arbitration Court the Government had decided it would have to amend the system so that there would be a new type of court to handle the disputes. Well, I had some experience over a number of years as an industrial union secretary and organiser, and also as an advocate before the State and Federal courts; and whilst I know that the Arbitration Court has its weakness in regard to congestion—and I have, myself, suffered as a consequence, together with members of the various unions I have looked after—by and large this difficulty to which the Minister referred could be overcome by an amendment to one section, and one section only. Section 108 could have been amended to provide for, instead of one conciliation commissioner, three or four; and that would immediately begin to relieve the congestion at the court.

Alternatively, the Government could have encouraged the president of the Arbitration Court to try to deal with arbitration matters as they affect different types of workers on the same basis as he deals with standard leave, standard hours, and standard sick leave provisions. So, if the Government really wanted to do something to relieve the congestion and actually help the community by relieving the congestion, it could have attacked some of those matters and made the adjustments correspondingly.

I really feel in my own mind that the Government is going to put the clock back 20 or 30 years if it continues with this legislation. By and large, industrial peace has existed in Western Australia. Despite the fact that at times some of the most diabolical things have been attempted by employers in regard to wages, conditions, and margins generally, by and large industrial peace has prevailed here, and we want it to continue to prevail.

Most of the workers realise that when they are involved in strikes, lockouts, or industrial turmoils, those who suffer the

most are they themselves and their families. Because of that knowledge, and because of the responsible officers they have, they do not want to indulge in strikes, lockouts, or industrial disputes. There are some 200-odd industrial organisations in Western Australia; and while occasionally there might be an industrial union secretary or organiser who will kick over the traces, mostly these men in charge of the affairs are responsible men, and they know that the people who suffer from any industrial dispute are the people they represent.

Because I feel that the introduction of this legislation is going to bring back the bad old days which brought about this Industrial Arbitration Act as we know it, I want to take my place with the member for Mt. Hawthorn and other members of the Opposition who oppose it.

I can relate one example of a very enterprising organisation which is forging ahead with the great co-operation of the industrial workers, the financers, and industrial magnates of this State. I am referring, of course, to Chamberlain Industries at Welshpool which is going ahead with great leaps and bounds with the co-operation of all sections of the community.

I understand that the Chamberlains came here and looked over the place and consulted with the union secretaries and the Employers Federation. They came to the conclusion, having looked at the industrial record of Western Australia, that this record was second to none in Australia; and on that basis, largely, they decided to set up a new industry in Western Australia. As we know, this firm today is forging ahead and making wonderful progress. It is not only finding markets throughout Australia, but is also obtaining them throughout South East Asian countries and the European countries. That is the situation which we want to continue in Western Australia.

We will not keep our present peaceful industrial atmosphere with this type of legislation which is going to dissect, bisect, and cut to pieces the industrial legislation as we know it, in order to set up courts of review and courts of appeal in which matters will be reviewed over five and six weeks. Anyone who knows industrial activities knows that in this State as a rule the average union only goes to court when it is a dire necessity and some early and quick decision is required. This Bill will result in a delaying action and that is going to cause grave unrest.

At this stage of our history, with the great opportunities that are offering overseas and close by, we cannot afford to have industrial disputes and an upset in the industrial arbitration set-up. By and large, our industrial set-up has given satisfaction. I do not suppose that anyone who goes into the Arbitration Court with a case, comes out 100 per cent. satisfied. As I have said, I have had 20 years' experience in these matters and I was not ever 100 per cent. satisfied, but I always had the satisfaction of knowing that the others went out dissatisfied, too.

However, in the main we have made progress and we want to continue that progress. If amendments must be made to the Industrial Arbitration Act—and it could well be that some are required—we only want them if they are going to improve the existing system and relieve the congestion which is supposed to be the main reason for the introduction of this legislation.

I said I was going to talk on this matter in general terms, because I believe the member for Mt. Hawthorn excelled himself here in putting forward the difficulties that could be experienced under this amending legislation. I am not as young as I used to be, but I have had a long experience in industrial matters and to some extent in the commercial field when studying economics and politics generally in order to get on the top of things and get the best results, before the divine reaper comes along. With my experience, I believe that the worker will have to work in the future even harder than he has had to work in the past. He will have to join the industrial organisations, because I can see the squeeze coming harder and harder. It is coming from the left, right, top, and bottom. There are various squeezes affecting the worker. There is the hire-purchase squeeze, the political squeezes, the squeeze proposed under this legislation, and economic squeezes coming from the vested interests overseas, and so on. The workers will have to organise as they have never organised before. They will have to think as never before. They will have to read history and do a lot of research.

I have been going through half a dozen journals here today dating back 30 years, and studying what the various thinkers in Australia have said about these problems and encroachments such as are envisaged in this Bill, under which arbitration is going to be whittled down to give way to industrial anarchy in order that certain vested interests will receive more profits at the expense of the worker. In *The Australian Worker*, of Wednesday, the 9th October, 1963, is the following extract of a newspaper report of the 6th National Electrical Industry conference in Canberra:—

> Many Bosses "Crouch Over Employees With Stop Watches:
>
> Trade Chief's blunt talk to employers:
>
> Many executives, in search of "efficiency," spent vast amounts of money "crouching over workers with stop watches," the secretary of the Department of Trade, Sir Alan Westerman, said recently.

I do not want to weary the House by reading the whole of that article, but many Government members might like to read it. It refers to what is going on in industry today.

The big squeeze is on from all corners, and the worker is catching the lot. He cannot pass it on like many others can, so he is naturally looking to the trade unions on the one hand and the political powers —to protect him. It is up to us to do this research. When I was quite a young man in Geraldton I came across a publication called "Our Industrial Problems," published in 1928. It contained 14 essays which were selected from those submitted in a competition for prizes offered by West Australian Newspapers Ltd. for suggested solutions of Australia's industrial problems. An award of £50 for the first prize was given, £10 for the second, and £5 for the third. The first prize was awarded to D. B. Copland, Professor of Commerce, University of Melbourne, and F. R. E. Mauldon, Senior Lecturer in Economics, University of Melbourne.

This indicates, that even way back in 1928 it was envisaged that problems would arise and that people should be prepared for them. The only way for us to prepare for them is to study very carefully this type of legislation and any other such moves advocated in the community at the moment to get us out of these jams. There are a lot of brilliant minds today in the Eastern States advocating distributism. I would like to know more about it. It seems to have something for the future of the people of Western Australia and Australia if they can get it.

We know that for many years the workers looked to the co-operative movement to help them in their problems. I am an ardent co-operator and I believe a great deal more could be done for the community and the workers if we co-operated more. In recent times we had the advocacy of credit unions. They are gathering momentum—

The SPEAKER (Mr. Hearman): Order! The honourable member must relate his remarks to the Bill.

Mr. BRADY: I am relating them, because these problems can be solved if the people who are advocating amendments to the Industiral Arbitration Act would try to help some of the other movements, such as the co-operative movements. The Government might do something to help them. It is supposed to be in favour of co-operative movements but I see very little done in this House to help them.

As I said before, I can see the possibilities of great industrial unrest in this State if legislation of this type is passed. The average worker today has very little protection; he gets very little out of the profits that are made, and even the member for South Perth the other night said that he knew I had many problems in my electorate. That is simply because I happen to be a Labor member representing an industrial electorate, and this Government has no regard for that electorate. So the workers there have to get protection through other avenues.

The educational system does give some protection up to the time children leave school. These days children get a good education, but there are people in the community who are thinking out ways to cut that down. I heard a member in another place the other night saying that a water board would be preferable to the Water Supply Department.

The SPEAKER (Mr. Hearman): The honourable member cannot proceed along those lines.

Mr. BRADY: I feel I can—

The SPEAKER (Mr. Hearman): Order!

Mr. BRADY: —but you are the Speaker; and with all due deference to you, Mr. Speaker, I will abide by your ruling.

The SPEAKER (Mr. Hearman): Order! The honourable member cannot dispute the Speaker's decision on this point. If I cannot relate his remarks to the Bill I must draw his attention to it. I cannot relate the honourable member's remarks to the Bill and I do not consider they are relevant to its provisions.

Mr. BRADY: Thank you, Mr. Speaker. I accept your ruling, and I will continue in another vein. I hope to be able to make everybody realise that the introduction of this Bill is not the way to attack the so-called injustice of the Arbitration Court; but it is only the aftermath of what is going on generally. I think I have dealt with the matter as I see it; and I hope, as a consequence, there may be a lot of thinking among trade unions and unionists generally in regard to these matters.

I should now like to discuss the Bill more specifically, and I issue a warning that the amendments proposed by the Government to certain sections of the Act could cause grave industrial unrest. The Government has not seen fit to deal simply with one section but has introduced amendments contained in 159 clauses. When I came to the House this evening I found in my place a letter signed by a number of apprentices from the Midland Junction Workshops. These young men are very concerned about their future.

We know that until a short time ago these young people did not get much justice in regard to their wages. But recently there has been an improvement, and I am pleased to see and hear that these young folk are becoming interested in matters

that concern their future. I hope they will continue along those lines when they finish their time as apprentices and reach adult age. They say in this petition—

> A Committee of Apprentices from the Midland Workshops have been forced, by the actions of the Liberal Government in attempting to abolish the Arbitration Court, to cease work and proceed to Parliament House to place before their local member the following:—
>
> Apprentices have indentures registered with the Arbitration Court.
>
> Apprehension is felt as to their legal position if the Arbitration Court is abolished.
>
> Will indentures already registered still be valid if the Court with which they are registered is abolished?
>
> Is it foreshadowed in the Liberal Government's proposed bill that changes of status goes as far as apprenticeship agreements are concerned?
>
> Is there any move to introduce adult training (dilution) to which Trade Unions are strongly opposed.
>
> A large number of teenage unemployed are registered with the Midland Employment Bureau. Opportunities for apprenticeship are diminishing for boys leaving school.
>
> Concern is felt by apprentices at the Midland Workshops that intolerable situations may arise through the proposed abolition of the Arbitration Court and the proposed setting up of a Liberal Government sponsored commission.

They have signed that petition, as they are entitled to do. I cannot answer all the questions they have asked; but as far as I can see, the Bill will not interfere with one section to which they refer. One of the sections about which these young people are worried is section 6 of the Industrial Arbitration Act which reads—

> In this Act, if not inconsistent with the context,
>
> "award" means an award made under this Act;
>
> "Court" means the Court of Arbitration constituted under this Act;

And so it goes on to set out various definitions. It states that an industrial agreement—

> means an agreement made and filed in accordance with the provisions of Part III., and enforceable pursuant to the provisions of section one hundred, of this Act.

There is no reference in the definitions to apprenticeship agreements, but I think the Bill covers that aspect because it states that existing awards and agreements made prior to the Bill becoming law will hold good legally. That is how I read the Bill; but if, after I have more opportunity to read it thoroughly, I find that is not the case I shall certainly have something to say about it. However, I think that the apprentices can be assured that their conditions will be protected.

The fact remains, however, that the Government has not seen fit to do anything about certain definitions and the interpretation of various provisions. One matter that the Government is altering is to provide for a definition of "calling" and it—

> means any trade, craft or occupation of a worker.

I cannot see where that could be detrimental to a worker, but the interpretations go on to say—

> "certifying solicitor" means the person appointed certifying solicitor under this Act.

As the member for Mt. Hawthorn said, a certifying solicitor now has to go through proposed new union rules and amendments and satisfy the court that they are in order. The Bill also sets out that—

> "Commission" means The Western Australian Industrial Commission established under this Act.

And—

> "Commission in Court Session" means the Commission constituted by not less than three Commissioners sitting or acting together.

There is also a reference that "Commissioner"—

> means a Commisisoner appointed under this Act and includes the Chief Industrial Commissioner.

The Government is adding those interpretations to the ones already set out in the Act. Also, the Government is proposing to alter the definition of "industrial dispute"

During the limited time at my disposal I have compared the Government's proposed amendment with the definition of "industrial dispute" as it appears in the Act, and there is a very lengthy interpretation of it in the principal Act. The Government provides a very brief interpretation of an industrial dispute, and that could bring about all sorts of results because in the past 40 or 50 years there have been many cases before the law courts, and the Arbitration Court, regarding this question. Most of the interpretations in regard to it have been reported in the law books of this State.

If members like to take the trouble they can look at volume 10 of the Statutes page 7, and from there on, for page after page, they will see interpretations of "industrial disputes"—what they mean in certain cases; how they can apply between employer and employer; between employee and employer; between a trade union and an employee; and so on. The

average union secretary can pick up this volume, or any employer or employee can refer to it, and get all the details as to where a dispute is likely to be said to start and finish.

But in its wisdom—and I do not think there is much wisdom being displayed—this Government sees fit to chop the interpretation of "industrial dispute" down by about three-quarters. That could start endless disputation with unions going to the court to have the matter ventilated. They could be told that their cases were not industrial disputes within the meaning of the new section, and so it could go on *ad infinitum*. What is worse is that these amendments could involve the unions in heavy costs in obtaining legal interpretations, attending courts of appeal, and so on.

One of the clauses in the Bill lays it down that there is to be a court of appeal comprised of three Supreme Court judges, who will sit in appeal on certain cases. It is a most difficult thing with the minimum time available to them, and with the large number of amendments contained in the Bill, for Opposition members, with all the other jobs that they have to do, to study the proposals and satisfy themselves as to them. Therefore I do not think it is a wise move on the part of the Government to start interfering with a function that has stood the test of time, and particularly definitions that have been interpreted by courts of law throughout Western Australia.

There is another proposal in the Bill on page 5 dealing with the registration of industrial unions. It sets out what they must have in their rules, what must be done to put their rules in order, what resolutions shall contain, and who can and who cannot object. As I have understood the position in the past, the only people who could object when new rules were being registered were existing unions. But as I interpret this clause, anybody could come along and object, and untold harm could be done, and difficulties caused to unions; because it will give employers the opportunity or the right to go into the court and dispute the registration of a union or an application to amend its rules.

It will give people, whether they are unionists or not, the right to go to the court and argue that certain union rules should not be allowed. I have dealt with only three different clauses, and the member for Mt. Hawthorn dealt with others. On merely a cursory glance at the Bill it is evident that its provisions will create industrial trouble in this State. It may be that the Minister and the Government in their wisdom will realise that it will be better to drop a lot of these contentious clauses than to fight and force the measure through this House and through another place, because it could jeopardise a lot of the legislation which the Government is hoping to get through during this session of Parliament.

I feel that in all honesty I must oppose this type of legislation, and try to prevent its passage through this House. Having had a look at the Bill, together with the Act, it would not be hard, I feel, to move for the deletion, willy-nilly, of at least 30 clauses of the measure; and this without further consideration. It would not be unreasonable for us to move in that direction.

Such clauses should not be given any consideration whatever, because of the dire effect they are likely to have on industrial activity in Western Australia. I could speak at great length on this Bill, but I know that other members also want to oppose the measure: I know they want to draw the attention of the House to matters which are causing them great concern. Accordingly, I will leave any further remarks I have to make till a later stage.

I hope the Minister and the Government will see some wisdom in the remarks that have been made, and that they will drastically amend the clauses in question—possibly withdrawing them altogether—and thus saving the great industrial upheaval which might otherwise follow.

Finally I wish to say a few words on the question of the common rule. We all know that over the last 40 or 50 years we have had a great advantage in Western Australia in the matter of the common rule, as it relates to awards issued from the Arbitration Court. We know that all the unions had to do was to cite an employer in a particular industry, or in commerce, or in a particular profession, and that would be binding on all the other employers in that industry, commerce, or profession.

However, as I read the clause in the Bill, and the amendment contained in it, instead of the union secretary or the executive being able to lodge a claim on one person representing an industry—it might be a retail firm like Boans, or any other firm—in future every single employer of labour in the particular industry concerned, and every single employer in commerce, in manufacture, and in a profession, must be personally issued with a claim from the union.

Let us just imagine the cost that will be involved; let us imagine the work that will be involved; and let us imagine the difficulty in which the unions will find themselves if that provision is to be implemented. It has been done in some other States, and it has sent the smaller unions scuttling into the bigger unions, in which they have been absorbed. While I would advocate one big union in order to overcome these difficulties, very often we find that the big unions swamp the little unions, and accordingly I cannot advocate that system, except on certain terms.

There is one clause in the Bill which, alone, can cause more upset than all the others put together. It could financially bankrupt the unions of this State. However, that might be the intention; and if it is, this is certainly the best way to go about it.

I think we will all agree that, by and large, the old system worked very satisfactorily. Even the Government would not deny that, by and large, the old system has worked reasonably well. It has not been possible for both sides to obtain 100 per cent. satisfaction, and it never will be. When disputes are taken to the Arbitration Court they are put into the melting pot, and both parties must be prepared to concede something. That is how the Arbitration Court works.

But under the system proposed in the Bill, some of the unions will not be able to get into the Arbitration Court, because their financial position will not allow them to do so; their administration will not allow it; nor will their financial contributions allow it. They will be doomed from the outset. If it is the desire of the Government to place the unions in that position, it could not have thought of any more effective means by which to do it than those contained in this legislation. As I have said, I could speak for the next hour without any difficulty, but that would not be fair to the other members of the Opposition. I oppose the Bill, and I hope it will be defeated at the second reading stage.

MR. HALL (Albany) [6.5 p.m.]: There is no doubt that the measure before the House seeks to destroy the arbitration system of this State. I would like to draw the attention of the Minister to the early history of arbitration. The arbitration courts of England are well over 100 years old. If one traces the history of industrial arbitration in that country, one will find how necessary it has been to have arbitration in a country of such great industrial magnitude as Great Britain.

I believe the first industrial legislation passed in Great Britain was passed in about 1872; and in 1900 similar action was taken in this State. If we look back and endeavour to ascertain why the founders of the arbitration laws thought arbitration was necessary, we will realise just what the workers are likely to lose if they lose their approach to the Arbitration Court of Western Australia.

I think one factor which worries the worker more than any other is the fear, at all times, of losing his employment. The system of arbitration provides the worker with a means of defence; with an avenue in which to air his grievances; one in which to bring out any factor which he feels might adversely affect his particular industry or livelihood.

We have all heard the old saying *ca' canny*, the interpretation of which is to go slow. If, for any reason, the worker goes slow, there is always the fear of his losing his employment. If the worker did have any thought of going slow—particularly in these days when such high speed methods are employed in industry—there is no doubt that he would displace himself from his employment.

Whilst all of us may not contribute to that principle, we must realise that there is a degree of wisdom in the wording. The Arbitration Court provides a means whereby a settlement can be made in any dispute between employers in any industry and a group of workers belonging to some particular union. This brings us to the obvious need for preference to unionists.

No-one can deny that with proper control of unionists through their various representatives, advocates, and shop stewards, grievances can be aired and settlements arrived at as a result of closer co-operation between the workers and the management and through a system of negotiation, without having to approach the Arbitration Court or the Conciliation Commissioner. In my opinion, negotiation between the two parties is a most desirable way of settling a dispute at any time, and that is the system which apparently has been completely overlooked by the Minister when he introduced this measure.

When we consider the fundamental principle of negotiation between unionists and employers in industry it will be found that if this were practised to a greater extent there would not be any congestion in the Arbitration Court as a result of cases waiting to be heard, which has been mentioned as one of the reasons for the introduction of this Bill. The court is often overloaded with cases waiting to be heard because many employers will not agree to negotiation with the workers.

On the question of preference to unionists, I would like to read a portion of the speech made by Mr. J. B. Holman, M.L.A., on the 23rd September, 1924. He said—

> We are asking in the Bill for preference to unionists. I maintain that it should be granted. While unions have to conform to the law and while we have a compulsory industrial arbitration system as the method for settling disputes, we should have preference to unionists.

I will not weary the House by reading the whole of his speech, which is quite a long one, but I would like to quote the following from it:—

> Yet what a howl of indignation goes up whenever we urge preference to unionists. We can never control our organisation unless we have preference, because without it we cannot penalise a man.

I do not think anyone could dispute that point. I think it enters into the assessment of costs in industry if we have long disputes which could be amicably settled by negotiation. I fail to see how the members of any court, without an industrial background and without having a full knowledge of industrial awards, could apply any thinking to a matter such as piece-rates, for example. In quoting an example, I would refer to the textile award in which there are 100 different clauses, and motion studies made which could affect the individual worker.

We have to give this matter serious consideration before we can accept the measure before the House. The commissioners to be appointed may have some industrial background or some industrial knowledge, but I think we should concentrate our efforts on the efficacy of negotiation. We should base our principles on that. If we do not strive for negotiation and cooperation between unionists and employers, I do not think we will achieve a great deal by arbitration. One can view with alarm what was said by the member for Swan of the tendency that can arise in industry as a result of the measure now before the House. That could be forcibly substantiated by the large number of unionists we have seen in the public gallery of this Chamber, and in the precincts of Parliament House grounds. By their presence, they have signified very clearly what their feelings are on this Bill. Never, since I have been a member of Parliament, have I seen such a large crowd of people in the public gallery and in the surrounds of the House itself, who are present to show their disagreement with this measure.

The Bill is not acceptable to the Trades and Labor Council until the Minister gives the complete assurance that the obnoxious clauses are removed from it. Another matter we could consider are the conditions which will apply if this measure is agreed to. Its provisions would jeopardise the employment of workers in this State. I have mentioned how workers will sometimes resent certain action being taken. I consider they would resist this measure to the maximum because it would jeopardise their livelihood without their having any redress. Therefore, until we can have a complete assurance that these inspectors will be permitted to enter the premises of any industry, and that we can have access to our own union representatives who will, under the present Constitution of the Australian Labor Party, be strong advocates for their unionists, this Bill will be vigorously opposed.

I do not think I can say much more on the measure. The member for Mt. Hawthorn has covered most of the provisions contained in it. However, we can regard this Bill as one which will destroy all the benefits that have been won for workers in the history of arbitration, and I further consider it would jeopardise the livelihood of workers and the security of their families. In my opinion, we should persevere with our present system.

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

Mr. HALL: Before the tea suspension I was speaking on the matter of wages and the approach to the Industrial Arbitration Court. I think we can well remember the verbal battles and battles through the Press which occurred when the working week was reduced from 48 hours to 44; and then on the occasion when it was reduced from 44 hours to 40. Many reasons were advanced for and against; and it was said that action should not be taken at that juncture. I think the Federal basic wage was far in excess of the basic wage in this State in those days. I was associated with the textile industry and am familiar with the basic wage then paid to its workers. I think there was quite an excess in the margins we received over the State basic wage. That was achieved by negotiation and by arbitration.

As I see it, the measure before the House to alter the existing law—that is, the Industrial Arbitration Act—is designed to attack the wage structure of this State. On previous occasions, this has been done on a Federal level. We can well remember the Federal Government entering into this field. In order to do that it used revenue which it had received from the people of this State and the other States of the Commonwealth. I do not think that can be disputed; and we have since seen the adverse effect. We know that a wage war existed between the waterside workers and the Commonwealth Government as intervener on that occasion. The result of that intervention on the part of the Federal Government was quite disastrous.

That wage war has carried on until recently when we were able to reach a point of negotiation. That has been the strong theme I have made right throughout my few words tonight. Everything depends on negotiation outside the courts—negotiation between the bodies opposed to each other. They should try to negotiate at all times. However, if they cannot achieve their objectives by that means, they can then take action through the Industrial Arbitration Court, which is fair and equitable to all concerned. That should be the actual aim of all the bodies concerned; and it is possible under the present system of arbitration.

If we get away from arbitration and bring in these commissioners, who could be chosen to the advantage of the Government, that, in my opinion, would be to the disadvantage of the workers and would disastrously affect the economy of the State, the wage structure, and the output in particular. Many times we have heard about workers' fatigue, and how it has been said that there is no such thing. However, when hours were reduced and

conditions improved, we did not experience any lessening of output whatsoever. But there is a much happier relationship between the employer and the employee.

One can liken the physical abilities of our workers to an aircraft. How often have we seen the tragedy of metal fatigue? Aircraft are flown until they collapse, and the human body of our workers is just as highly fragile as an aircraft. Many years ago unsanitary conditions prevailed in our industries and, as a result of negotiation on the part of the unions and others concerned, conditions were rectified. When negotiations failed there was always the Arbitration Court to which to turn, where the case of each side would be heard with equal fairness and a judgment given.

We can all recall the time when hours were reduced. Nobody believed that this fatigue was taking place with our workers. We were told that if reduced hours were granted it would be a tremendous loss to industry and that we would not be able to compete overseas. However, that is not what happened, and the result has been of great benefit to the State and to its workers. I believe a further reduction is possible because of the efficiency of mechanical training that is obtainable today. Better types of machines are being introduced because of the skill and ingenuity of the workers and those who create the machines.

I repeat what I said previously, that the trade union movement regards this legislation with suspicion; and if the Minister wishes to get the measure through the House he will have to agree to many amendments that will be moved. If we trace our history on an international basis, we will find that if we wish to trade with other countries we will have to do a certain amount of getting together on the subject. I do not want to see sweated labour conditions introduced into this State or into the Commonwealth. That could have an adverse effect upon all the industries both in this State and in the Commonwealth.

I could mention one case where negotiations took place and were highly successful. That happened to be in the whaling industry in my electorate, which is Albany. When the industry first began there were teething troubles that had to be overcome; and eventually agreement was reached. But certain difficulties were encountered. However, when the Australian Workers' Union intervened and instituted negotiations with the management, they were very successful in bringing about an agreement which is creditable and working satisfactorily.

If a dispute looks like taking place, the A.W.U. should talk it over with the management, and the matter should be treated on its merits or demerits, whatever the case may be. The body about which I spoke has always strongly advocated the use of the Arbitration Court as it now exists in Western Australia. Many years ago in the field of agriculture it was considered impossible to establish work on an eight-hour basis. Perhaps we can make allowances for the seasonal conditions in that industry, but by negotiation and co-operation between management and union representatives it was found possible to make adjustments in the conditions.

I do not want to delay the House any longer, but I will reiterate the points that I have made. The unions have worked very hard and have helped management on many occasions without going to arbitration. Things have been settled by negotiation. I would also refer to the welfare work the unions do in times of strife. We have also seen them help the dependants of workmates who may be killed.

I think the success of the Industrial Arbitration Court can be assured if the Government and the unions insist that shop stewards and other representatives adopt a course of negotiation at all times possible. I emphasise that, because it will relieve the congestion of the courts to a great degree. Matters will be ironed out before there is any necessity for them to go to the court. If this is done the congestion will be relieved.

**MR. MOIR** (Boulder-Eyre) [7.43 p.m.]: When one studies the title of this Bill and makes oneself aware of its contents, one cannot help thinking the Bill is wrongly titled. I suggest the Bill would more appropriately be titled, "A Bill for an Act to Abolish the Arbitration Court and Promote Industrial Unrest," because that is precisely what it will do. In my experience in this Parliament, it is one of the most vicious measures dealing with the rights and welfare of workers in this State that has ever been brought before the House.

I noticed in the evening Press there is an article in which the Minister is alleged to have said that he was prepared to withdraw obnoxious clauses from the Bill. If he is true to his word and does that, there will be nothing of the Bill left, because the whole of it is obnoxious in its concept. We have had an arbitration system operating in this State that, on occasions, has had its shortcomings. There is no doubt about it that from time to time judgments issued by the court in respect of claims by bodies of workers have caused disappointment—in some cases, serious disappointment. But of latter years there has been a greater measure of success with the Arbitration Court than there was for a long period; and I feel sure that the consensus of opinion amongst workers in this State is that they have at least been dealt with impartially.

The concept of this Bill causes one to have very serious doubts as to what the future holds in the sphere of industrial arbitration. One cannot help thinking that the Government has not been in accord on

many occasions with the judgments handed down by the Arbitration Court; and to overcome that it has decided to abolish it. One can only conjecture where the discussions took place or with whom, which resulted in the drawing up of this measure. A very serious decision was arrived at to abolish the Arbitration Court as we know it.

It is perfectly obvious that it has been done in a most secretive manner, because the people who are most vitally concerned in this measure—the workers—have not been consulted. One doubts very much whether the Arbitration Court people have been consulted in the matter, and one can only conclude that discussions have been held between the Government and some interested parties representative of the employers of this State. I would go so far as to say that after perusing this measure one would be able to see the heavy hand of the Employers Federation right throughout. I would say more than a hand; the federation not only had a hand in it, but its whole arm right up to the shoulder.

If the Government thinks for one moment that the workers of this State are going to take an action such as this lying down, and take it peacefully, then it is greatly mistaken. There are provisions in the Bill which one would never have dreamed a responsible Government would have dared introduce in this Parliament. Not only has the Government done that; but despite the fact that members on this side of the House have spoken to the Bill for some hours, not one member on the Government side has attempted to justify the measure in any way. One can only conclude that the Government has regimented its members, as it proposes to regiment the workers if the Bill becomes law.

The member for Mt. Hawthorn dealt comprehensively with the Bill, and for me to deal with the measure in the way that he did would merely be repetition. However, there are certain aspects of the Bill that I would like to stress. I voice my strong opposition to those aspects, and I will attempt to enlighten members as to their obnoxious principles.

One of the obnoxious principles in the Bill is the provision giving the right to the Crown to intervene and to appeal against any decision of the commissioners.

In the principal Act, as we know it, there is provision that the Crown may intervene if in the opinion of the Minister a State industry is affected or is likely to be affected by an award or decision of the court. But this measure, in amending section 68 of the principal Act, throws the door wide open. It provides that the Minister can intervene whenever he thinks fit. He can intervene in any judgment of the court or in any deliberations of the court where he considers that the public interest might be affected.

Mr. Rowberry: Is that the employer's interest?

Mr. MOIR: We know perfectly well that there are many cases that come before the court in connection with which the public interest may be affected in some way or another. Whenever a body of workers is awarded an increase in remuneration, it must have repercussions on some people in the community. But, of course, that is accepted, because we know that we cannot condemn a section of the workers to impoverishment simply because an increase in an award may raise costs for some sections of the community. One could readily imagine the Minister intervening if workers employed by a food processing firm applied for increased wages. The Minister would then intervene in the public interest.

The proposals in the Bill are designed by the Government to allow for political intervention in those courts that adjudicate on workers' problems. We have always been told that to have political intervention in any judicial court is one of the worst things that could happen. But here there is provision made in the Bill for just that.

Another provision in the Bill is designed to make it very costly for unions to bring cases before the court; and having brought a case before the court and succeeded in obtaining an award, to make it very much harder for unions to enforce the award. I refer to the provisions that require unions to serve notice on all employers. This could be a very costly business. The proposed provision will eliminate the common rule provisions which have existed: that when an award was made against a group of employers it could become a common rule and be applied to all employers in that particular type of industry.

The provision in the Bill permits an employer who has been cited in a claim to appear before the court and to object to being bound by an award; and he may obtain exemption either from part of the award delivered or from the whole of the award. One can imagine the attempts that will be made under that provision, so that some employers might gain an advantage over their competitors in a particular line of business.

Anyone who has any understanding of industrial matters would know that it would be almost impossible for some unions, with a State award coverage, to serve notice on all employers throughout the State. A large number of employers are bound to be overlooked. I was recently informed of a case of a union which does not have a large membership. If that union were to be bound by this provision the serving of notices would cost the union

at least £50 or more for postage. One could imagine that in connection with those industries that are carried on in remote corners of the State, it would be hard for the unions to ascertain exactly who were the employers in a particular type of industry. We could have the position that employers who were not cited could appeal against an award and ask for exemption from the terms of an award.

Another provision, which is unprecedented, is in regard to the registration of the rules of a union. At present, when the rules of a union have to be registered or altered in any way, the members of the union or other unions have the right to appear and voice objections to the registration. There are proposals in the Bill which will allow any person at all to appear before the court and to voice an objection. I say that with the full knowledge of what is contained in the Bill, which refers to any union mentioned in subsection (2) of this section or any employer who employs or usually employs or is likely to employ members of the applicants' society or any union. It is only necessary for an employer to prove that he is employing persons of a particular union, or he has only got to say that he is likely to employ them. It would be a very simple matter for someone to assert that he is likely to employ some members of a particular union. It is an obnoxious provision, that employers are to have the right to appear and voice their objections and possibly to have their objections upheld in connection with the registration of the rules of a union. Surely that is a matter for the people concerned or for the court itself to decide!

Another matter of vital concern is the provisions which deal with preference to unions. We know that preference has been awarded by the Arbitration Court to unions in certain callings in this State. It is a long-standing policy of the unions to obtain preference for their members. We find that the new body which is proposed to be set up, is to be severely restricted in the allowing of preferences—and, too, in allowing a very poor type of preference. We find that it will be allowed to grant preference only in the case of members applying for employment or in connection with jobs involving dismissals.

That type of preference would be innocuous, because we are aware that a preference clause of that sort can be so worded that it really does not mean preference at all when people are applying for a position. A proviso can be inserted that if two applicants apply for a position and one is a member of the relative union and the other is not, but the applicant who is not a member of the union agrees that within a certain time he will apply for membership of the union, then no question of preference arises. That is practically an empty preference. To hamstring the commission or commissioners in this matter is political interference of the worst kind.

Surely the Government envisages the appointment of responsible people to these positions, although one could be forgiven for having serious doubts as to the Government's idea of who are responsible people and who are not. One can have his own ideas as to who these commissioners will be and from where they will be drawn.

The Bill means that awards that are in existence today carrying a good measure of preference to unionists will go out of existence so far as preference is concerned and will be altered in conformity with this legislation.

The Bill provides that immediately upon proclamation of the Act all existing awards shall come under the jurisdiction of the Act; and they can be amended and have anything done to them that the commissioners wish as soon as the Act comes into operation, notwithstanding the fact that at the time of issuance by the Arbitration Court they may have had a period stipulated during which they would continue. That position will go overboard when this legislation comes into operation.

One can be forgiven for having serious misgivings about the way the measure will operate, when one considers utterances over the years, by prominent members of the Government, and the people they represent, in regard to increases in wages to workers. On nearly every occasion they lament the fact that the increases have been granted, not in so many words but by pointing out the very serious impost there will be on particular industries; and in the case of Government employees statements are immediately made concerning the extra amount the increases will cost.

We know that when charges and taxes are increased we always get the excuse of increased costs—that owing to the heavy increases that have been given to the workers, charges and taxes have to be increased. As a matter of fact, over the years one cannot escape the conclusion that the majority of members on the other side of the House deplore the fact that workers do get increases from time to time when they approach the Arbitration Court; nor can one escape the conclusion, based on the utterances of leading members of the Government, that they consider that in order that the State should be in an advantageous position regarding industry in comparison with other States, it would be a good thing if the base structure were considerably lower than in the other States. In their view, that would allow Western Australia to compete successfully against the other States of the Commonwealth.

But we know it would be very much to the detriment of the workers here; and, indeed, very much to the detriment of the State, generally, because at the present time in the Eastern States in a number of callings workers receive quite an increased remuneration compared to what is offering in Western Australia.

Consequently, workers—and some of our best and most highly skilled workers—leave this State in order to obtain employment in the Eastern Sates. So the States on the other side of Australia obtain the benefit of skilled workers from Western Australia, where they have been trained, because they receive the benefits of their skill, and this State is the loser. But that is the type of thinking that goes on with the Government that we now have.

The industrial movement in this State, and indeed throughout Australia, has advanced over the years because of the continual fight it has put up for better conditions, for better payment, and for better treatment from the employers. Over the years there have been some very bad times in Western Australia; but of late years the workers, in general, must have felt they had come a long way along the road in regard to industrial matters when compared with what obtained some years ago. It would appear, however, this Government is determined that the gains made by the workers at great cost to themselves will be taken from them as soon as possible.

Other countries have admired the arbitration system that operates in this State and the fairly good industrial relations that exist, generally. But I feel sure that as a result of this measure, when it becomes law, the industrial set-up here will no longer be the admiration of any people.

Mr. Davies: If it becomes law.

Mr. MOIR: We have had the experience before that it does not matter what logical arguments are put up; how sincere one is in the belief one has; how much evidence one brings forward to back up one's arguments, everything falls on deaf ears when the people who now occupy the Government bench have the necessary numbers.

Mr. Davies: You have noticed that too, have you?

Mr. MOIR: That is what counts mostly with those people. The question of justice and fair dealing does not concern them very much when it comes to a matter such as this.

We have had the experience in this Parliament for some years of very repressive amendments being introduced into the Arbitration Act by the type of Government sitting on the other side of the House; and I believe this Bill is as obnoxious as any that have been previously introduced here.

Of course there are always excuses for it. The Minister has advanced as a reason that he is only trying to help; he is trying to make things better for the worker, and trying to make the arbitration system work better; and he gave as one fundamental reason the fact that there is a certain amount of congestion in the Arbitration Court and claims are held up. If he was sincere in that belief, there is a very simple solution: all he had to do was to appoint one extra Conciliation Commissioner—or, if necessary, two extra commissioners—to deal with those cases. Instead, he or his Government has decided that the arbitration system as we know it is to be completely scrapped.

This is surely a serious reflection on the people who have occupied positions on the Arbitration Court bench. It is a profound insult, I would say, to Mr. Justice Nevile, and in no less a measure an insult to the employers' representative and to the employees' representative on the court. But, of course, the measure offers more than insults to the people who are going to be vitally concerned—the workers, who, I say, do not deserve this type of treatment. We have people working in industry in this State who compare more than favourably with employees in industry anywhere else.

I speak with strong feeling on this matter because it is not so long ago—just prior to my coming into Parliament—that I worked in industry, and in an industry where the workers gave of their very best at all times. I speak of the goldmining industry of this State. Those workers, and their fellow workers in other industries in Western Australia, deserve better treatment than what is proposed to be meted out to them by this Government. In my view this is a scandalous act on the part of the Government of the State; and it would be a scandalous act for any Government in any country to take such a retrograde step as is proposed by the Bill.

**MR. HAWKE** (Northam—Leader of the Opposition) [8.13 p.m.]: The member for Boulder, who has just completed his speech, read to us the short title of the Bill, and I shall read it again—

> A Bill for an Act to amend the Industrial Arbitration Act, 1912-1961, and for other purposes.

The Bill covers 79½ pages of closely printed type, and it contains 159 clauses. One wonders why the Government had the Bill given the short title to which I have referred. The major provision in the Bill is for the total abolition of the Industrial Arbitration Court as it exists today. Therefore, there should have been in the short title a declaration of the fact that the Bill is one for the total abolition of the existing Industrial Arbitration Court.

I want to ask: Why introduce any Bill at all in the situation as we know it in the industrial field of Western Australia today? I challenge any member on the Government side of the House, Ministers included, to say in clear-cut language why there is any necessity for any large-scale Bill to amend the Industrial Arbitration Act and the industrial arbitration machinery and system.

This Bill, should it become law, will lead to the appointment of four conciliation commissioners, one of whom is already operating under the present law and the present system. If it be the view of the Government that additional conciliation commissioners are required in Western Australia in order to deal with claims and cases which come before the court from time to time more expeditiously, then clearly a short amendment to the existing Act was all that was required. I should think, perhaps, a Bill of not more than one page or two pages could have provided, very easily, for the appointment of two conciliation commissioners as against the one at present, or, if more expedition still were required, three conciliation commissioners in all could easily have been appointed.

So obviously the Government is after something more than the expeditious handling of cases and claims which are heard before the Arbitration Court from time to time. Under the present system, as I hope most members would know, the court is constituted of the president, who is a judge of the Supreme Court, an employers' representative, and a workers' representative. That system has been operating in Western Australia for many years and there is no-one who can conscientiously say the system has not worked with a great deal of satisfaction to all parties concerned. It has certainly given to Western Australia, with the co-operation of most of the workers and employers, a wonderful industrial record, and certainly a wonderful record of industrial peace in the relationships between the employers on the one hand and the employees on the other.

The employers have a right to select and nominate their representative upon the Arbitration Court bench, and the trade unions have the same right. Consequently, there is a direct link between the trade unions on the one side, through their own elected representative, and the court, and between the employers on the other side, through their elected representative and the Arbitration Court as such. With the direct link there is, of course a greater sense of satisfaction in the constitution of the court, and a greater degree of confidence in its operations and in the judgments which, from time to time, the court gives.

I can say, from my own knowledge and experience over many years, that nearly all of the trade unions, if not all of them, and nearly all of the workers who belong to these trade unions and who work in industry in Western Australia, value very highly the existing Industrial Arbitration Court system in this State. I think it can be said quite fairly, without trying to be generous in any way, in judgment of the court's work over the years, that our Arbitration Court has played a tremendously important part in the industrial and economic welfare of this State.

I have never heard an argument of any validity to be raised against its constitution, against its worth, or against its work. Yet we have this Government coming here at this period of time and proposing, by this Bill, to destroy the existing system, and to destroy it utterly! To abolish the Arbitration Court, as such, altogether! In future to give the employees no direct link, no direct representative, and to treat the employers in the same way!

Not only is there no justification for the Government's proposals in that direction, but also there is no sense in it. Who, for one moment, would advocate, or think of advocating, the abolition of a system which, through the years, has proved itself to be satisfactory to a very great extent, if not completely satisfactory? Who would think of abolishing a system of that kind, whether it was in the field of industrial arbitration or any other field which anyone calls to mind? It is flying in the face of experience. It is opposing all the principles of commonsense!

Here we have an Arbitration Court system which, through the years, has worked smoothly and satisfactorily, and enabled Western Australia, as I said earlier, to develop good industrial relations in the main, and to establish a situation in which the affairs of the State in the industrial field and in the economic field also have moved along fairly smoothly and fairly successfully. Why throw overboard a system which has produced those results? The Minister did not give us any reason in the speech with which he introduced the Bill to this House, and no other member on that side of the House has so far made any attempt to give a reason, or even a decent excuse, as to why we should destroy a system built up over the years on the basis of practical experience, which has produced results which, in turn, have won considerable recognition and praise from many people.

Who wants to abolish the existing system? That is what I want to know; and I want to know it from the Minister, too. Who wants to abolish the existing system? Could the Premier tell us? Could the Minister for Industrial Development, who usually finds it difficult to keep silent, tell us? Could any other Minister tell us? Could the member for South Perth, who usually finds it difficult to keep quiet, tell us?

Mr. Grayden: It is obvious.

Mr. HAWKE: Who wants to abolish the existing Arbitration Court in Western Australia?

Mr. J. Hegney: There is no demand for its abolition.

Mr. HAWKE: Who wants to be so stupid as to destroy a system which has proved itself over many years of actual operation? There must be someone who wants to destroy the system. I do not know of any workers, with the exception of perhaps some extreme left of left-wing, who might, because they may believe in revolution or something of that kind, want to destroy the system. They might have a feeling that extreme industrial unrest and dissatisfaction might do some good for the ideology they may have foolishly embraced, but they would not have any influence on the Government.

So those who want to abolish this satisfactory and successful system of determining salaries, wages, hours of labour, and conditions of employees have the ear of the Government; they carry great influence with the Government, obviously, because they have succeeded in achieving what normally would be impossible. They have succeeded in persuading the Government to destroy a system which has worked successfully over many years and which, beyond any shadow of doubt, has proved itself to be beneficial to Western Australia and the people of this State as a whole.

Now, who would want to abolish such a system? The only people I can suggest would be a small minority of the employers in this Sate. I am sure the majority of employers would not want to abolish the existing system and take a grave risk with something new. What type of employer would want to abolish the existing system? It certainly would not be a reasonable type—and most of them, by and large, are reasonable. So it would be a small minority of employers in this State who would be persuading the Government to take action in this matter, and I suggest they would be the dictatorial, the ruthless, and the greedy type of employer; men who believe the Arbitration Court, by granting some concession to working people, is doing something which will harm the economic system; something which possibly, or probably, will reduce the profits of that type of employer by a few shillings a week, or a few pounds a year.

We know, as a result of what we have read and heard, and as a result of our experience, that some of the decisions given by our State Arbitration Court from time to time have angered some employers and have disappointed some others; but most employers have accepted the decisions of the court as being, in all the circumstances, reasonable and acceptable. In the same way, most of the workers in Western Australia who come under the decisions of the court have accepted most of the decisions and most of the judgments of the court as being reasonable, fair, and acceptable in the circumstances.

Other speakers on this side of the House, in discussing this Bill, have referred to the policy which has been followed by the present President of the Arbitration Court on quarterly cost of living adjustments. We know the more extreme employing interests of Western Australia have been bitterly opposed to the policy of the court in this matter. We have seen statements from them published in the newspaper from time to time, and we have seen some newspaper editorials shaped and fashioned against the policy of the court on the cost of living adjustments.

We know that a small number of this type of employer, to whom I have been referring, is anxious to have quarterly adjustments of the cost of living abolished. Presumably because the present President of the Arbitration Court grants these quarterly cost of living adjustments to the people, this type of employer has been able, finally, to persuade members of this Government that the only sort of semi-respectable way of getting rid of the policy of the president in granting these quarterly adjustments is to get rid of the president himself.

Presumably, also, the members of the Government have felt it would not be fair or acceptable to get rid of the president ruthlessly, so they have hit upon the idea of abolishing the Arbitration Court altogether, and setting up in its stead the conciliation commissioners, to whom I made some reference earlier.

Of course we know the Federal Arbitration Court's policy of quarterly adjustments of the cost of living to both men and women has been suspended for a long time. We are also aware that the action of the Federal Arbitration Court was greatly praised by the type of employer to whom I have referred; yet those of us who have studied the situation in relation to the policy of the Federal Arbitration Court in this matter know the workers of Australia have been deprived of tens of millions of pounds in wages and salaries, to which they were justly entitled.

We all know about the talk which has been employed to try to cover up this injustice to the working people of Australia. We know of all the talk which has been put over the public in relation to the quarterly adjustments of the cost of living, to basic wage increases, to increase in prices, to increased production costs, and to the promotion of inflation. Those of of us who have studied the situation thoroughly know how thin and how hypocritical that talk has been.

It is a strange thing in connection with Arbitration Court matters and decisions that it is contended those decisions increase the cost of living, increase the cost of production, and promote inflation in Australia, if the workers receive some advantage in the wages and salaries paid to them! On the other hand, if we listen to these people, increases—no matter how tremendous—in profits taken by industrialists do not increase prices, do not increase the cost of production, and do not promote inflation.

Clearly, anyone who cares to give a moment's consideration to the situation would know that prices and production costs are raised, and that inflation is promoted just as much by any increase in profits which industry takes, as they would be by any quarterly adjustment of the cost of living which might be given to working people to enable them to catch up with increases in the cost of living which took place previously. There is certainly a far greater measure of economic justice in giving to working people some measure of compensation for increases in the cost of living which have taken place previously, than there is in allowing big industrial set-ups to take profits without limit.

Many of us have had the privilege of knowing the present President of the Arbitration Court (Mr. Justice Nevile) personally over a long period. I would say the people of Western Australia have been fortunate to have had such a man as president of the court. He is a man of great fairness, a man of great ability, a man who believes intensely in justice, a man who gives some profession—and not hypocritically either—to Christian principles, and a man who believes that working people who are battling, as it were, to make the grade and to meet all their commitments, liabilities, and claims which come upon them from week to week in meeting the reasonable needs of themselves and their dependants, should have a better claim upon the proceeds of industry, than should those few employers—the small minority of employers—who all the time are chasing greatly increased profits and record profits from year to year.

Then there is the other question which has undoubtedly angered the small number of ruthless employers to whom I referred earlier. This is the question of preference to unionists. No doubt this Bill before us has been hurried along considerably in its presentation to Parliament by some fairly recent decisions of the Arbitration Court in relation to the granting of such preference. It does not seem to be so many weeks ago—although it might be a few months ago—when the Arbitration Court granted preference to the Shop Assistants' Union. Some time afterwards, and not very far back from today, that court granted preference to the clerks' union. It might be that this type of employer, to whom I have referred, would not have minded terribly much about the granting of preference to the Shop Assistants' Union, but when the court agreed to grant preference to the clerks' union I should think that really angered the small minority of employers previously mentioned by me.

It might be that was the final act by the court, or by the president of that court, which put the additional pressure and persuasion on this Government to abolish the court, to destroy it, and to wipe it out; and in pursuance of that objective to bring this Bill before Parliament.

I would like to know who is to take the place of the President of the Arbitration Court. I know the Bill provides for four commissioners, to include the existing conciliation commissioner and three new ones to be appointed, should this shocking piece of legislation become law. Who are the other three to be appointed? Can we have their names? Has the Minister for Labour had some talks in the backyard of his department?

When we were discussing another measure—I only mention this matter in passing—the Minister straightaway told us who was to be the chairman of the proposed Metropolitan Water Supply, Sewerage, and Drainage Board. He had, presumably, had a talk in his backyard where he more or less met that person by accident. I want to know who are to be the three additional conciliation commissioners provided for in this Bill. Is the Minister ashamed to tell us? If he were to tell us would it give the game away completely, and let not only the trade unionists in Western Australia, but the public as a whole, know what sort of ramp and racket the Government is trying to put over Parliament and the public in connection with this matter?

Mr. J. Hegney: No interjection at all from members opposite!

Mr. Jamieson: They are the silent service!

Mr. HAWKE: Should this Bill become law, what type of person is this Government likely to appoint as conciliation commissioners? I do not think we need any Minister to tell us the type of person the Government will appoint. We on this side of the House have had enough experience of members of this Government to know what type of person they would appoint as conciliation commissioners; they would appoint the pro-employer type of conciliation commissioners.

I would not mind that so much if the pro-employer type of conciliation commissioners to be appointed were representative, as it were, of all the employers in Western Australia, because by and large

they are reasonable individuals; but the type of conciliation commissioners which this Government would appoint, in the unfortunate event of this Bill becoming law, would be the type who represented the small minority of employers—the ruthless, dictatorial, and greedy type—to whom I have referred during this speech.

I congratulate the member for Mt. Hawthorn upon the grand speech he made, and I am sorry that Standing Orders prevented you, Mr. Speaker, from showing appreciation of his efforts. His efforts brought upon us some sort of censure from you for the applause which we felt he deserved and which we spontaneously gave him. We were told by the member for Mt. Hawthorn, and also by the member for Boulder, that in more than one portion of this Bill the Minister for Labour is given the right legally to intervene in any submission before the court, in the public interest. The Minister is to be given the right to intervene in the public interest!

I am even inclined to ask members on the Government side how they think the present Minister for Labour would assess the public interest. Do they think he would assess the real and genuine public interest?

Mr. Graham: Not likely!

Mr. HAWKE: No member on this side of the House would imagine for a moment the present Minister for Labour would intervene in the real and genuine interests of the public. We have only to take our minds back a reasonably short time to get an appreciation of how the Minister for Labour regards the public interest. Just in passing, I think we all remember the attitude he took in connection with the Electoral Districts Act when he and his colleagues refused to operate the law and blatantly made the claim that they were above the law; that they could operate the law or not operate the law as they pleased. That was the Minister's assessment of the public interest in that matter. He took the right attitude only after the Supreme Court told him to do so.

There is another law upon the Statute book—the Wheat Products (Prices Fixation) Act—and this Minister, and his colleagues for that matter, have so much concern for the real genuine public interest in relation to this matter that they have, by a subterfuge—and a very dishonest subterfuge, too—refused to operate the law. They have not even had the decency to come to Parliament with a Bill to repeal the law. All they have done is put it in cold storage, because it does not suit some of their political supporters to have it operate.

That is how they concern themselves with the public interest. They will support the public interest provided the public interest does not clash at all with the interests of a few ruthless, dictatorial, greedy employers. That is when they will give a little thought and support to the public interest. But when the reverse is the situation, then the public interest gets no consideration, no thought, and no attention whatever. Therefore anyone would be stupid in the extreme to support a proposition as contained in this Bill to give the Minister the right to intervene in the public interest, and expect the public interest thereby to receive reasonable protection.

Now, there is no doubt at all that the Government is playing with fire in bringing legislation of this character before Parliament—playing with fire beyond any shadow of doubt. This is the most stupid and most dangerous move ever made in this State by any Government. There cannot be any possible shadow of doubt about that. There is no reason for it; no justification for it. The Minister cannot give one valid reason. I invite him to do so if he can suddenly think of one, because he has not given one up to date. All he was able to put forward in justification of this drastic and dangerous piece of legislation was that there was some degree of congestion from time to time in dealing with claims and cases. As I have said, and as others who have spoken on this side have said, all the Minister and the Government have to do to overcome that situation is to bring some proposition to Parliament—a two-page Bill would be enough—to seek the approval of Parliament to give the Government the opportunity to appoint one more commissioner, two more commissioners, or whatever number might be considered by the Government to be necessary.

The history in Australia of interference by Liberal Party Governments with arbitration law and machinery is a history which should cause the Ministers of this Government to stop suddenly in their tracks and work out thoroughly what they are doing; and it should certainly cause rank and file supporters of the Government to think hard.

Mr. J. Hegney: Too right!

Mr. HAWKE: Even in our own Parliament a few years ago, when a Liberal Party Government introduced some drastic proposal in connection with our industrial arbitration law, a member who had been elected to the Legislative Assembly at a previous election, as a member of the Liberal Party—if that was its name at that time, and I think it was not; but one cannot be expected to keep track of all the changes of names that the Liberal Party has indulged in in the past—could not conscientiously swallow the unfair and unjust proposal which the Government brought before this House.

Not only could he not swallow it, but he refused to sit on the Government side of the House and crossed over and become a straight-out independent.

Mr. J. Hegney: What happened to the man who sponsored it, too?

Mr. HAWKE: That was only a comparatively minor happening. Some members of this House will recall what occurred in the Federal sphere in 1929 when the Bruce-Page Government brought down legislation in connection with arbitration matters. When that Government went to the country it was decimated, so much so—as I am sure you, Mr. Speaker, would remember—that the Prime Minister of the day, Stanley Bruce, lost the Flinders seat in Victoria where, at the previous election, he had won by 20,000 votes.

Well, it is not my business—or should not be my business—in a political sense to try to save this Government from going headlong to destruction, because that is easily the best thing that could happen for the majority of people—and the sooner it happens, the better.

Opposition members: Hear, hear!

Mr. HAWKE: I mention these things because they are part of the Australian history. They are part of the outstanding political events of the century. I also want to say that I have never known trade union members in recent years to be as much on their toes as they are today in this State. I think we all know—and if we were honest we would all admit it—that in these days there is not a great deal of public interest in political matters, nor a great deal of interest generally in public matters, economic matters, or any other matters. It takes something very much out of the ordinary in these times to stir people up and to get them interested or excited, as it were.

I think it was the late Ben Chifley who said that unfortunately in these days the only really responsive nerve was the hip pocket nerve, as far as public issues were concerned. I am not quite sure if he was right or wrong. It does not matter. The fact remains that today in Western Australia the trade unionists are very much on their toes, very much worried, and very much concerned. Once the trade union movement in this State or any other State becomes stirred up, once the rank and file membership get on their toes, and once they become united and determined on a particular course of political or other action, they make their presence felt.

I know members on the Government side have often boasted from time to time that some trade unionists have voted for the Liberal Party. Well, they have done. Obviously they have done, or otherwise the present Government could not possibly have come to office. But I would remind the present Government that it only came to office in 1959 by a small majority indeed; and only, too, because it was able to obtain second preference votes from a splinter group. At the succeeding election in 1962 it only just scraped into office again. Therefore this Government has nothing to spare. It is not in a position where it can, through ignorance or through a spirit of being prepared to dictate and trample underfoot those things which have been the undeniable rights of the working people in the past, do those sorts of things, unless it is prepared to go down the drain politically at the first possible opportunity.

An issue like this one will unify, solidify, and activate the trade unions, the rank and file of the trade union movement, and all those dependent upon them, more than anything else could possibly have done. If the Government goes ahead with this legislation and puts it on the Statute book and operates it, it will not be much use the Minister for Industrial Development, for instance, getting around at the next election, talking flamboyantly and glamorously about massive industrial development; nor will it be any good the Premier talking about the State lurching forward. It will not be any good anyone on that side going ahead with that sort of proposition, because the result of the next appeal to the people will be decided upon the basis of this Bill. It will be decided upon what happens to this Bill.

Mr. Moir: We can promise them that.

Mr. HAWKE: I say the least the Government should do in connection with this Bill, if it has any sense of decency and fair play, is to allow it to lapse. The public has not had much opportunity to get to know what the Bill is about. As I said earlier, it is a fundamental change in our arbitration machinery. It is a drastic change; a sensational change; and a dangerous change; and any Government would be foolish in the extreme to try to rush it through Parliament.

I can say, without any hesitation, that the trade union movement in Western Australia as a whole is prepared to cooperate with anyone in the valid and genuine improvement of our existing Arbitration Court machinery and for the purpose of improving our existing conciliation machinery. I am positive the trade unions will all agree to, and welcome, the appointment of a second conciliation commissioner if that be needed to overcome any delay which has been occurring. But they do not—and never will—agree to the provisions of this Bill, the main one of which, as I have said, is designed for the total destruction of the State Arbitration Court and all it means; all it stands for; and all it has achieved through the years.

I suggest to members that they cannot safely gamble with a record of industrial peace such as we have built up in Western Australia over the years. They cannot deliberately go ahead and try to put upon the Statute book a law which has the almost 100 per cent. opposition of the trade unions and all the rank and file trade union membership within the State.

The Government cannot do that safely; it cannot do it blindly; it cannot do it stupidly; but it might do it under terrific pressure and persuasion from a few ruthless employers outside who have become angered by decisions which the court has given from time to time in connection with cost of living adjustments, preference to unionists, and one or two other things.

I ask members of the Country Party particularly to try to think what their attitude and stand would be if a Government put forward to the Parliament some measure to which the Farmers' Union officially was opposed, and to which almost 100 per cent. of the rank and file membership of the Farmers' Union was also opposed.

The SPEAKER (Mr. Hearman): Order! The honourable member's time has expired. I am sorry I did not warn him.

*Point of Order*

Mr. BRADY: Mr. Speaker, on a point of order, I want to ask you a question before the debate resumes. I have been called to the door, along with other members, to ascertain if there is room to go into the public gallery, because certain members of the public have been refused permission. They believe that is because of instructions which have been given by you. I was wondering whether you could clarify the position; because the gallery is only about two-thirds filled and there is still plenty of room in the Speaker's gallery for the people who are waiting outside.

The SPEAKER (Mr. Hearman): I have received various messages in this regard and I have issued instructions that the gallery is to be filled to a reasonable capacity. This afternoon certain people took advantage of the opportunities that were given them to overcrowd the gallery. I have also had attributed to me instructions that I have never given. Therefore, I have left the matter to the discretion of the constable concerned who, after all, is responsible for the maintenance of order in the gallery, and at least must be able to move around freely in the gallery. I think members had better be careful what they attribute to me, and what they do not attribute to me, because I am well aware that some people have claimed that I have given instructions when I have not given them at all.

*Debate (on motion) resumed*



MR. FLETCHER (Fremantle) [9.3 p.m.]: I would have been pleased to give precedence to some member opposite.

Mr. Jamieson: Some member of the silent service.

Mr. FLETCHER: Exactly so! But there seems to be a distinct reluctance on the part of any member on the other side to attempt to justify this legislation—if we can call it legislation. Some of the legislation that is introduced into this House by the existing Government is like the curate's egg, good in parts; but quite frankly to me, and to all decent trade unionists, this egg stinks. It stinks with all the legal paraphernalia and impedimenta that is sewn up in it to entangle, confuse, and further frustrate the trade unionists of Western Australia. I submit that our Western Australian trade unionists are already hemmed in, on a State and Federal basis, with State and Federal legislation, and with the Crimes Act over and above it all.

Surely, Mr. Minister, all of that is sufficient protection for the interests you represent without imposing these further restrictions on those whom we on this side represent and, as I have said before, on those whom the other side misrepresents

As an example of the legislation which already exists, and which really makes this Bill redundant, let me quote what happened when I was in industry in 1952. I was a member—and incidentally I am still a member and very proud of it—of the Amalgamated Engineering Union, and as a consequence of industrial action taken in opposition to legislation brought down by the McLarty-Watts Government, my splendid union was fined £500 for the action it took. As a consequence of our refusal to pay the fine, because many of our men were out of work at the Midland Junction Workshops, the State Engineering Works, and other places—and we needed money to feed our members and their families, and not for legal fees—the bailiff moved in and shifted our union's furniture into the street.

Can members opposite understand the bitterness of members like myself, and other members of the union, when that sort of partiality can be shown? A fine of £500 inflicted on my union because we were attempting to protect those we represented, in the same way as I am attempting to protect them here and now. I ask every member in the House, and everybody outside of it, have they ever heard of any employers being fined £500 and having their furniture shifted out of their offices and put into the streets by the bailiff?

Mr. Crommelin: Who fined them £500?

Mr. FLETCHER: The legal paraphernalia already exists—

Mr. Crommelin: Who fined them?

Mr. FLETCHER: —as protection for the interests the members on the other side represent.

Mr. Crommelin: Who fined them?

Mr. FLETCHER: That legal paraphernalia was put in the Act by the Liberal Party, and maintained by the Liberal Party. But apparently it is not sufficient now and the Government wants to impose this further restriction.

Mr. Crommelin: Who fined them?

Mr. O'Neil: The Arbitration Court.

Mr. FLETCHER: All the protection is in the Act for those whom members opposite represent.

Mr. Rowberry: Who passed the law that allowed that sort of thing?

Mr. Graham: Yes; the Liberals put the big fine in.

Mr. FLETCHER: And as though that were not sufficient—

Mr. Court: We will remind you about the Evatt-Chifley legislation in a minute.

Mr. FLETCHER: —this Bill has been—

The SPEAKER (Mr. Hearman): Order!

Mr. FLETCHER: —imposed on all that background. Have members opposite ever heard of such a thing as a court-controlled ballot? Have they? Of course they have! But I bet they are not very proud of it, and I am certainly not proud of it. Let me explain the procedure followed when I and other union members elect a union official. I go to my branch meeting and I present my card and give my number. I sign the sheet, receive a ballot paper, and I vote for the man I want, in secret, and I put the envelope in the ballot box.

The primary votes are counted at the branch meeting, but the preferences are counted in the Eastern States at our headquarters. We have carried out that procedure for a hundred years, but now the Federal Government has imposed upon us a court-controlled ballot. It wants to run the union for us, as this legislation is attempting to do.

Mr. Court: Who brought down the court-controlled legislation in the late forties? The Chifley Government.

Mr. FLETCHER: The provision of court-controlled ballots is an attempt to have elected as the representatives of trade unions those who are are satisfactory to the employers—the Employers Federation and interests other than trade unions. And they have been successful, unfortunately, in many instances, to the detriment of the trade union movement. It has led to the creation of tame-cat unionists, as our splendid late leader and former Prime Minister, Mr. Chifley, referred to them.

Court-controlled ballots are in existence but, not satisfied with that, we have this further legal impediments inflicted on the trade union movement. I ask members: Are officers of the Employers Federation, the Chamber of Commerce, the Retail Traders Association, and other organisations, elected by court-controlled ballots? Of course they are not!

Already in existence we have laws which create a control on wages. But on what other commodities is there a control? The price of bread, for example—the staff of life—can be increased tomorrow, the same as the price of any other commodity, but an increase in wages trails three months behind. Because Mr. Justice Nevile said in the Arbitration Court that it was only just and equitable that wages should ultimately follow—and I emphasise the word "follow"—he is criticised for it. Prices are increased before wages are increased; wages always have to follow. It is three months before there can be any adjustment of wages to prices.

I would also like to ask members: Who has a majority in the community of Western Australia, the unions or the employers? If members opposite paid anything other than lip service to democracy they would accept the fact that it is undemocratic to have the will of the minority inflicted on the majority. It is undemocratic to see that vested interests receive preferential treatment. Yet this Bill further consolidates vested interests.

You, Mr. Speaker, might question my raising this point here, at this time, but I would like to refer to the repeal of the unfair trading legislation, which was the only protection the public had. The lid was lifted off price control when that legislation was destroyed by this Government when it came into office in 1959. Why was it lifted? To curry favour with the vested interests this Government represents. It was done so that vested interests could charge what they liked, and inflict a hardship on those who could not afford to pay —that is, those on the basic wage and on or about the tradesman's rate. Those people are finding it extremely difficult to live on the inadequate wages they receive.

This Bill attempts to dictate as regards the wages and conditions of those people; and I ask the Government where it received a mandate to inflict this Bill on the State. I have reminded members before of the votes that this Government received in 1959 and again in 1962 at the State elections. We on this side of the House received more primary votes than all members opposite, including the members of a party which is not even represented in this House. But we are still not

the Government by one seat only. Because of those figures, I question that this Government has a mandate to introduce this sort of legislation, and to repeal the unfair trading legislation. I remember the member for Claremont saying, "But we are in the box seat" that implying, irrespective of the will of the majority, the Government could do as it liked; and it is doing just that.

Mr. Hall: What shape was the box?

Mr. FLETCHER: But the Government will inevitably pay the price. The effrontery of the Government! One would think it had a majority of 10 instead of one. I want to say to members opposite—and in supporting what our leader said—that there will be repercussions later, and in particular I address my remarks to those who are holding on to their seats with a very slippery grip and by a very small margin. Perhaps I should not warn them; perhaps I should let them pay the price.

One only has to look around, at the Press, or anywhere else, and one can see a denial to the basic wage earner of an increase when submissions are made to the court. Yet, on the other hand, we see certain firms charging what they like for what they sell.

We also see Governments subsidising big firms. Let me give an example, where the taxpayers' money is being used to subsidise the air lines. Admittedly that is on a Federal basis. But we have its equivalent here, and we find the taxpayers' money going out of the taxpayers' pockets into the pockets of the shareholders of air lines, and other industries.

I question why there should be this preferential treatment, and why there is a need for this Bill to give extra protection to those sorts of interests. I wonder what type of conciliation commissioner this Bill will inflict on the trade unions. I have no doubt he will be one who will be acceptable to the vested interests I have mentioned.

From the trend that is developing today, I also suspect that there is an endeavour on the part of this Government, and of the Federal Government—indeed of all Tory Conservative Governments—to create an economic climate satisfactory for overseas investments, and which provides the prospect of takeovers of our own industries that are already producing various commodities.

The SPEAKER (Mr. Hearman): Order! I think I have been fairly tolerant in allowing you to reflect on court judgments and so on, but I do not think that overseas investments have anything to do with the Bill.

Mr. FLETCHER: I will accept your ruling, Mr. Speaker; but I do believe that the points I have made, and the activities to which I have referred, have been of some further assistance to the vested interests I have mentioned.

However, to get closer to the Bill, when one stops to analyse it, one realises that it will decimate the numbers of certain trade unions. It will particularly affect country trade unionists, goldfields trade unionists, and those employed by pastoral employers. Each of those employers, under the Bill, has to be joined individually as party to an award.

That being so, those remote union members could receive any wages and conditions that an employer, remote from the court, cared to hand out with a parsimonious hand to his employees. Being far removed from the court he is not subject to the visits of the factories and shops inspector; nor is he subject to visits by trade union officials. If the trade union membership falls, its financial sinews fall off, and that would mean the breaking down of the trade union movement. I suspect that is just what the Government seeks to achieve—the cutting down of the trade union movement.

As one who has been associated with trade unions for more than 30 years, I consider this is one of the most pernicious pieces of legislation I have ever seen. Is it not sufficient for the Government to have the protection it now has under State and Federal legislation, and also under the Crimes Act?

There is another aspect in the Bill which would appear to me to abolish the common ruling. Under the present system, and as an example, let us say there are several paint firms joined as parties to a certain award and conditions. If another paint firm started manufacturing paint in the area then, by common ruling, it would be incumbent upon it to meet the wages and conditions prevailing within the paint industry. But that is not so under this legislation, under which it will be necessary for that new paint firm to make a separate application.

In all respects there are all sorts of disabilities added to the trade union movement. Can the Ministers on that side of the House now understand the spontaneous reaction throughout the trade union movement? I would not like members to think that we fomented this agitation in opposition to the Bill; or that we encouraged any demonstrations that are taking place now. We did not foment them; it is the Government that fomented them by the introduction of this Bill.

Further in the Bill there is provision to make it possible for union officials to discipline their membership. Anybody

who knows anything at all about the trade union movement and how it works, will know that this is an absolute negation of trade union democracy. Yet the Bill contains provisions to make it legally necessary for the union official, where his membership has been driven into industrial action as a consequence of having been provoked by a reduction in wages or conditions, to get them back to work.

It provides for one man to dictate to all the members. I admit that that is the sort of democracy that those on that side of the House represent, but it is not the sort of democracy that the trade union movement practises. What a confounded effrontery it is to tell the union officials that they must get their members back to work!

The SPEAKER (Mr. Hearman): Order!

Mr. FLETCHER: I think you will bear with me, Mr. Speaker, when I attempt to explain that there is a provision in the trade union movement now which makes the provisions in the Bill unnecessary. I mentioned my association with the trade union movement; so let me quote an example. I do not like to use the personal pronoun; but, as an ordinary branch member, on occasion I might have been one of 50 in a room. If 26 of those union members voted a certain way, then, as delegate from that branch to my executive, I had to take to the executive the decision that was made by the 26; not the decision made by the 24.

I might personally be in opposition to that decision; yet I have to take it to my executive and support it. My executive would then formulate a policy, as a consequence of the executive sitting and deciding by a majority vote what policy should be followed. That policy would then go to the union official, and he would be instructed accordingly.

I hope members opposite can appreciate the democratic manner in which the trade unions work. Yet we find this Bill reverses all that. Despite the fact that a union's decision might have been made in a democratic manner, the Bill asks the union official to reverse the procedure and go back to the branch and tell the men to get back to work.

Perhaps your criticism of my outburst was justified, Mr. Speaker, as I consider my outburst is justified; because this Bill puts the clock back. I do believe there are members on that side of the House who cannot see the implications that I have pointed out in this Bill. I really quite sincerely, and quite candidly believe that. Some Ministers are busy with their daily routine in their offices, and they have not had time to read the Bill. Apart from this they have not come up through the trade union movement, and they do not understand its implications. I appeal to any sense of justice which members opposite might have in their make-up. I ask them to give some thought to what I have said when they vote in support of the Bill.

I suspect that the Government, and the interests it represents—which it entirely represents—are anxious that the Bill should go through this House, and through another place; and then when we have a majority and, as a consequence, become the Government in this place, we will be frustrated in another place when we attempt to repeal or amend the existing legislation. Is the Minister listening?

Mr. Rowberry: Perchance he sleepeth.

Mr. FLETCHER: He knows what I say is true. Members opposite have to live with themselves; and they should not allow themselves to be used as they are being used. If the trade union official to whom I referred previously, attempted to go back on the best interests of the membership he represents, and if he did not act in the best interests of his membership he would be out of his post on his ear. He would do as he was told, or be out on some other rotund portion of his anatomy.

This Bill will make the union official a servant, not of his membership, but of the employer. To my way of thinking this is a travesty of justice; it is an injustice. Not only is it an injustice to the union official, but also to those he represents. It is an injustice to the trade unions. Either the Minister is ruthless, or, as I have said, he is ignorant of trade union procedure. He is either naive, or he is a tool of big business interests.

I admit that those members who come from areas where they live in ivory towers will not understand what I am speaking about; but not all members on that side of the House come from such environments. Some of them will be committing political suicide if they support this legislation.

I have other material here to show the attitude of the existing president of the court with respect to the preference clauses. Because that president implies sympathy towards the trade union movement; and because he demonstrates sympathy towards that movement in adjusting the basic wage in accordance with prices, it becomes incumbent on this Government —as a consequence of pressure from behind—to remove him.

Let me read from the *Industrial Gazette*, volume 40, page 668, for the half-year ended the 31st December, 1960. The President of the State Arbitration Court

(Nevile, J.) in the building trade application, No. 24 of 1958, in clause 8—preference to unionists—had this to say:

*Clause 8—Preference to Unionists.*—

This, as I said before, emanated from the distinguished gentleman who, at the present time, is president of the court. Continuing—

> This industry—

the building trades industry—

> was the first major industry in which an award, binding private employers, included a clause providing for preference of employment to members of industrial unions, parties to the award. That provision has remained in the awards governing this industry for 22 years, despite attempts by employer respondents on a number of occasions to have the provision deleted.

I ask members opposite to listen to this—

> It is true that it was inserted largely in an attempt to make it less difficult to police the piecework conditions prescribed by the award, and that the attempt has not been wholly successful in that piecework and pseudo subcontracting still present major problems in the industry.

I have the next part underscored—

> Nevertheless, in my opinion, the clause should again be included—

I would like to interpoiate here. This Bill is in the process of doing the reverse. It is not including it in awards but removing it. Here the president says it should be included in awards. Continuing—

> —though in an altered form, which should, in my opinion, help the parties to the award to see that not only the provisions relating to piecework, but also all the other provisions to the award, are properly enforced.
>
> Under the Industrial Arbitration Act, industrial unions, both of workers and employers, have a fundamental part to play. It is undeniable that in practice enforcement of awards is achieved almost entirely by industrial unions of workers. I have never been able to understand why industrial unions of employers have never thought it part of their function to help prevent unscrupulous employers from consistently committing breaches of the award.

I ask the member for Mt. Lawley to absorb that; and also to remind me to later read something from a certain report. Continuing—

> After all, reputable and honest employers must suffer severely from the competition of the less scrupulous employers, and in any case it is one of the objects of most Employers' Associations, registered as industrial unions of employers to advance the standing and repute of employers and the industry concerned. Whatever the reason may be it has, in the past, been entirely left to the industrial unions of workers to attempt to enforce compliance with the awards of this Court. The officials and representatives of such unions act as the law enforcement officers in this field of social relations.

Let me again break in here, Mr. Speaker. You will now understand the furore I created the other evening when I took exception to the taking of authority from shops and factories inspectors who were also able to assist union officials in this respect. Yet the Minister interjected and said, "Let the union officials do the job." They have been doing it for years, assisted by the authorities I have mentioned; but they will be able to do it no longer under legislation introduced by this Government. To continue—

> They, and they alone, attempt to see that as far as possible the law is obeyed; in doing so they are doing for the community a task that in other fields of law enforcement is done by the police force, or by inspectors appointed by other departments of the Government or by local authorities.
>
> While employers' associations make no effort to enforce compliance with the law they cannot complain if provisions, such as this Preference Clause, are inserted in awards for the purpose of assisting the only organisations which, in practice, bring proceedings to enforce the awards of this Court.
>
> For these reasons I think that this clause, with the inclusion of proper safeguards, should be retained and should apply to all parties bound by the award, but employers in Mixed Industries should have the right to employ their ordinary workers on work covered by this award provided that appropriate rates are paid, and the workers are members of a union covering the industry in which the employer is engaged.

That is the completion of the quotation; and I am sure you, Mr. Speaker, were listening closely and know how relevant it is to this Bill, which will cut right across the intentions of the present President of the State Arbitration Court who, as a consequence of having an attitude like that, now must go—must be elbowed aside to make room for those who will very probably adjudicate with a different attitude towards trade unionists.

Relevant to what I have just read in regard to the policing of awards, let me read from the Federated Miscellaneous

Workers' Union of Australia (West Australian Branch) report to the 1963 Federal Conference, held at the Trades Hall, Melbourne, from the 14th October, to the 18th October, 1963. I am not going to quote at length; but the member for Mt. Lawley, and others on the opposite side of the House should listen to this. On page 10, the secretary reports—

> Application lodged to provide for additional week's leave, 10% marginal increases and leading hand rate increase.
>
> "Preference" clause awarded in November, 1962.

That is, preference to saddlery and leather workers. Continuing—

> New award negotiated in August, 1962, with substantial improvements in conditions. Margins increased in prior application.

This was using the existing machinery, which has all the shortcomings I previously mentioned; but despite those shortcomings, some small margin of justice was achieved. The next heading is, "Recovery of Wages", under which appears the following:—

> The Branch for the period under review has recovered from the underpayment of wages the substantial sum of £1,318 4s.

This union has only 1,500 members and at approximately £1 per head the membership has been defrauded by unscrupulous employers. Continuing—

> This represents only amounts actually paid into the office and dispersed to members.

Let me interpolate here. That means this union official has also gone to an employer and said, "Look, Sir—probably spelt "cur" —you are underpaying your men to this or that extent." He then has to make restitution to the employees concerned or be taken to court, but that does not become included in the £1,318 4s. I offer that explanation to show the £1,318 4s. is only part of the defalcation of employers. Continuing—

> A healthy proportion of the total amount—

Perhaps I should not read this, but it says—

> —was obtained from independent schools in the country, who probably because of their geographical position considered themselves beyond the arm of the Union.
>
> From time to time, through the examination of time and wages records, discrepancies are unearthed and adjustments made which are not actually paid into the office.

I will not punish members opposite with more from that particular report, but it does demonstrate that employers do need policing; and that union officials, as I said earlier, being bogged down with the ordinary daily work of trying to get justice for those they represent who are entitled to workers' compensation, now have this extra work of trying to police awards inflicted on them, while ensuring that privileges are not taken away from them—privileges which have been enjoyed up till now. I hope that for this reason also this legislation will never be placed on the Statute book.

I said the other evening—and it is reported in *Hansard*—that penalties will never stop strikes. I said that if legislation like this is brought down and penalties are imposed on trade unions, the trade unions will react. When they react under such provocation, whom would people blame? Would they blame the trade unions or would they blame the person or persons responsible for the provocation? This legal paraphernalia, that can take away from awards conditions that men have enjoyed for over a century but which are slowly being whittled away, is responsible for this spontaneous industrial reaction. Can the Premier and the Minister understand that?

The SPEAKER (Mr. Hearman): The honourable member has another five minutes.

Mr. FLETCHER: That will be more than adequate. Of course, I could speak all night on this subject which is so near and dear to my heart, and so near and dear to the hearts of those I represent. I ask you, Mr. Speaker, to witness throughout this State the reaction that has taken place as a consequence of this legislation. These are not empty words of mine. It is not necessary for me to foment trouble. Members on the Government side have done that. As I have already said they will inevitably reap the consequences. I ask the Premier to consider this advice: Do not be pushed by St. George's Terrace, or it will be to the detriment of the Government you lead.

**MR. ROWBERRY** (Warren) [9.42 p.m.]: I have just perused the speech the Minister made when he introduced this measure, and I notice that at the conclusion of it there was an interjection by Mr. Tonkin which reads, "Who is the father of this brainchild?" I would say that this brainchild has no father, or at least the mother has never caught up with him. I will leave members to place their own construction upon that, and deduce exactly what I think about this piece of legislation.

Coming from a country which did not have any arbitration machinery at all and in which the expression "ca' canny"—

quoted by Mr. Hall—originated, I was very impressed to see the efficiency and peace in industry and conciliation achieved under this State's arbitration system. I might say that just before I came to Australia I participated in a miners' strike for a period of 12 months, and we went back to work exactly as we had left work, as far as conditions and wages were concerned. That is a situation which would not obtain in Australia, and more especially in Western Australia, because our arbitration system has been held up for approbation throughout the industrial world.

What is arbitration? We should ask ourselves that question. What does it achieve, and what does it seek to overcome? I would think in my own simple way that arbitration is a means whereby the two sides involved in a disagreement meet together and iron out their difficulties. They meet on level terms and in a sense of justice. They meet under the same set of rules. This has been largely responsible for the peace which has obtained in industry here. The Minister is not satisfied that there is enough peace in industry. As a matter of fact, he said in his speech that this Bill will tend to remove some of the causes of differences which have arisen of late with the industrial dispute and strike of the Transport Workers' Union.

Allegations have been made that those people who are responsible for this piece of legislation are not members of the Government at all, but that the Government is merely the mouthpiece of the Employers Federation. I have a strong suspicion that that is the case. I have here an oft-quoted cutting from *The West Australian* of the 17th October this year, and it is headed, "Employers Told of Notable Progress."

Mr. Oldfield: Part of the lurch forward!

Mr. ROWBERRY: This is a report of the W.A. Employers Federation's 50th annual meeting held on the previous day. An extract from this article reads—

> The federation again had to contend with the special industrial problems that characterised progressive times.
>
> Almost every major project encountered interruptions through labour demands for increased payments.
>
> The sequel to these disputes was that a number of site awards were issued, each for an individual project, and loaded with rates and allowances higher than those in general awards.
>
> Unions aimed a new pressure strategy at the Exmouth U.S. Navy radio communications base project.
>
> Though awards covered most of the work to be done, exaggerated claims for the site, including £57 a week for tradesmen, were published in a form closely resembling a printed award and distributed to tendering construction firms.

If no other consideration had forced me to the conclusion that this legislation was a result of pressure brought to bear on the Government by the Employers Federation, this article would have done so. It appeared in the Press one week prior to the introduction of the Bill by the Minister.

I said that our arbitration system is one whereby the two sides can meet and talk over difficulties and iron out their problems. It would have been reasonable to assume, therefore, that the Minister would discuss this Bill with representatives both of the employers and the employees. But I have yet to learn that the Minister discussed any provision in this Bill with, for instance, the T.U.I.C., or any representative of an accredited trade union in this State. That in itself gives me cause for suspicion that this Bill has been dictated by certain financial interests. I would agree with the Leader of the Opposition that all employers of labour are not so affected.

*(Interruptions from Gallery.)*

The SPEAKER (Mr. Hearman): Order! Unless that placard is removed immediately and there are no more demonstrations in the gallery—

*(Uproar in Gallery.)*

The SPEAKER (Mr. Hearman): Order! Arrest that man, constable!

*(Uproar in Gallery.)*

The SPEAKER (Mr. Hearman): Order! Clear the gallery! I will leave the Chair.

*(Gallery cleared.)*

*Sitting suspended from 9.52 to 10 p.m.*

Mr. ROWBERRY: Little did I know or realise that by intruding my Scottish saying, "Ca' canny", which means, "Go easy, mate", such a furore would arise. However, it is indicative, and should have an impact on members of the Government and show them exactly how the trade unions are going to react, or are reacting to the legislation which is before us.

I said earlier that, as a new Australian to this country, I was deeply impressed when I came here, and have been ever since, with the arbitration machinery which was set up, and which has been gradually built up and added to and bettered through the years since 1912. I have taken an active interest in union affairs since I came to this country; and, as a matter of fact, I was a representative under

Mick Costello way back in 1925, when Mick used to travel around on a bicycle to keep the trade unions built up. Since then I have continued to have an association with trade unions, and have benefited somewhat by that association. In fact, had it not been for that association I would not be here inflicting my presence upon members this evening. But that is by the way.

If the Government is not deaf, blind, and insensible to all finer feelings it should have realised by now that this piece of legislation is going to be unpopular with the trade union movement, and the members thereof, and therefore it is doomed to failure from the start. That is why I object to it. It will destroy the industrial peace which this State has enjoyed for so long; because there must be two sides to everything. We cannot push the average Australian around, and it is time the Government realised that.

Most of its members were born and bred in this country, and they should have realised that fact by now. I wonder how they would react to being pushed around as this Bill proposes to push the trade unions around. I do not think they would take very kindly to it. In fact, I think their complete, or almost complete silence, since this debate started, shows that they are ashamed of this so-called brain-child.

There is a provision in the Bill for a certifying solicitor. He could really be gainfully employed certifying people who composed this brain-child, and not doing the work that the Bill specifies he shall do.

I said it is necessary with conciliation and arbitration to have the same laws applying to each side of the question, and to have an impartial chairman. By this legislation the Government proposes to do away with the Arbitration Court, as we have known it, and that arouses strong suspicions, not only in the minds of members but also in the minds of every trade unionist in the country.

I have said before that the provisions of arbitration should apply equally to both sides, but that will not be the effect if this Bill is passed in its present form. For that reason I am opposed to certain provisions in the Bill.

One provision states that the rules of the society shall specify the purpose for which the society is formed, and shall provide for the appointment to and removal from and powers and duties of office, etc. There are one or two provisions to which I take strong exception, such as the control of the property and the investment of the funds of the society, and an annual or shorter periodical audit of the accounts, an inspection of the books of the society, and the register of members, by every person having an interest in the funds.

If we are to have arbitration on a just and level basis these conditions should also apply to the Employers Federation. It is most essential when a union goes to the court to make demands on an employer that it should have evidence to present to prove that its demands can be met by the industry or the employer concerned. If it were possible to get a statement of accounts from the Employers Federation, or from the people who are joined to an award, industrial advocates would know where they stood. But can we get that? Of course not! That would be betraying trading secrets, and we cannot have that! We cannot do that to the employers but we can do it to the ordinary workers. Why is it that the ordinary people of the State are considered to be different material, and why should they have different rules and conditions applied to them as compared to the people who employ them?

This conception that a man is given a job out of charity is outmoded and outdated, and will not last much longer. Besides, it is uneconomic. The Leader of the Opposition mentioned that when wage earners have a rise in wages, or a betterment of conditions the scream is "inflation." I agree with Professor Copland that a rise in wages and conditions cannot cause inflation. The definition of inflation is, "When there is too much money chasing too few goods and services."

Wages and salaries come into being after the goods and services have been supplied, and wages and salaries never equal the value of the good that are supplied. Workers have already established a claim to those goods and services because they have provided them in the first place. Therefore we have to look elsewhere for the cause of inflation; and if we look at the banks, the financial interests, the issue of consumer credit, and all these other institutions that have grown up in recent days, we will find the real cause of inflation. It is not in the deliberations of the Arbitration Court, or the pronouncements of any industrial tribunal.

Wages and salaries create a demand upon production; and if we lessen that, we must of necessity lessen production, because production is dependent upon consumer demand.

The SPEAKER (Mr. Hearman): I hope you will get back on to the Bill again.

Mr. ROWBERRY: I beg your pardon, Mr. Speaker.

The SPEAKER (Mr. Hearman): I do not think that what you are saying has much to do with the Bill; I think it is a lecture on economics.

Mr. ROWBERRY: Mr. Speaker, this Bill will have a great effect on the economics of this State in the future. The mere fact that wages and salaries as determined by

the Arbitration Court cause inflation—as has been suggested—should prove that there is a distinct relationship between any arbitration system and inflation. We simply cannot get away from that fact.

A few years ago the President of the Arbitration Court refused to raise wages because he said it would cause inflation. So there is a distinct relationship between the wage structure, the Arbitration Court, and the economy of the State as a whole. That is what I am afraid of in this present legislation, and the proposed breaking down of the existing arbitration system. It has served the State well and faithfully and has enjoyed the complete trust of the workers. That is the question to be answered now: Do the workers trust this new legislation? Will they have trust in the proposed new commissioners? At present they have trust in the existing system because of their experience of fair play. They have had experience of having their just demands deliberated upon with justice, equity, logic, and reason.

This Bill now proposes to overthrow that system and to set up in its place a system which no-one knows anything about. That will tend towards industrial unrest, and instead of having a great leap forward we will have industrial unrest, and distrust of all things associated with it. I think I have demonstrated that the Bill is one-sided and that it does not impose the same legal restrictions on the employers as it does on the employees. I think any piece of legislation that does not do that is doomed from the start.

Unconsciously, the Bill is humorous. After laying down conditions about purging registers of unions, the conduct of the business of the society, altering the rules, and whether a worker can be a member of the society, and such like, the Bill has the following to say, which makes me smile:—

> The Court may, upon its own motion or upon application, made under this section, disallow any rule of a union that, in the opinion of the Court—
>
> (a) is contrary to law, or to an award, order or industrial agreement;
>
> (b) is tyrannical or oppressive;

I ask: Could the Bill be more tyrannical and oppressive than it is? The Minister, when introducing the Bill, said the reason for this change—and it should be borne in mind that change does not always mean progress; sometimes it may be a retrograde step, and in this case it undoubtedly is—was to streamline the arbitration system.

As has been pointed out by the Leader of the Opposition and other members on this side of the House, all that was necessary was a one or two-page Bill to provide for the appointment of another two conciliation commissioners. That would have adequately covered the situation. As I said before, I can envisage nothing but industrial unrest resulting from the passing of this Bill. There will be more work for union secretaries who are already busy men, and who perform a most essential function in our community.

The fact that we have had so little industrial unrest in this State is, I think, a compliment to the leaders of these unions, and especially is a compliment to their accredited representative on the Arbitration Court bench. Much has been said about the number of disputes that have occurred recently. From my own experience as a union official in a minor way, I found that in 99 cases out of 100 there was just cause for any dispute which was realised mostly on equity.

If that is the case; if there were reasons for equity before the dispute, why could not wiser counsels have prevailed before the industrial dispute took place and before there was a loss of income and loss of production by strikes that were provoked? There is no doubt that most strikes are provoked. I read the opinion of one prominent economist some years ago who said that in every case it was more economic to accede to the workers' demands than it was to refuse them. It was more economic to do that and more profitable for everybody concerned, because most disputes are brought about as a result of a demand for justice either in working conditions or in the wages paid.

So I think the Government should have another look at the position before it is too late. I agree with the Leader of the Opposition that this piece of legislation, if passed, will result in repercussions at the next election. The Government only got into office by the skin of its teeth, or by the skin of someone else's teeth, and to proceed to threaten to disrupt the economy of the State by introducing a piece of legislation such as this is, in my opinion, presumptuous in the extreme.

In speaking on the losses in production which are caused by a dispute and which this Bill seeks to prevent as far as possible, if that had been the case it would have got off on the right foot if prior discussions had taken place between trade unions, the Employers Federation, and possibly members of Parliament. When we asked members on the Government side of the House with whom the Minister discussed this Bill prior to its introduction, we obtained the wonderful answer: With the members of the Government. Every one of them has had vast industrial experience. Every one of them has been a member of a trade union, or has been a minor trade union official.

Some of them have even been workers. The Premier worked as an ordinary workman at one time, until he went off the line. The Minister for Industrial Development comes from a working class family.

The Minister for Labour, who introduced the Bill, tells me he worked in the mines at one time. He should have known exactly where he was going, had he not been blinded by the camouflage thrown in his eyes by the members of the Employers Federation.

In his speech—which I admired very much—the member for Mt. Hawthorn touched on nearly every aspect of the legislation, and referred to the fact that nothing is said about the loss of production, and the loss of wages as a result of the people who are unemployed. If this sort of legislation gets on to the Statute book I can envisage an increase in the number of unemployed.

If we take the number of unemployed in this State as 5,500, and multiply that by the basic wage, it means the State is losing in wages £82,500. If we say that the basic wage equals only one-third of the cost of production, or the value of production, it means we are losing nearly £250,000 annually, because of the incidence of unemployment.

Once again I want to strongly express my opposition to the Bill. I hope it will be defeated, or that the Government will take another look at it, and heed some of the arguments that have been put up from this side of the House; because I am convinced that it will do nothing but provoke further industrial unrest.

**Debate adjourned, on motion by Mr. Tonkin (Deputy Leader of the Opposition).**

## LICENSING ACT AMENDMENT BILL

*Returned*

Bill returned from the Council with an amendment.

*Council's Amendment: In Committee*

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Brand (Treasurer) in charge of the Bill.

The CHAIRMAN: The Council's amendment is as follows:—

> Clause 3, page 8, line 39—Insert after the designation "(c)" the passage "of subsection (1)".

Mr. BRAND: I move—

That the amendment be agreed to.

It is merely an oversight in drafting, and the inclusion of the words suggested by the Legislative Council puts the Bill in order.

**Question put and passed; the Council's amendment agreed to.**

*Report*

**Resolution reported, the report adopted, and a message accordingly returned to the Council.**

## ARREST OF GALLERY DEMONSTRATOR

*Subsequent Action: Direction to the Speaker*

**THE SPEAKER** (Mr. Hearman) [10.27 p.m.]: I understand it is the intention of the Premier to adjourn the House. Before he does so I would like some direction from the House. As members are aware, I ordered a man to be arrested in the gallery for appearing to let down a placard.

I do not think this is a matter in which the House would wish to see the full weight of the Parliamentary Privileges Act invoked. I think the House will equally agree that we cannot allow this sort of thing to go on. I was going to suggest that perhaps the situation could be met, on this occasion, if I were given some direction by the House along the lines that I might deal with the person concerned myself; in other words, that I should have a word with him and let the matter go at that. I would, however, need some direction from the House.

**MR. BRAND** (Greenough—Premier) [10.28 p.m.]: I move—

> That the Speaker deal with this matter in such manner as he thinks fit.

In the heat and excitement of the day these things often occur without a great deal of thought being given to them; and I feel that, as an example to other folk who might be inclined to create some disturbance, you, Sir, should deal with the matter yourself in the manner in which you think fit.

**MR. HAWKE** (Northam—Leader of the Opposition) [10.29 p.m.]: I second the motion. I should think a little mutual and friendly talk as between yourself, Mr. Speaker, and the person concerned, would establish good relations. That would be all to the good from everybody's point of view.

It must be realised there is a good deal of tension existing at present in relation to the Bill which has caused this slight flare-up. However, as we all know, nearly everybody is reasonable when he is reasoned with; especially when he is reasoned with reasonably.

I am not sure where this person is at the moment, but I am sure he is fairly circumstanced. I hope you will have a word with him, Sir. If you have not already supplied him with a cup of tea you might do so before he goes.

**MR. JAMIESON** (Beeloo) [10.31 p.m.]: I should like to make some comment before this motion is put. Many of these people who were present in the gallery tonight had, possibly, not been in Parliament House before. Whilst they are expected to observe the decorum which is

required of them when they are in the gallery—and I wholeheartedly agree they should—notices should be displayed to indicate to people that the hanging of banners over the gallery railing is not permitted. At present there is nobody to explain these matters to those people.

The last time when a similar incident occurred, a lady from the Temperance Union hung a banner over the railing when the debate on the S.P. betting legislation was taking place. Such action might be well-intentioned; but if notices were displayed you could say to an offender, "You have been forewarned these things cannot be done. This is not the place where matters should get out of hand."

I suggest that notices should be placed immediately, through your direction, somewhere near the entrance of the building to warn people of what is expected of them when they are in the gallery.

**MR. J. HEGNEY** (Belmont) [10.32 p.m.]: I happened to be in the gallery when the young person was spoken to. Quite a number of those in the gallery spoke to me, and asked what I could do as an ex-Speaker of this House. I said the matter was in the hands of the Speaker, and I had no jurisdiction.

What worried some people in the gallery was that, possibly, the wrong person was apprehended. I suggest that when you, Mr. Speaker, are discussing the incident with this person you should take into account the fact that possibly a mistake has been made. It would be very wrong if the actual culprit was not apprehended, and the wrong person was. I brought a friend here and I went to the gallery to speak to him. I took him down to supper, and when I came back I told him there might be some fun because at that stage there was some activity in the gallery. I heard some commotion but I could not hear what was said. Whilst the decorum of this House should be observed, on this occasion we should be concerned as to whether the wrong person has been apprehended for hanging the banner over the gallery railing.

**MR. GRAHAM** (Balcatta) [10.34 p.m.]: I think members should bear in mind this fact: This afternoon you, Mr. Speaker, gave warnings on three occasions to those in the gallery, and this evening you took more precipitate action. Most of the people who were in the gallery this evening were not here this afternoon.

Mr. O'Connor: A lot of them were.

Mr. GRAHAM: I would not say a lot of them were here this afternoon, but a few of them were. The great majority of those present this evening were not here this afternoon; therefore they did not hear the admonition which you delivered earlier.

The suggestion of the member for Beeloo is indeed a good one. My final observation is that, deplorable as the incident was, it is inevitable there should be outbursts of feeling when legislation which is as provocative as this is introduced.

Mr. Court: You don't think they were being stirred up?

Mr. GRAHAM: I do not think that statement is quite fair. I am not aware of any action taken by members of Parliament on this side, or by any leaders of the industrial or political movement to which I belong, in the direction of stirring up these people who feel they have been offended. On the contrary, they have been counselled to exercise every discretion. Indeed, this afternoon when I addressed them in the gardens of Parliament House I advised them accordingly.

The person who in his enthusiasm tonight incurred your displease—I am not levelling any criticism against you, Mr. Speaker—is the victim of over-enthusiasm. I suggest he had not had the opportunity to hear your words and the advice which you gave on several occasions to other members of the public this afternoon.

**MR. ROWBERRY** (Warren) [10.36 p.m.]: I would suggest that when you get this person before you, Mr. Speaker, you advise him to "ca' canny." I take exception to the remark made by a member on the Government side when he said that we on this side stirred these people up.

Mr. Hawke: Who said that?

Mr. ROWBERRY: I know who said that. If that honourable member is of a generous nature and a gentleman he would withdraw that remark, because it was only a few nights ago that I intervened on his behalf between him and a person from the gallery to protect him from the attention of that person.

The SPEAKER (Mr. Hearman): I did not hear the remark to which the honourable member makes reference, so I cannot permit a discussion on it.

**MR. H. MAY** (Collie) [10.37 p.m.]: In fairness to the young person who is waiting to see you, Mr. Speaker, I should point out that he has been waiting patiently and willingly, and he is not under arrest. I have been talking to him, and he seems to have the impression that he has been apprehended in place of somebody else. Whether or not that is true, I cannot say. He is waiting outside patiently to receive what you have to offer him.

**The SPEAKER** (Mr. Hearman): I shall content myself with giving that person a reprimand. For the benefit of those who think the wrong person has been apprehended, I have the placard which he had with him.

**Question put and passed.**

*House adjourned at 10.38 p.m.*