

years before this land will give any return. Surely if that were so, it means, not that we should not deal with it now, but that no one should ever touch it. If we are not prepared to do something to give a return 50 years hence, I do not know that people who come along 10, 20 or even 50 years hence will be prepared to do anything. The suggestion that it will take 50 years is most exaggerated.

Hon. J. M. Macfarlane: I mean to settle the people; not to build the railway.

The MINISTER FOR EDUCATION: Why should it take that length of time? Why should it take any longer to settle people there than it has taken people to make good on similar country in the South-West.

Hon. J. J. Holmes: Some of them have been there 50 years.

The MINISTER FOR EDUCATION: I would have liked the hon. member to be with me a few days ago. We visited a place which formerly was just as heavily timbered and difficult as the country which this railway will traverse. That place has not been settled 50 years, or even half that period. The man settled there did not hesitate to tell us that he had borrowed the money to pay the deposit on his application for the land. He has brought up a large family—not dragged them up, but brought them up well—and educated them as well as children can be educated in Western Australia, and has lived a comfortable life. His place I think is unrivalled as a beautiful home in this State, and he has undoubtedly made a great deal of money. I do not see why people going on the land under, in some respects better conditions—because they will have assistance to tide over the very hard years, which he had to face without any help at all—should not do as well as he has done. During the week-end I visited the Bridgetown district with an orchardist of long experience in South Australia, and he did not hesitate to say that our best apple country compared more than favourably with South Australia's best.

Hon. J. M. Macfarlane: I agree with that, too.

The MINISTER FOR EDUCATION: It seems that the hon. member agrees with everything, and yet maintains that it will take 50 years before we can get any return from this country. I can take him to places which 20 years ago were as uninviting as this south-western country and where the people have done wonderfully well. They have lived well all the time, and now have something to be proud of. Their experience will be the experience of settlers in the Jarnadup-Denmark country if we have the courage to sanction a big scheme and carry it through in a methodical fashion.

Question put and passed.

Bill read a second time.

BILL—NORTHAMPTON RESERVES.

Received from the Assembly and read a first time.

DISCHARGE OF ORDER.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [9.27]: I move—

That order of the day No. 11 "Property Bill—Committee progress" be discharged from the Notice Paper.

In accordance with the promise I made to members, the Bill has been widely circulated amongst the legal profession and has received a great deal of consideration from them, and some of them, in conjunction with the officials of the Crown Law Department, are going further into the matter in accordance with the arrangement previously arrived at. The Bill, with such alterations as these discussions may prove to be necessary, will be again submitted in another session.

Hon. A. LOVEKIN (Metropolitan) [9.28]: I ask the Minister that, before this Bill is brought before us again, we may have an opportunity to see it. It is a highly technical Bill.

The Minister for Education: You have a copy of the Bill.

Hon. A. LOVEKIN: But I understand it is to be amended.

The Minister for Education: Yes.

Question put and passed.

House adjourned at 9.29 p.m.

Legislative Assembly,

Tuesday, 9th January, 1923.

	PAG.
Mr. Speaker's illness	2419
Urgency Motion—Engineers' trouble	2420
Assent to Bills	2452
Questions: Empire Day records	2453
Abba Elver road	2453
Electional, compulsory voting	2453
Bills: Workers' compensation Act Amendment, 1A.	2453
Northampton Reserves, 3A.	2453
Rojonup Agricultural and Horticultural Society's Land, 2A., Com. report	2453
Annual Estimates: Vote discussed—Railways, Tramways, and Electricity Supply	2454

The SPEAKER took the Chair at 2.30 p.m., and read prayers.

MR. SPEAKER'S ILLNESS.

Reply to Motion of Sympathy.

Mr. SPEAKER: I desire to thank you, Mr. Premier and hon. members, for the resolution of sympathy you carried before you

rose for the Christmas vacation, the resolution in which you wished me a speedy recovery and a prosperous future. It was very pleasing to me when the message embodying the resolution was conveyed to me personally by the deputy Speaker in the hospital ward. I felt very grateful to you all for the kind words uttered and the generous consideration shown.

URGENCY MOTION—ENGINEERS' DISPUTE.

Mr. SPEAKER: I have received the following letter:—

Mr. Speaker: When the House meets to-day it is my intention to move "that the House do now adjourn" in order to deal with the question just arisen in connection with the State Implement Works and other trading concerns through the engineers' dispute. The reason of urgency is based on the grounds that the difficulty arose only on Friday last, and that it is likely to affect a large number of employees and the State detrimentally. (Sgd.) W. C. Angwin.

It will be necessary for seven members to rise in their places.

Seven members having risen in their places,

Hon. W. C. ANGWIN (North-East Fremantle) [2.36]: Before proceeding with the motion that the House do now adjourn, I wish to say we are all very pleased to see you, Sir, again in the Chair. We trust you will have better health and bright prospects in the new year. To come to the business before us, I move—

That the House do now adjourn.

I regret that by the unreasonableness of the Government I should be compelled at the first sitting in the new year to move a motion of this character.

The Minister for Mines: We may all agree with it.

Hon. W. C. ANGWIN: I have a sound and solid case to put before hon. members; were it not so I would not move the motion. It is necessary that I should review the position before dealing with the immediate question. Some four years or more ago the State departments were cited before the Federal Arbitration Court. That court gave an award bringing the various State Governments in as partners with other employers under the award. However, the State Governments were so dissatisfied with the award that they repudiated it, declaring that the Federal court had no jurisdiction over State instrumentalities. The States appealed to the High Court, but the finding of that court was against them. Eventually the States carried the case to the Privy Council. A few weeks ago the Privy Council, after four years of consideration, decided that the States had no case for appeal. This really

meant that the States must come under the award of the Federal Arbitration Court. It is very strange that while the Government are so ready to contest one part of an award of the Federal Arbitration Court, they are the first to avail themselves of the favourable terms of another part of the award. The award to which Ministers are so strongly opposed gave the engineers employed in the State trading concerns 16s. 1d. per week more than they ever received from a State department. The award gave fitters £5 11s. 5d. weekly for a 44-hour week, whereas the State had been paying them £4 14s. 5d. Because of this, the State has never availed itself of the Federal award.

The Premier: We have had no opportunity to do so.

Hon. W. C. ANGWIN: The employees of the State Implement Works and other State trading concerns have never worked under a Federal award. It was an attempt to force them to work under a Federal award which caused the cessation of work on Monday.

The Premier: They took it to the court.

Hon. W. C. ANGWIN: I know that. Always have the Government departments worked under agreements. In 1920 an award was given by the State Arbitration Court, and the Government agreed that that award should apply to all classes of employees in the State trading concerns. Under that award they worked until Friday last. It might be claimed, as the Premier interjected, that the Government were cited to the court. That is true. Were it otherwise the Government would not have appealed. But before the award was given by the Federal court the engineers' society endeavoured to make an agreement with the Government, outside the Federal award. This agreement would have been beneficial to the State employees, for it would have brought about uniformity of conditions amongst the various employees. However, it does not affect them at present, because prior to the issue of the Federal award they asked the Government to enter into an agreement with them. Within the last couple of weeks the Privy Council has given a decision which has had the effect of bringing the Government under the Federal award. The result, hon. members know. There is a dispute with private employers. There has been no dispute with the Government. A conference was arranged with the Premier and others connected with the works. A proposition was placed before the Government by the union, a fair, just and honourable proposition, and it is surprising that the Government did not accept it. Anyone who had the interests of the workers of the State at heart, or anyone who realised the possibilities of distress and suffering being occasioned would not have turned down the proposition. The State Implement Works have 250 employees, of whom 53 are involved in the dispute. The time is not far distant—a fact which is admitted in the manager's statement published in the Press to-day—when the works will have to be closed down,

thus throwing the other 200 employees out of work. Is not this going to be detrimental to the best interests of the State? In addition to the State Implement Works, the State Sawmills will be affected, and the action of the Government will probably result in the farming community of the State being affected in the near future. If the Government do not handle this matter carefully and efficiently the State will be confronted with a crisis which it cannot afford to meet. All the blame does not rest on the side of the men. Unfortunately, the blame is generally laid on the men, irrespective of whether they deserve it. In this instance, as I shall show presently by the correspondence which has passed between the Government and the union, the blame rests more on the Government than on the men. Last week a deputation waited on the Premier and discussed the pros and cons of the situation. They explained the conditions under which the award should apply. It has been given out and made public that the engineers employed by the Government desired all the benefits of the Federal award but refused to have it applied in any particular which proved detrimental to them.

The Minister for Works: By whom was that said?

Hon. W. C. ANGWIN: I do not know, but I have heard it.

Mr. Munsie: It was published in the Press.

Hon. W. C. ANGWIN: It has been stated all through the country.

The Minister for Works: That has been done by someone desirous of making mischief.

Hon. W. C. ANGWIN: There are a lot of people of that description.

Hon. P. Collier: It should have been contradicted by the Minister.

Hon. W. C. ANGWIN: The engineers never demanded the back pay of 16s. 1d. per week for a period of 18 months or two years due to them under the Federal award while refusing to accept the other portion of the award providing for a working week of 48 hours. After the discussion with the Premier, it was decided that the proposition should be reduced to writing so that it could be submitted to Cabinet. This was done. The reply received from the Premier implies that the union merely desire a postponement of the Federal award. That is not the case. No one could read such a meaning into the proposition put up by the union. It is advisable to read the union's proposition which was sent to the Premier under date 5th January—

Following on the conversation between yourself and members of the Disputes Committee yesterday afternoon, we assume that you, along with ourselves, are anxious that there shall be continuity of operations at the State Implement and Engineering Works. With this object in view we desire to confirm the offer then made by our representative and previously made to the manager of the works at the conference held with him on October 4th, that we are

prepared to forego any claims we or our members may have on the State Implement Works as a result of the Federal Arbitration award, providing that we can make some arrangement with the department that existing conditions be continued until the State Arbitration Court shall have decided the cases cited by the Government against unions having members employed by the Public Works and other departments, when the decisions in those cases could apply to members of this organisation working in the State Implement Works.

At present members of the union employed by the Public Works and other Government departments are cited by the Government to appear before the court. When the hearing will take place I cannot say.

This suggestion is consistent with our previous attitude as, prior to the date when it was known that the Federal award would apply to the State Implement Works, we, along with other iron trade unions, met the manager of the works, Mr. F. Shaw, to negotiate with him an industrial agreement to cover the whole of the iron trades, and at that time made it quite clear to the manager that we were willing to withdraw all claim to the Federal award should it be found subsequently to bind the State Implement Works. At that conference we suggested that the terms of the existing Railway award should become the basis of the agreement, as had been the custom for several years past. As will be seen by the minutes of the conference mentioned, which we handed to you yesterday afternoon, the manager stated that he favoured the suggestion, no doubt realising the importance of securing uniform conditions for the harmonious working of the establishment. The present position is that 250 men are employed, of whom 53 are members of this society. The recent instruction will mean that the 53 members of this society will be called on to work four hours per week longer than all the other employees, without extra pay in proportion to the extra time worked. The arrangement, if insisted on, will cause many anomalies that would make smooth working in the shops impossible. For example, the members of this society would be working on Saturday morning, while the engine-driver would be away from the works, as he has a 44-hour week, the result being that without the engine-driver, there would be no power to drive the machinery necessary. Many of our members are labourers working along with tradesmen who are not affected by the change. This would result in the blacksmith having Saturday morning off, and his striker being at work with no blacksmith to strike for. The same position would be created in the moulding shop, where the labourers are members of this society, while the tradesmen are members of the moulders' union. The manager of the works has realised the impossible conditions that

would obtain if the instruction issued is insisted on. The result of such insistence would be—if our members are to work 48 hours per week while the other employees, in conformity with the promise given by the Government, are to continue on 44 hours per week until the State Arbitration Court has decided the matter, the anomalies mentioned will prevail. Secondly, if our members refuse to work 48 hours and are thereby prevented from working altogether, the position will be as bad, owing to the expensiveness of working the shop with so many men absent whose work is absolutely essential to the carrying on of the works. Such an attempt would lead to chaotic conditions and the ultimate closing of the works. This would be of no advantage to the State Implement Works. It would cause grave discontent, and would certainly break down the efficiency of the works. The Government have been for a considerable time seeking uniform conditions of employment, and, as stated by you, Mr. Munt has been specially appointed to secure this. Our effort meets the position and enables such uniformity to be secured at the State Implement Works. Other unions concerned, covering four-fifths of the employees, are not touched by the Federal award, and even after the State Arbitration Court has decided what their conditions shall be, the lack of uniformity will still be conspicuous unless some such suggestion as the one we put forward is adopted, and the recent instruction withdrawn. The Government wish for uniformity; the unions also desire it, and with this object in view, we make the offer mentioned, which, although at considerable monetary sacrifice on the part of our members, we are prepared to carry out that such uniform conditions may be continued. The object so long sought is thus made available to the Government insofar as the State Implement Works are concerned, and we trust that the opportunity will not be thrown aside. We realise that if discrimination is insisted on between members of various unions, the stoppage of the State Implement Works may result, thereby causing much unnecessary suffering to members of unions not concerned in the Federal award, and at the same time causing heavy financial loss to the State which we wish to avoid. We therefore repeat that we are willing to make an agreement to continue on the existing terms and conditions along with the other unions until the State Arbitration Court has decided the case already cited by the Government, when the decisions arrived at shall be applied to members of this society, along with the members of other unions concerned, all claims under the Federal award to be waived. We trust that you will give this the serious consideration it deserves, and that the decision arrived at will avoid needless stoppage of the State Implement Works with its attendant

cost to all concerned. Trusting to receive an early and favourable reply. P.S.: This is without prejudice.

That was after the discussion between the Premier and the disputes committee. Members will see that the offer made by the union, briefly put, was that the men should continue to work under present conditions, waive all rights to the Federal award, which meant 16s. 1d. per week, and abide by the decision of the State court in the case which the Government now have pending in that court. Could anything be more just or fair than that offer? If the Government had been anxious to continue the State Implement Works in operation, would not they have accepted an offer of that kind? I cannot understand what has come over the Government. I always regarded them as a body of fair-minded men, but they have become blinded by prejudice or something else, and have not adopted that fair attitude which we expect any Government to exhibit to all sections of the people in the State. The Government have failed to adopt a course which would have ensured keeping the wheels of industry going and putting the State on the road to prosperity. The Government have been preaching measures of this kind for a long time, and God knows they are urgently needed in this State at present, but the Government have failed to accept a reasonable proposition which would have tended to spare from suffering hundreds and perhaps thousands of workers. I said just now that the farming community might be prejudicially affected. The time is not far distant when there may be no superphosphates available to assist the farmers in getting their crops next year.

The Premier: There would be some suffering then.

Hon. W. C. ANGWIN: Those who were instrumental in this proposition being turned down would be aiders and abettors in any suffering that occurred, seeing that it could have been avoided.

Mr. Harrison: Is that a threat?

Hon. W. C. ANGWIN: It is a fact.

Mr. Munsie. It is the truth.

Hon. W. C. ANGWIN: The reply of the Premier will show in what way he and Cabinet failed to realise the importance of the offer to which I have referred. His letter is dated the 5th January and is as follows:—

Premier's Department, Perth, January 5th, 1923. Dear Sir, In reply to your letter of even date with reference to the application of the Federal award to members of the Amalgamated Society of Engineers employed at the State Implement and Engineering Works, I desire to remind you that in 1914 an agreement was made between your society and other unions and the Minister for Trading Concerns. This covered a period of three years, the working hours per week being 48. Another agreement was made in July, 1917, with a currency of one year, the hours still being 48 per week, and this agreement with variations only in the direction of increased wages was observed until 1st January, 1920,

when, following upon the issue of the railway award by Mr. Justice Rooth on the 16th December, 1919, at the united request of your society and other unions made through the Disputes Committee, the Government agreed to grant the 44 hour week. An agreement was made with the Government effecting a change.

Hon. P. Collier: And as a result of the decision of the State court.

Hon. W. C. ANGWIN: The State court gave an award and uniformity was secured. It was in the interests of all concerned that there should be uniformity. The Minister for Works knows that it does not pay to keep the implement works running for 50 men when they are employing 250 men. If they were kept going on Saturday morning for 50 men, all the machinery would be running that would be required for 250. In order to relieve the Government from that difficult position, the engineers put up a fair proposition for the carrying on of the works. There appears to have been some ulterior motive behind the rejection of the offer. Has someone been pulling the strings, and are certain people looking after their own interests instead of those of the State? Does the position affect them personally, and because of that are they overlooking the interests of the general community? I am confident that the Minister for Mines, if he had been Premier, would have jumped at the proposition, and that if I had been the Minister for Works and had declined to accept it, he would have kicked me out of the Cabinet. The offer was a fair one and based on equitable grounds, and was in the interest of the workers and of the community at large. The Premier's letter continues—

Notwithstanding this agreement your society, being only one of a number of unions whose members were working at the State Implement Works, cited the Minister for Trading Concerns before the Federal Arbitration Court. In consequence of the awards delivered by that court on the 20th June and the 18th September, the Minister for Trading Concerns was bound, and you were notified by letter dated 19th December, that the terms of that award would be observed by the Minister. By letter dated 4th September—14 days before the Federal Court amended the award from a 44 to a 48 hour week—you demanded that the Minister should observe the terms of the award. You now ask that the existence of these awards shall be ignored until such time as the State Arbitration Court delivers awards on the cases now before it. This request has been fully considered and I now have to inform you that the awards which were not sought for by the Government, but which beyond all doubt bind the Minister for Trading Concerns, must be observed. Yours faithfully, (sgd.) James Mitchell, Premier.

The Premier has not fully realised the position. He said, "You now ask that the existence of these awards shall be ignored until such time as the State Arbitration Court de-

livers awards on the cases now before it." That is not the position. It is not contained in the offer. The offer said "We will waive the Federal Court award, and will abide by the decision of the State court."

The Minister for Works: Why did they take me before the Federal court?

Hon. W. C. ANGWIN: The desire may have been to ascertain what position the State was in, and to decide a point of law. The Minister for Works was cited with other employers throughout the State. He was so dissatisfied concerning the Government coming in that he appealed. This case has been going on for four years. The union in the meantime offered to enter into an agreement regarding the State Implement Works, no matter what the Federal court award was. They offered to relieve the Government from the jurisdiction of the Federal court, but the Government did not fall in with the idea. This proves that the Government were anxious to know what power the Federal court had over State instrumentality. They wanted to fight to the bitter end. If what Mr. Piddington said in Sydney a little while ago is true, we do not know what the position of the State is going to be.

The Minister for Works: What has he to do with Western Australia?

Hon. W. C. ANGWIN: Nothing. I am merely referring to what he said.

Mr. Willcock: He is an authority on constitutional law.

Hon. W. C. ANGWIN: According to Mr. Piddington, judges of the High Court have to declare whether they are for the Commonwealth or the State before they get a seat on the bench. The union did not desire that the Federal award should be ignored until the State award was given. They said they would waive their claims under the Federal award, and would not claim the amounts due to them as back pay under that award. The Premier arrived at a wrong conclusion in the matter. The Government should now reconsider the position and endeavour to keep the wheels of industry going. When a fair and just offer is placed before them, they should give it the consideration it deserves, and should not be led away by any side issue. We all desire to commence the year in the hope of prosperity for the future, and with the wish that things should go along smoothly. If this offer has also been submitted to private employers they should accept it if they have the best interests of the State at heart. At no time have the Government abided by the Federal award.

The Premier: We are prepared to assume that it applies to us.

Hon. W. C. ANGWIN: Notwithstanding the Federal award, the engineers were prepared to negotiate for an agreement, so that the works might be carried on. If they are closed down, the Government will be assisting in wiping out the deficiencies that will have occurred in the other States.

The Minister for Works: The employees have to consider that as well as the Government.

Mr. O'Loughlen: There will be at least £15 a man for back time.

Hon. W. C. ANGWIN: I hope members will see that fair play is given to the employees. The engineers have been particularly fair to the Government. They have not endeavoured, as has been stated, to rob the Government on the one hand and refuse to give on the other. They have stated they are prepared to go on at £4 15s. 4d. a week, although the award was for £5 11s. 5d.

Mr. Munsie: And £5 1s. to-day.

Hon. W. C. ANGWIN: Yes. There is a very slight difference between the pay under the Federal award of 44 hours and the pay that has been given by the State Implement Works. The Government should realise that there is more behind this position than appears on the face of it. I cannot afford to see 200 men in my district turned out of employment. As a matter of fact, probably three-fourths of that number belong to other electorates, but their employment is within my electorate. A large number of the men live in the Leederville district.

The Minister for Works: That would apply to any industry in the State.

Hon. W. C. ANGWIN: We are here to keep the wheels of industry going under fair conditions.

The Minister for Works: Exactly.

Hon. W. C. ANGWIN: We are not here to close them down, because some persons outside say they must be closed down.

The Minister for Works: I do not like that suggestion.

Hon. W. C. ANGWIN: Why did not the Minister accept this fair proposition, and continue as we have been going? He would not keep the works running on Saturday with 200 men out of employment. He would have said he must close down the works, that it would not pay to keep them going for 50 men. He would blame the 200 men for closing them down. The Minister now says, whether it pays or not, the works must run on Saturday morning. I did not see this offer until 11 o'clock this morning. I was exceedingly surprised the Government had turned it down. If I had read it first in the Press, I would not have believed that the Government could have rejected it, but would have felt that something had been omitted from it. My idea would have been that the Government had some other reason that would affect them, more than the closing down of the works, for not accepting such a fair offer. Until I saw this offer I thought the position was as stated in the Press, that the engineers wanted the Federal award, so far as it affected them, but did not want it where it did not affect them. Here it is shown conclusively that they do not want the Federal award so far as their back pay is concerned. They say "Let us go on as we were; we will assist you to keep your works going and immediately the State award has been given we will abide by that." And yet the Government have turned down that proposition.

The Minister for Works: Again I say if that is their position, why did they take the State trading concern to the Federal Arbitration Court?

Hon. W. C. ANGWIN: I have answered that once or twice. In all probability they wanted to know how the law applied under such conditions. The Government also were anxious to know that, so anxious that they went to the High Court and the Privy Council to find out what the law was. The Government in the first place did not want the Federal award, and they said they did not want it. The position to-day is that 50 men are out of employment.

The Minister for Mines: It was a question as to the right of the Federal Arbitration Court to control State activities.

Hon. W. C. ANGWIN: I admit that.

The Minister for Mines: Well, that is a different thing altogether.

Hon. W. C. ANGWIN: While the Minister says that, he also says that it is the law on the question which he wants settled. No doubt the engineers are in the same position. They wanted to find out exactly how far that award would apply to the State Implement Works. Let me again emphasise that although the Federal award has been given, it has never applied. It was given four years ago. The Government put every obstacle in the way to prevent that award from being applied.

The Premier: But the award was not given four years ago.

Hon. W. C. ANGWIN: It is four years since the Government were cited before the Federal Arbitration Court.

The Premier: The employees cited us after we applied for our award.

Hon. W. C. ANGWIN: The case came on afterwards. There is no doubt in my mind that the case of the engineers is solid and rests on good grounds. The proposition put up is a fair one, and just to all concerned; and I trust the Government will see their way to accept the offer which has been made. Financially that offer will be beneficial to the Government and represent a loss to the men. The making of the offer shows clearly that the men have not altogether been out for pounds, shillings, and pence, but have been endeavouring to keep the State Implement Works going. Therefore, I trust the Government will reconsider the position.

The PREMIER (Hon. Sir James Mitchell—Northam) [3.20]: Ten minutes before the House met the member for North-East Fremantle (Hon. W. C. Angwin) told me that he intended to move the adjournment of the House on this matter. Therefore I have not had much time to get together papers or information bearing on the question. However, the House ought to realise just what the position is. At the outset let me say that a Federal award was given. The States have always claimed that the Federal Arbitration Court has no jurisdiction over State activities. Every State Government has consis-

tently maintained that. The question was put before the people twice, and the people twice declared that State activities should not come under the Federal Arbitration Court.

Mr. Willecock: Except railways.

The PREMIER: State instrumentalities. When the Federal Arbitration Court gave its award, the States naturally and properly and rightly joined together to appeal against the decision of the Federal Arbitration Court that it had power to apply its awards to State employees. Every member sitting in this House will agree that that was the right thing for the State Governments to do. We did appeal, as hon. members know, and we were unsuccessful. Owing to that want of success, the Federal Court's decision now applies to State employees. We could not give effect to the Federal award one minute earlier than we did, for the reason that we denied, and rightly denied, as I think, notwithstanding what has happened since, that the Federal Arbitration Court had any jurisdiction over us. The member for North-East Fremantle has said that before the Federal award was known, the engineers came to the manager of the State Implement Works and made practically the proposition contained in their letter. As a matter of fact that is not so. That proposition was made to the manager after the terms of the award were known, early in October.

Mr. Munsie: But before it was known whether the State was bound by that award, and that is what the member for North-East Fremantle said.

Hon. W. C. Angwin: Yes; before the State came under the Federal award.

The PREMIER: Before the result of the appeal was known, but after the award was known.

Mr. Munsie: Yes; we did not know whether the Federal award applied to the State or not.

The PREMIER: I wish to ask the House whether it is the duty of the Government to obey the law of the land. Are we to have industrial arbitration?

Mr. Munsie: Yes.

The PREMIER: If we are to have industrial arbitration, are the Government to obey arbitration awards? Would it not be a very serious thing indeed if a Government were to refuse to obey an arbitration award? Quite recently we were asked to apply the railway award to the State Implement Works. A previous railway award had been applied to those works. That previous railway award represented an advantage to the men, and we applied it. After that railway award had been applied, a section of the men employed in the State Implement Works cited the Minister to the Federal Arbitration Court. They were enjoying the advantages of that railway award when they took the Minister to the Federal Arbitration Court. Having gone to that court, they got, as has been said, increase of wages under one award and increase of hours under another award. Then they came to the Government and said,

"Never mind about this Federal award; apply the existing railway award." What does that mean? We had given the men the railway award previously, but, notwithstanding that, a section of them decided to take the Government to the Federal court, which gave them increased wages and increased hours. Thereupon, as I have stated, the men said, "Never mind about the Federal award; apply the existing railway award." Naturally we must have uniformity. One cannot run works with half a dozen different awards applying. It has been shown clearly to-day that that cannot be done. One cannot have one set of men working a certain set of hours, and another set of men working another set of hours. We cannot have a section of our men going to one court, and another section going to another court, and a third section asking for an industrial agreement. The men said that they would go to the Federal court, and they went. Now suppose we apply the existing railway award to the State Implement Works. Who can guarantee that that award will be satisfactory to all the men employed in the State Implement Works? It was not satisfactory to all of them before. We did not take the men to the Federal Arbitration Court; they took us there. Now we know we have to obey the Federal award. It is all very fine to say that the men will forego the increase in their pay. In the first place, of course, we did not obey the Federal award because we said it could not apply to us, the Federal Arbitration Court, according to our contention, having no jurisdiction over us. We appealed, and we lost the case. Now the Federal award has to apply. It is true that the union say the men will forego the additional pay due to them, but I would like to know what each individual man employed has to say to that. Some of the men to whom the union's promise would apply have now left the shops. What will they say about the matter? And what will the individual men now employed in the shops say about it? I have no doubt whatever that the men could claim their back pay. My contention is that the Government have acted quite reasonably in this matter. We went on as before until the High Court decided that we must come under the Federal award. Months have gone by, and we have kept the shops working. Then it became a question of obeying the Federal award. The Government, and Parliament, too, must agree that the law of the land is to be obeyed. No one can deny that that is the right attitude to take up. No one wants the works closed, notwithstanding that they are losing very considerably month by month. We want the works to go on. There are many people in this State dependent on the output of the works. As the member for North-East Fremantle has said, thousands of our farmers are dependent on the works for spare parts for their farming implements. I consider that the Government have done all that is possible to keep the works going. Let me ask hon. members to think how we in this

State can compete with the work of the Eastern States if our conditions here are less favourable than theirs? How can 44 hours in Fremantle compete with 48 hours in Adelaide? Every Australian State except this one is working 48 hours.

Mr. Willcock: No; Queensland is not.

Mr. Munsie: And neither is New South Wales. The men there are still on strike.

The PREMIER: So far as I know, they are working. The House should realise that the Government have acted quite fairly by the men employed in the State Implement Works. I doubt if they have ever had a fairer deal than during the past 12 months.

Mr. Munsie: How are you going to continue work with these 53 men coming in every Saturday?

The PREMIER: That is not the question at all. Can it be supposed that these 53 men are incapable of doing anything on the Saturday morning? Their fellow workmen, those who strike for them, for instance, may be absent; but, notwithstanding that, a number of the 53 men can do something.

Mr. Munsie: The manager says no.

The PREMIER: The question is, are we to obey the arbitration award?

Mr. Hughes: You will not be breaking the award if you work 44 hours.

The PREMIER: If this award is not to be obeyed, will the next award be obeyed? Can anybody guarantee that awards now about to be made will be obeyed?

Mr. Munsie: Has the railway award been obeyed?

The PREMIER: Of course it has.

Mr. Munsie: Has the miners' award been obeyed?

The Minister for Mines: Has the timber workers' award been obeyed?

Mr. Munsie: Yes; I say it has.

The PREMIER: Let us have this quite clear. The men having appealed to the court, it is our duty to obey the award of the court in every detail, whether the award is in our favour or against us. We must obey the award of the court. We have always endeavoured to do so.

Mr. Hughes: You would not be disobeying the award if you worked 44 hours.

The PREMIER: So far as it has been possible for us to do so, we have made it easy for the men employed in the State Implement Works to come under the railway award. Every hon. member knows that.

Mr. Munsie: Why do not you let the employees of the State Implement Works come under the railway award?

The PREMIER: They have been under it.

Mr. Munsie: But you are refusing to allow them to remain under it.

The PREMIER: We allowed them to come under it, and when they came under it they were not satisfied with it. They went to the Federal Arbitration Court, or rather a section of them did. A section of them said, "We will go to the Federal Arbitration Court and see what we can get." Having come back from the Federal court, they say,

"Let us go back to the railway award as that award stands to-day." I do not think the House will agree that the implement works can be toyed with in this fashion. I have no desire to say harsh things about anyone. God knows, my sympathies have always been with the man on the bottom rung of the ladder and I have always endeavoured to do everything in my power for him. I have done so for the past 17 years, and even before that, but I owe a duty to the people of the State, and I owe a duty to arbitration as well. It is not fair that any hon. member should do as the member for North-East Fremantle (Hon. W. C. Angwin) has done, and practically charge the Government—he might just as well have said it straight out—with lack of understanding, and want of sympathy with these men. I would have been glad if this one union had never gone to the Federal court. We should not then have had this trouble. It has been said that the men are perfectly willing to forego the increase in wages if the Government will forego the increase in hours, or rather forego the increase in hours until the State court has delivered its award. I do not know that anyone has the right to say that these men are not entitled to the wages the court has awarded them. I have a letter here from the organising secretary which I may be permitted to read. It was written 14 days before the September award was given, and in it the secretary makes no bones about demanding that the men shall come under the award. He says—

In reference to our conversation on the 1st inst. relative to the men working at the State Implement Works, in regard to the Engineers Federal award, wherein I stated that you were legally bound under the said award and of your intention of further communicating with your legal adviser in Melbourne as to the status of the Minister as a respondent in the said engineers award.

This matter has again had the consideration by my executive and I am instructed by them to advise you of the rates which have been supplied to us by our representative in Melbourne and which said list is in the possession of the Employers' Federation in Perth, and who are in every instance complying with the recent variation.

There is no doubt in the opinion of my executive that the Minister is now legally bound under the award, and there is a paragraph in the variation that will be of interest to you in which it states that respondents who have not from the 1st of January, 1921, to the 30th of June, 1921, paid to their employees members of the claimant organisation the full rates payable by the general body of employers in the industry during that time under agreements with the claimant organisation, including the proportionate part of the 4s. margin instead of the 3s. previously suggested by Mr. Justice Higgins during the hearing of the claimant organisation's case shall pay to their employees such sum

as shall make the sum equal to the difference between the rates actually received by them. Other paragraphs in the official copy received by our office have a similar bearing on the question under review.

Having in view the unrest amongst the members of this organisation employed at the State Implement Works through the non-compliance of the Minister in not meeting the liability that he is legally bound to observe and which dissatisfaction is the cause of my interview with you, and the further consideration by my executive, it is anticipated by them that your urgent consideration of this matter will be given by you, thus enabling them to dispel in the minds of the members of this organisation of any action that may be contemplated by them. We sincerely trust that your earliest attention will be given in so far that the increases that have been made in the recent award and the period of retrospection under review. Trusting you can arrange this in the best interest of all concerned.

The secretary was perfectly justified in writing that letter and asking that the award should apply to the men in every detail. I have no quarrel with the men for that. I should have done the same had I been in their position. I wish the House to realise that the men have asked that the award should be made to apply to them.

Mr. Munsie: Was not that a natural thing for anyone to do?

The PREMIER: I have no quarrel with them for that.

Mr. Munsie: Will you admit also that they are prepared to forego all that?

The Minister for Mines: They cannot do so.

The PREMIER: I admit that the union representatives said, "We will forego what is in your favour, if you will let us go on with the 44 hours until the other award is given." We are obliged to observe the award, and if there is a stoppage of work at Fremantle a considerable amount of harm will follow. Any stoppage is a serious thing. If we are to have arbitration there should be no occasion for these stoppages. How coolly and light-heartedly do we find these stoppages are taken. I do not think the men concerned realise exactly what the stoppages mean. My friend opposite has hinted that on account of this stoppage there may be no superphosphate to put in the ground next year. The men who will prevent superphosphate from being put in the ground next year will be guilty of a criminal act. There is no doubt about it that unless superphosphate goes into the ground there will be very little employment in the State.

Mr. Munsie: Get some of the employers to sit up and take a little notice.

The PREMIER: Is superphosphate not to go into the ground because we are obeying an award of the Arbitration Court—because we are obeying the law of the land?

Mr. Hughes: You can still obey the law and exercise common sense.

The PREMIER: Let us face the matter calmly as we find it. We should not talk lightly about spreading industrial trouble.

Mr. Munsie: We have done our utmost to stop it, but the Employers' Federation have done their utmost to spread it.

The PREMIER: I believe the hon. member has done a good deal in the direction of preventing strikes, and I know that the leaders of unionism have not had a too comfortable time when troubles of this description have come along. In any case that is beside the question. Let us face our responsibilities. If we are to have arbitration let us obey it.

Mr. Munsie: If the Government will face their responsibilities—

Mr. SPEAKER: Order! The hon. member will have an opportunity of speaking.

The PREMIER: We have faced our responsibilities; we have not shirked them. An award has been given one portion of which has been against the men and one portion in favour of them. The award should be obeyed. Why is it not obeyed?

Mr. Munsie: Why is the State court not functioning?

The PREMIER: We entered upon an agreement with these men before they took us to the court. Let the House now be informed why the award of that court is not being obeyed.

Mr. Munsie: Because of political influence in the Federal Arbitration Court.

The PREMIER: There are two sides to the award, one in favour of the men and one against them. Let us know why the award is not being obeyed. Is it because it is not satisfactory?

Mr. Munsie: No.

The PREMIER: If the men have a feeling against the constitution of the court, that cannot be a sufficient reason. Why is not the award obeyed? That question has to be answered. But I know we cannot get an answer to it. We all believe in arbitration and we want awards obeyed. I know they are not always obeyed, that men go out on strike and that employers put off men. But if arbitration is to exist, awards must be observed. I do not see how industry can be carried on under a system of arbitration unless the awards are observed. If they be not observed, widespread misery must follow. If an award is set aside, or for some reason is not obeyed, where are you going to land? Every hon. member who has had anything to do with industrial matters knows well what this means. One thing leads to another, the closing of one workshop means the closing of another, a stoppage here means a stoppage there, until we do not know where we are or until we know how we are going to keep out of trouble. I am greatly concerned about the trade which is finding its way to the Eastern States.

The Minister for Mines: And some of it has gone for good.

The PREMIER: I do not know that we shall ever get it back.

Hon. P. Collier: If it has done no more harm than to wipe out De Bernales, then we need not complain.

The PREMIER: It is a pity to see the work going away from our State. I am sorry to see this happening, especially as I do not know how we are going to regain it. I hope hon. members will realise that in matters of this kind the Government have always behaved fairly and generously, and that the sympathies of this House will always be with the man on the lower rung of the ladder, the man getting the lower rate of pay. We do not want to see any man out of work, but when we have an award, and a section of the workers break away from it, the Government are not to blame. The award must be obeyed.

Hon. W. C. Angwin: You believe in the law of the Medes and the Persians.

The PREMIER: I was surprised at the speech made by the hon. member, because he knows exactly what we have been doing. I hope the House will not agree to the motion.

Mr. WILLCOCK (Geraldton) [3.45]: I do not wish to discuss the principle of 44 hours in this connection, because it does not apply. Still, a great deal of industry is being carried on under that principle; there are the railway people, boilermakers, moulders, waterside workers, and gold miners. The coal miners are working fewer than 44 hours per week. Also in the building trade a great deal of work is done on the 44 hours principle; in fact it applies to nearly all laborious work, wherever it may be done. But what concerns me in this case is, why cannot the law be carried out? The law says that certain people are entitled to go to the Arbitration Court. However, when they are cited before that court, the judge refuses to go on with the case. The Minister for Mines says we cannot contract ourselves out of an award. I do not think a judge should deliberately flout a law passed by Parliament.

The Minister for Mines: Do you suggest that he has done so?

Mr. WILLCOCK: Certainly he has. The law gives the union the right to go to the Arbitration Court. The Government have cited the union before the court, but the judge will not hear the case.

Hon. P. Collier: Although the union is not affected by the Federal award. That is the point.

Mr. WILLCOCK: Of all persons in the community, a judge of the Arbitration Court refuses to administer the law! When he was asked what it would mean, would the unions have to fight it out, he said, "Yes, they will have to fight it out."

The Premier: Not in this case.

Mr. WILLCOCK: No, but in a similar case.

Hon. P. Collier: He would not put the court into operation; yet he had no hesitation in dealing with the Collie case on Boxing Day.

Mr. Chesson: But that was for the employers.

Mr. WILLCOCK: Why cannot the judge function in this case, when he can do so in other similar cases? In this case the judge says he is not going to allow the law to function.

Hon. P. Collier: He is breaking the law.

Mr. WILLCOCK: Of course he is. I should not be surprised at it in an ignorant uneducated person; but when a judge, specially appointed to administer the law, sits down and says he is not going to interfere, that the parties concerned will have to fight it out, it is amazing to all of us. Why do not the Government do something with a view to getting the case heard? For on the settlement of that case, in all probability, a settlement of this case could be arrived at.

The Minister for Works: Is it not only because the men are on strike that the judge will not hear the case?

Mr. WILLCOCK: These men are not on strike.

Mr. Marshall: They are locked out because they will not work 48 hours when the award prescribes 44 hours.

Mr. WILLCOCK: They will be locked out presently because, as the manager of the State Implement Works says, it is impossible to run the works on conflicting sets of conditions. If the dispute is permitted to go on, the State Implement Works will not function very much longer; at all events, not as an engineering establishment. The Minister himself will admit that.

The Minister for Works: I want the men to see it.

Mr. WILLCOCK: And, following on the State Implement Works, there will be the State Sawmills.

The Minister for Works: No, they have been working 48 hours for a long time.

Mr. Munsie: The engineers have issued a week's notice to the men in the timber trade to stop work.

Mr. WILLCOCK: The Minister for Works being the Minister in control, I naturally thought he would know something about it. My information is totally opposed to what the Minister has told us here. The member for North-East Fremantle said the agricultural industry would be in a serious predicament if the engineering trouble were not settled at an early date. Undoubtedly the trouble will extend to the superphosphate works, because it is admitted that unless certain machinery at those works can be repaired, it will seriously interfere with the supply of super for the coming seeding.

The Premier: Is it worth while disobeying an award of the court?

Mr. WILLCOCK: I have just given an illustration of what the law is and who is breaking it. The Minister for Mines says we cannot contract ourselves out of an award. All that the award prescribes in respect of the hours of work is that they shall not exceed 48. The judge stated definitely that the employers were willing to pay more money.

they could do so, but that they must not pay less. On the other hand we say that if they like to make the hours less than 48 they can do so, but they cannot demand more.

The Minister for Mines: I say they cannot contract themselves out of the award at any time.

Mr. WILLCOCK: The existing state of affairs continued for many months while the case in the High Court was proceeding. If the existing state of affairs could continue all that time, why not allow it to continue a little longer so that this case also might be heard? If the men had been allowed to work the ordinary time, the judge of the Federal Arbitration Court would have permitted them to contract themselves out—permission would have been given to Western Australia to remain outside the award. In the majority of instances during the past four or five years when men were endeavouring to obtain a betterment of their conditions, the whole cry was, "Why not allow the existing state of affairs to continue until we have a properly constituted tribunal to deal with the matter?" The same argument is logically applicable here.

The Premier: A properly constituted tribunal has given its award.

Mr. WILLCOCK: It gave its award 18 months ago, but the Premier, refusing to agree with it, fought it. If the award applies, the extra money is rightfully due to the men.

The Minister for Works: And they will get it.

Mr. Hughes: Will they get interest on it during the time it has been held?

Mr. WILLCOCK: What we want is a settlement of the dispute. There are two or three ways of settling it without loss of dignity to either side. We understand that the Employers' Federation have been putting pressure on the Premier and the Government. The Premier admitted that.

The Premier: No, I did not. I said the Employers' Federation and the union representatives had both seen me; that is all.

Hon. P. Collier: They have been referring to it both in the newspapers and in the House.

Mr. WILLCOCK: Everybody knows that they put pressure on the Government.

The Premier: Nothing of the sort. The unions have put very much greater pressure on me.

Mr. WILLCOCK: I will accept the Premier's assurance, but I have my own opinion just the same. We have heard of many honourable understandings in trade. I remember some 18 months ago reading a handbill issued by the State Implement Works and showing that they had done a job for 15 or 20 per cent. less than private firms had tendered, and had done it more efficiently.

The Minister for Works: Sometimes there are honourable understandings amongst unions.

Mr. WILLCOCK: And a good thing too. Our farmer friends know all about honourable understandings in respect of the purchase of wheat in South Australia. An ab-

solutely fair offer has been made. Both sides stand to lose something of what they were getting previously. The men will lose a certain amount of money, and the Government may not enforce this new law which has been brought into existence in so shameless a manner. The Premier asked why the award has not been operating, why the men object to it. They say the award was granted by an absolutely biased court.

The Minister for Works: We have nothing to do with that.

Mr. WILLCOCK: No, but the Premier wanted to know why the men will not work under the award.

The Premier: I do not know that that is the reason.

Mr. WILLCOCK: At all events I honestly believe it. That is my conception of the matter. We have known judges to be approached by the Prime Minister prior to their appointment and their views obtained on certain questions. Mr. Piddington was one of them.

The Premier: That was many years ago.

Mr. WILLCOCK: But he was appointed by the same person who appointed the members of this court.

Mr. Munsie: It was only last year.

Mr. WILLCOCK: In my opinion these gentlemen were sounded as to their opinion regarding the 44- and 48-hour week before they were appointed.

The Premier: You should not say that unless you know it.

Mr. WILLCOCK: We have to judge by what has occurred. When we find men of the advanced age of 71 and 72 years being appointed to the Arbitration Court to deal with industrial matters and deliberate upon modern questions, we are justified in suspecting some ulterior motive.

Mr. Marshall: And on industrialism above all things!

Mr. WILLCOCK: Everyone knows that the Federal award could not apply while there was a dispute. It did not apply and will not apply, and there is no necessity for it to apply at the present time. The Government should obey the laws, and see that the judge appointed to function in the Arbitration Court does his work, instead of saying to people when they approach him, "I am not going to bother about it; you can fight it out." A fair and reasonable basis of settlement has been offered and the Government, in the interests of the State, should accept it.

Hon. P. Collier: What has the Minister in charge of the works to say?

The Premier: Are you going to speak?

Hon. P. Collier: Yes, in good time.

The MINISTER FOR WORKS (Hon. W. J. George—Murray-Wellington) [4.3]: I am quite sure no member will disagree with me when I say that the matter, as it affects Western Australia, is so serious that it should be approached without any question of political belief and should be dealt with from the

view of what is best in the interests of Western Australia. Holding that view, what I propose to say will be more in the nature of information to the House, and through the House to the public, such as the public are entitled to have before they can form a correct judgment. The Premier has detailed fully the views of the Government regarding the Federal award and has told the House, as other speakers have admitted, that the situation has been forced upon the Government, not at the bidding of the Employers' Federation. I hope members will dismiss that from their minds at once, and will accept my word that there has been no pressure by anyone in connection with this dispute. Certainly no pressure has been brought to bear on me, because I have not seen or communicated by letter or otherwise with anyone connected with the Employers' Federation. The Premier has said he has seen the representatives of the Employers' Federation and the representatives of the union. As head of the Government of the State, it is his function to do that. I, as Minister controlling trading concerns, have met the secretary of the Amalgamated Engineers, Mr. Barker, and the secretary of the Australian Engineers, Mr. Dennis. If they were present, they could tell members what had taken place. Our discussions have been quite free from heat, and have been conducted with a desire on each side to reach a settlement in order that harm may not come to one of the big industries of the State. I want to say plainly, and not to raise controversy, that had there been only one union instead of two, I personally believe this trouble would never have occurred. It is not for me to dictate as to whether there should be more than one union, but as a tradesman, and I am entitled to speak as such, I deplore the fact that there is more than one union dealing with the engineers in Australia.

Mr. Hughes: You believe in one big union?

Hon. P. Collier: Those who want one big union are called Bolsheviks.

The MINISTER FOR WORKS: I speak from 50 years' experience of the trade, both as an employee and as an employer, and I say it would be far better if there were only one union dealing with the trade, a trade which has been good to me and which I am not ashamed of, and I hope never shall be. What is really at the bottom of this trouble is that the 53 men, who are no longer employed by the State, are standing up for what they consider the principle of a 44 hours as against a 48 hours week. The Federal court to which they appealed—we did not want to go there—gave them a 48 hours week, and with it gave certain conditions which in some respects were more favourable and in other respects might not have been quite as favourable to the men. The Government did not and do not now consider that the Federal court should have jurisdiction over the State's utilities, and therefore made an appeal to the Privy Council. While that appeal was

pending before the Privy Council, for reasons which no doubt appeared to be good to the leaders of the Amalgamated Engineers, an application was made that the award should apply to the Government. We ought not to enter into an argument on that point. We should endeavour to focus this matter into one or two points, and upon these come to a decision. The smaller details of the matter could be settled without an appeal to Parliament which, of course, is the last court of appeal in the State. Such details could be settled by the Acting Public Service Commissioner, Mr. Munt, the secretary of the union, and the manager of the works. But the principle upon which this action has been taken by the Government is that an award, which they did not ask for and which they did not believe applied to them, has been asserted by the last court to which they could appeal, namely the Privy Council, to apply to them. As it applies to them, the Government must obey it.

Hon. W. C. Angwin: You have never been asked to break the law.

The MINISTER FOR WORKS: The member for Geraldton (Mr. Willcock) referred to the State Sawmills. The sawmills have been working 48 hours a week, and have carried out the award which was given in their case faithfully and honourably. A few fitters are employed by the sawmills, about half-a-dozen among the lot of them, and what they are doing at the present time I do not know. I do not think they have been working 48 hours; I do not know that we have had work for them for that length of time, but if they ceased work, it would not stop the sawmills. We would be able to carry on the sawmills for some time without needing the services of any members of this particular union.

Mr. McCallum: Then why have you given the men a week's notice?

The MINISTER FOR WORKS: To get them to obey the law.

Mr. McCallum: What are you anticipating, then?

The MINISTER FOR WORKS: The sawmills will be able to carry on, but these are details which do not affect the matter.

Mr. McCallum: That is not a detail.

The MINISTER FOR WORKS: What affects half-a-dozen people would be a small matter in comparison with what affects 53 men to-day and might affect 200 in a week or two.

Mr. McCallum: You have given a week's notice to more than 53.

The MINISTER FOR WORKS: No, we have not.

Mr. McCallum: Yes, you have.

The MINISTER FOR WORKS: I am trying to give the House the information which I possess. I am not trying to mislead the House. The matter is of great importance and has been worrying me for some time, and it would worry me more if men of my own trade, for whom there is work, by their action imperilled the existence of the State Implement Works, and probably caused them

to be closed up altogether. Let us make no mistake about it. The Premier mentioned the question of superphosphates, and reference has been made to it by other members, who said there would probably be no super for the farmers next seed time.

Mr. Pickering: The member for North-East Fremantle (Hon. W. C. Angwin) said that.

The MINISTER FOR WORKS: I am sorry that an important matter of this kind should be clouded by what amounts to almost a threat.

Mr. Munsie: It is not a threat; it is a matter of fact.

The MINISTER FOR WORKS: We are frequently told that the majority must rule and if, because of 53 men going out of the implement works, the livelihood of 4,000 or 5,000 farmers, and of many more people dependent upon their activities, is to be paralysed, we have reached to a very deplorable state of affairs indeed, and it behoves everyone to carefully consider the situation.

Mr. Munsie: It has received serious consideration.

The MINISTER FOR WORKS: I do not know how many farmers there are who need superphosphate.

Mr. Pickering: Every one of them needs it.

The MINISTER FOR WORKS: There must be 4,000 or 5,000 farmers who cannot get on without it. In addition, we have to remember that there are thousands of men for whom the activities of the farmers provide employment and who will also be thrown out of work. In other words, it means that the State is to be paralysed. Labour leaders have for years argued that the majority must rule; yet in this instance the majority is to suffer because the minority will not obey the award of the court which the Government must obey.

Mr. Hughes: But the majority is in sympathy with them.

Hon. W. C. Angwin: Do you think I would be right in withholding that information if I knew there was a possibility of such a thing occurring?

The MINISTER FOR WORKS: There is one point which it is only just should be made known. This matter was not decided by the Premier offhand. He devoted considerable time to it, as did also the Public Service Commissioner and myself. Arrangements were made that in case of any back pay being due to the men the books should be carefully gone into at once. The accountants are now going through the wages sheets for the period affected by the award with the object of ascertaining what amount the Government have to pay and what amount the men have to receive. This matter may be favourable to some of the men, but in other cases it may apply unfavourably. There are instances where the men should make a refund, but is it likely that the Government would collect over-payments which have been made during the period the award applied?

Mr. Munsie: I do not think you would find one such instance on the pay books of the State Implement Works.

The MINISTER FOR WORKS: The hon. member is speaking according to his belief. I am telling the House what has been given to me by men who know, and are not biased one way or the other. I am informed there will be a number of men who will have to receive back payments, but that there will be others who should make a refund.

Hon. P. Collier: I undertake to say that the money will be refunded.

The MINISTER FOR WORKS: I am not asking the hon. member to give me an undertaking of that nature. Instructions have been given to the management of the works to afford every bit of employment that is possible to the men who remain there. If, however, the manager cannot profitably employ a man because his mate is away and no one else is available, there is no other recourse but to pay him off. This position was not sprung upon the men. Ample notice was given to them before Christmas as proved by the letter from the union. Notwithstanding the knowledge they possess that they would be called upon to work 48 hours per week, the men worked for three days and failed to turn up for duty on Saturday morning. If the Government had sprung a surprise upon them, there might have been some justification for their action, but they knew before Christmas that they could go to work only under the 48 hour conditions, and on Saturday morning they broke the conditions of their employment. Under the Federal award the Government have enough to justify their action in paying off the men on Monday morning.

Mr. Munsie: I will have something to say about that.

The MINISTER FOR WORKS: I understand from Mr. Shaw that there was no feeling whatever between the men and himself as representing the employees. I believe the feeling at the works has been one of friendliness towards the manager as well as towards myself as Minister. It is common property that for something like three years I have been endeavouring to give up the responsibilities of managing the Government trading concerns. I have held that it is not a matter for a Minister to deal with. I claim that during the six years I have controlled these works I have given of my best, and done what I could to make a success of them, although I have felt that the Government should have nothing to do with them. I am like most men in my trade, interested in the work and enthusiastic over it. If that were not so, one could not endure the great amount of drudgery involved in the work. It cuts me to the quick, therefore, to know, as I know, that no more deadly blow has been struck at the State Implement works than that which has occurred during the last few days.

Mr. Munsie: I realise that too.

The MINISTER FOR WORKS: I feel very strongly about the matter. If the works do not fully resume operations within the next ten days, their trade will have gone. We cannot to-day accept orders and cannot put work in hand that is required for the coming season.

Hon. P. Collier: You will soon pull them round again.

The MINISTER FOR WORKS: Nothing could have a greater and more blasting effect upon the State Implement Works than the action of men stopping in their employment there.

Mr. Munsie: We have not stopped anybody.

The MINISTER FOR WORKS: Last week I was at the works with Mr. Shaw to see what our programme would be for the coming summer. We had arranged to make a certain number of seed drills in excess of what we had made previously. We also arranged to make certain other implements. We cannot go on with any of this work now, because the men who should be there to play their part so that others may play theirs are outside the gates instead of at the benches, the forges and the machines, where I would like to see them.

Mr. Munsie: What would the management do with the men during the four hours on Saturday morning?

Hon. P. Collier: Let them wheel out ashes.

The MINISTER FOR WORKS: That is a comparatively small matter, and solely a question of management. If Mr. Shaw had the men he would see that there was as little loss as possible. It is a matter which should not be imported into a question of principle like this. If we are to have arbitration courts both sides must abide by the awards. If either party will not do so, our arbitration courts must become merely a snare and a delusion. I am not going to debate the question of whether there should be a 44 or a 48 hours week. I merely mention the matter because it has been brought forward in connection with the Federal award. We must abide by the awards, the Government as well as the other side, otherwise we must get out of our fool's paradise.

Hon. W. C. Angwin: Does the award definitely make it a 48 hours week? You could keep to the law if you worked fewer hours.

The MINISTER FOR WORKS: I suppose we could, if we were short of work, go on short time. But we are not short of work. We might be short if we took our order book into account, but not if we take the line dictated by common sense and experience, have the pluck to prepare for the coming season, and manufacture the implements that we have every reason to believe we could sell. I greatly deplore the whole affair. I have given a great deal of time to these works. I never had any payment for what I have done, nor asked for it, nor have I expected it. One does not like to see any concern, to which many years of one's life have been devoted, cast as it were upon the scrap heap. My

opinion is that they will have to be scrapped if work is not resumed within 10 days. Within that period the work that should be turned out there will have gone to the Eastern States where the men are working 48 hours.

Mr. Munsie: They are not.

Mr. Pickering: Or not at all.

The MINISTER FOR WORKS: One firm in the city contracted with me for certain articles required for one of the departments. I was asked to allow that firm to have the goods manufactured in one of the other States.

Mr. Teesdale: That is a fine thing for Western Australia.

The MINISTER FOR WORKS: I would not allow it to be done. I said I gave the order in order to find employment in Western Australia, not to find employment for people in the other States. The other day some 400 cast iron fittings were required. It was ascertained that these could be imported from the Eastern States at less than half the cost at which they could be made here. What are we going to do? The price from the Eastern States was 17s. delivered at Albany, whereas the local price was 33s. There are certain parts of water meters that are required to enable us to compete with the Eastern States. We shall have to import these. They cannot be made in Western Australia, because we could not get them at a price that would enable us to sell our meters at what they would cost us. Last week I received a quotation from Great Britain from a firm that I have known for 40 years, a firm of clock manufacturers. The quotation they gave me for the particular article was 2s. 4½d., but the cost of manufacture in Western Australia was 30s. I can produce documentary evidence in proof of this statement. I ask members, and the representatives of the union concerned now sitting in the gallery, to believe that I am fighting for the interest not only of Western Australia but of the employees as well. I warn those boys who are in the same trade as myself—I can as an old man give them such warning—that these implement works will have to be scrapped unless operations are resumed immediately. I would not mind if the works were sold to-morrow so long as they were kept going in Western Australia, but if they are scrapped, it will mean scrapping the livelihood of a number of men who are too damned good to be cast aside in such a way.

Mr. MUNSIE (Hannans) [4.30]: I first of all wish to reply to statements made by the Minister for Works, and I desire to correct a false impression which may have remained. The Minister stated that the Government did not spring this matter as a surprise upon the men. I admit, too, that he did not say that the men had sprung it as a surprise on the Government. What he did say was that the men worked two days and refused to turn up on the next day. I want placed on record what really happened. The secretary of the organisation referred to, namely, the Amalgamated Society of Engineers, received notice

that on and after a given day the members of his organisation would have to work 48 hours instead of 44. He was informed that this alteration would come into force on the 4th January. Immediately he received that notice, he went to the manager of the works and discussed the matter with him. From the manager of the works he went to the Minister controlling the works and from the Minister he approached the acting Public Service Commissioner, Mr. Munt, who was appointed by the Government for the purpose of settling these disputes. In each case the secretary's hope was that it would be possible to arrive at a settlement, but in each case he was given to understand that there was only one man who could deal with the matter, and that was the Premier. Then the disputes committee were approached. This committee were practically in charge of the strike, but did not have anything to do with the implement works. The matter was reported to the disputes committee, and an explanation having been given of what had been done up to then, the disputes committee endeavoured to get into touch with the Premier. That was at a few minutes past five o'clock in the afternoon. The Premier was communicated with, but he had left his office. Then the Xmas holidays began. Tuesday was also a holiday but I happened to meet the Premier on that day, and I did not waste any time either. I approached him, and I hope the Premier will forgive me for referring to the interview I had with him. I do not wish, however, a false impression to be gained. I may as well be candid and say that I met the Premier on the Perth racecourse; I am not ashamed of anyone knowing that. I approached him there for the purpose of ascertaining when it would be possible to interview him to discuss the matter. The Premier said, "If you can get your men together I will meet you this afternoon."

The Premier: I did not mean on the racecourse.

Mr. MUNSIE: It was not possible for me to arrange for the interview that evening because I had no chance of seeing the others in the interval. I endeavoured to arrange a meeting with the Premier on the following day. The Premier, however, was leaving for the South-West that night. I then suggested that as he was leaving the city he should give us an opportunity of discussing the matter with the Minister for Works, who was controlling the implement works. The Premier replied, "It is useless your approaching the Minister for Works; he cannot do anything without my consent." We then had to wait until the Premier's return, and when he returned we waited on him as a deputation. We therefore cannot be blamed for the delay that took place. The men took action immediately the notice was served. The Premier returned to Perth on Thursday morning and he was good enough to agree to meet us on the Thursday afternoon. We discussed the matter with him for two or three hours and he asked us to put our proposals

before him in writing and he added that they would be considered by Cabinet on Friday. Could the men or the disputes committee have done other than what they did? Everything was done to get into touch without delay with those who it was thought would be able to deal with the question. I am not going to say that the Minister for Works could not have dealt with the matter; it had got to the stage when it had passed out of his control and was being dealt with by the Premier.

The Minister for Works: It was not intended as a slight to me.

Mr. MUNSIE: No. I only wish to explain the true position, and to make it clear that the men were not to blame. They only had Thursday, Friday, and Saturday. Now what does the Minister for Works say? He declares that unless these 53 men resume work within 10 days the whole of the orders and the usefulness of the implement works for the next 12 months will go by the board. It is a pretty easy matter to get over that.

The Minister for Mines: Let them join the Australian Engineers for the time being.

Mr. MUNSIE: I will not have that suggestion because I am satisfied that the Minister would immediately issue instructions that these men should not be allowed to work unless they were prepared to work 48 hours.

The Minister for Mines: Try it out.

Mr. MUNSIE: There is no need to try it out because of the assurance we have received from the Premier. This proposition was put to the Premier: Suppose all these men join the A.S.E.? That would not matter. Are you going to prevent from working in the State Implement Works a man who was once a member of the A.S.E. but who, since the award was given, has left the A.S.E. and joined the Australian society? Are you going to apply that to him? Yes. Why should the Minister for Mines suggest that the men should join the Australian society? The position will be just the same. What I want the Minister for Mines to justify is the bringing in of the 53 men on Saturday to do absolutely useless work.

The Minister for Works: That would not be so.

Mr. MUNSIE: The manager said so.

The Minister for Works: They would have some work to do.

Mr. MUNSIE: There is a much easier way out of it. It is a matter of only six weeks before the court will sit. The Minister is practically working under the Federal award, but if he were sincere and wanted to go on for the next six Saturdays he could allow those 53 men to stop at home and get nothing just as easily as to bring them to the works to do nothing, and get nothing. I could understand it if it were a case of 53 men with one labourer and the rest working in pairs. There would possibly be some justification for the attitude the Government has adopted in regard to those 53 men, as the action would not interfere with anyone else. But as has been pointed out there are black-

smiths' strikers, and members of the A.S.E. affected by this award. Blacksmiths would not be there on Saturday morning.

The Minister for Works: Work would have been found for them.

Mr. MUNSIE: In addition there are moulders' labourers who belong to the A.S.E. who are not affected by the award, and they are still working 44 hours. The moulders would not be there on Saturday morning. Then why bring in the labourers?

Mr. Hughes: Just cussedness.

Mr. MUNSIE: Exactly, as my friend has just said—cussedness. I wish to point out what really has transpired in connection with this matter. For the purpose of justifying the position, I take it that the action of the Government is unreasonable, unjustified and unwarranted. It is insane and ridiculous to compel these 53 men to go to work while the Government are prepared to allow 197 to stay at home. If the Government had backbone they could have said that all would have to work 48 hours or the works would be closed down. But to take the attitude that they are going to insist on 53 men working 48 hours and allow the remainder to work 44, is something which I cannot understand.

The Premier: The men compelled this by going to the Federal court.

Mr. MUNSIE: While the member for South Fremantle was speaking the Minister for Works interjected "Why did they go to the Federal court?" At that particular time there were different conditions in several shops in Western Australia. The Amalgamated Society of Engineers realised that there was only one way by which they could get a uniform set of conditions, and that was by joining the State instrumentalities with those of the privately-owned shops and getting one award through the Federal court. Considerably over three years ago the decision was arrived at. The application was made and the citation was lodged in connection with the engineering trade. The object was to get uniformity. After the decision of the Federal court granting a 44-hour week, the State court almost immediately granted a similar working week in Western Australia. Therefore, we obtained uniformity. In another 12 months the State case came up, that of the railway organisation whose members practically control the Midland workshops. There was a different President on the bench. Mr. Justice Rooth, as first president, granted the 44-hour week under the railway award. Mr. Justice Burnside granted the 44-hour week to the mining industry at Kalgoorlie. Mr. Justice Draper was then appointed to the bench, and he heard the second railway case and the second miners' case. In both instances he granted the 44-hour week. As a matter of fact, the 44-hour week applied to the rest of the men in the Implement Works, not because they went to the court, but because the Government agreed to it.

The Minister for Mines: Applying the railway award.

Mr. MUNSIE: Yes, and that had its origin in the efforts of the Amalgamated Society of Engineers and of the Timber Workers' Union who gained a 44-hour week under their Federal awards. What happened? When the case was cited before the Federal court and immediately a start was made to put up the case, an instruction was issued to the President of the court. That can be found in black and white, and I am not referring to newspaper reports. An instruction was issued to the President of the Federal court not to continue the hearing as to whether the week's work should consist of 44 or 48 hours. Despite that instruction, the President went on with the hearing. He took evidence as regards the engineers and was not satisfied. He said it was such a big matter that he should get other evidence before giving a decision. He obtained the evidence of the timber workers. While the inquiry, which lasted 53 days, was proceeding and after Mr. Justice Higgins had refused to obey the instruction not to go on with the hours aspect of the inquiry, the Federal Government introduced an amending measure to amend one clause of the Arbitration Act, and prohibit one judge from deciding the number of hours of employment. It was only by a fluke that Mr. Justice Higgins was able to give his decision at all inasmuch as on the Friday night the "Gazette" notice was issued and on the Monday the application was before the court. Had the application gone in on the Friday the "Gazette" notice appeared, he could not have given that decision. He was not debarred from giving a decision in the cases of the engineers and the timber workers, but it was made impossible for any one judge to hear an application on the question of hours in the future. It was stipulated that this question should be dealt with by three judges. There were four other cases pending before the court at the time, and there was a howl from the unionists that additional appointments should be made to the Arbitration Court bench. The unionists wanted to get their cases heard. Were the additional appointments made? No, we had to wait another 12 or 18 months. A deputation from the Employers' Federation then requested the Government to appoint additional judges, and two appointments were made. The result of those appointments is known to members. Even before the decision on the question was made known, the engineers of this State had applied to the Federal court for permission to withdraw from the Federal award. They have been consistent in their attitude right through. The public of Western Australia have been led to believe that the Amalgamated Society of Engineers and the members of the other iron trades are desirous of getting away from the Federal Arbitration Court on account of the decision to extend the hours of work from 44 to 48. What influenced the engineers in their desire to get away from the Federal court was the mandate issued by Mr. Justice Powers as President of the court, bringing

in the automatic quarterly adjustments of wages. The Labour movement and the whole of the trade unionists of the State have protested against that principle. They will not have it, and I applaud them for not having it. Seven years ago we unanimously asked for it on account of the increasing cost of living, because, in some instances, 18 months elapsed before a union could get its case heard. We could not get the automatic adjustment principle adopted until the cost of living had reached the apex but, when the cost of living began to decline, the judge granted the automatic adjustment. I cannot understand any unionist who believes in arbitration tolerating the quarterly adjustment principle. I believe in arbitration, but I do not believe in Mr. Justice Powers saying of what arbitration is to consist. I want to see the unionists obeying the arbitration court, but Parliament is entitled to say on what lines arbitration shall be conducted. In 99 cases out of 100 we are condemned on the ground that our executive backs up a dispute and desires to dictate as to what their members should do. Yet we are asked to agree to one man having the right without Parliamentary authority to introduce the system of quarterly adjustments, and compel us to accept it whether we like it or not. That is the principal reason actuating the unions in their desire to get away from the Federal court, and I can assure members that none of the unions will be anxious to go to the Federal court in future. The 48 hours was awarded by the new court which succeeded the court which granted the 44 hours.

Hon. P. Collier: By the decrepit court, the old-age court.

Mr. MUNSIE: Yes. Prior to the engineers' dispute occurring, and prior to any stoppage in the iron trades, the Disputes Committee asked for and obtained a conference with the Employers' Federation to discuss the probable result of a stoppage. The Government were not concerned, because their appeal to the Privy Council was pending. We asked the Employers' Federation that, if they would not co-operate with us in an application to get Western Australia exempted from the Federal award, they should not oppose our application for exemption, but they point blank refused our request. The matter came before the Federal court on three occasions and on each occasion it was adjourned, because Mr. Justice Powers said he would not discuss that phase of the question until the men resumed work. That is what presidents of Arbitration Courts have done in most cases. I believe the Government and supporters of the Government both inside the House and out of it agree with that principle. They maintain that the men should first return to work. What attitude are they going to adopt with the men on the other side who do exactly the same thing against the State court? The member for Geraldton (Mr. Willcock) said that the president of the State Arbitration Court was breaking the law. I

do not go so far as to say that, but he is refusing to put the law into operation against the employers. If the employees had been at fault, he would have put the law into operation from the very first day. Private employers through their federation committed a breach of the State Arbitration Act. This breach has been pointed out to the Premier, and to the President of the Arbitration Court both at a private interview and at a compulsory conference, but no action has been taken. The Amalgamated Society of Engineers are blamed for the strike of their members and their refusal to return to work. Before there was any mention of a 48 hours week as against the 44 hours, and before there was any strike, the boilermakers' organisation cited a case in the State Arbitration Court. The employers replied to the citation, and all that remained to be done was to fix the date for the hearing. When the Federal award was delivered, an award which affected the Amalgamated Society of Engineers only, the private employers locked out not only the members of the Amalgamated Society of Engineers, but also the boilermakers. The boilermakers were not in the engineers' organisation and had not an award; they were working under an agreement. Such a thing had never previously occurred in the history of arbitration in this State without action having been taken. If a case is pending and members of a union go on strike, action is taken against them very quickly indeed. But here is an instance of a case pending before the court and the employers saying to the men, "We will not employ you; we will lock up our shops against you." And the president of the Arbitration Court says, "I will not hear the case." Cannot the Government see that the court of this State functions? I am not asking the Government to alter the court, but merely to see that the court does its duty, the duty for which it was appointed, the duty which it has point blank refused to do. As stated by one speaker, the president did not refuse very long when a request came to him from the proprietors of the Collie mines. He even convened a conference on Boxing Day—a thing unprecedented, I believe, in the history of Australia. But he showed a very different attitude to the boilermakers. I say he is flouting the law of the country by refusing to hear a case which has been cited, and I say the Government by their attitude in connection with the State Implement Works, are aiding and abetting the Employers' Federation to flout the arbitration law of Western Australia. I would not regard the position of the Government as being half so bad if this were the first case of the kind, or if this case were the only one pending so far as the Government are concerned. But the Premier knows that there are any number of members of the same organisation and of kindred organisations affected by the State Implement Works case. They were affected last June, or in July, when the Government issued notices stating that as from the 1st July

the men had to work 48 hours per week. What happened then? The matter was referred to the disputes committee which got into negotiation first with Mr. Munt, and then with the Government. After about a month's negotiation Mr. Colebatch, on behalf of the Government, agreed that the conditions then prevailing should continue until the court altered them. Mr. Colebatch admitted that he had no right to alter them on his own. Here we have men affected who are under identically the same employer, and are members of the Engineers' Society. They are in the same position in this respect as members of the Engineers' Society employed by the Public Works Department. In the case of the latter the Government of this State have agreed that the question shall be settled by the State Arbitration Court, and the union are willing to abide by the decision of that court. We now ask the Government to come to the same agreement in connection with the State Implement Works. Why have the Government altered their tactics? Why do not the Government agree to the same conditions in connection with the State Implement Works as in connection with the Public Works Department? In fact, the same conditions might also apply in connection with the Fremantle Harbour Trust. The Government do not ask the engineers employed by the Fremantle Harbour Trust to come in on Saturdays in order to complete a week of 48 hours. The reason for the changed attitude of the Government is that the State Implement Works are interfering with private business concerns in this State. No other reason can be put up, no other conclusion can be arrived at, than that the State Implement Works are to a certain extent interfering with private works now closed down in this State. Great exception was taken to the statement of the member for North-East Fremantle (Hon. W. C. Angwin) that there was a possibility of no super. being available for the farmers this year. I view that prospect just as seriously as does any member of this House; but, knowing what I do, I regard the statement in question as representing merely a matter of fact. The managers of both the superphosphate companies have made that statement. We have met both managers in conference and discussed the matter from every standpoint, and those two gentlemen say, "If we cannot get engineering work done, we cannot supply the super."

The Minister for Mines: They can send the work up to Kalgoorlie and get it done there.

Mr. MUNSIE: They cannot send their plant up to Kalgoorlie. It is no use the Minister trying to bluff me in that way. The plant cannot be mended without engineers going on the job; and they will not go there. I am just as positive as that I am standing here that the Federal Arbitration Court has been interfered with in this matter. Justice Higgins was removed, and the 48 hours week was granted. The men object to that decision, and do not believe that they got justice, and I am with them. The Federal

Arbitration Court reverted to the 48 hours almost without evidence. That is why those judges got the job. A promise was obtained from them, just as there was an attempt to obtain a promise from Mr. Piddington that he would consider the Commonwealth before the State. I say that, believing it to be true. Why, Mr. Hughes wanted to nobble the Federal High Court, and so why should he not attempt to nobble the Federal Arbitration Court? He is the cause of the trouble in this State. The unionists of Western Australia are prepared to abide by arbitration. They have done so exceptionally well up to the present. Very few instances indeed can be named where the unionists of this State have disobeyed an award of the Arbitration Court.

Mr. Marshall: Plenty of instances can be named in which the employers have disobeyed.

Mr. MUNSIE: Yes. When an award has not suited the employers, they have closed down. However, that is not breaking the law so far as they are concerned. They maintain that they are still obeying the law when they close down. For the worker, on the other hand, there is no alternative except to carry on. It is all very well for people to say that an arbitration award must be obeyed. In this instance the workers are not obeying the court that gave the decision, but are disobeying a court which was forced upon them. There I am right with them. I want the Premier to recognise that even if this condition which he demands is carried out, it means placing upon the State Implement Works, which he says are losing money, at least an additional £500 of useless expenditure, of expenditure on something which is impracticable, something which cannot be worked economically. The men cannot be employed to any advantage at all on Saturday morning. The Premier will not be breaking the Federal law by allowing the men to continue on 44 hours. If any breach of the Federal award were involved in that, I would not ask him to do it.

The Premier: Are the men not going to work because they think there will be no work for them to do?

Mr. MUNSIE: No. They are staying away because the Premier will not allow them to go back to work. If he will allow them to go back, I undertake to say they will be there.

The Minister for Mines: But will they be there on Saturday morning?

Mr. MUNSIE: No. They are not going to make darned idiots of themselves in connection with that. Would it not look well for 53 men to come along on Saturday morning with no one there to give them any power, with the engine driver away?

The Minister for Works: The engine driver will be there.

Mr. MUNSIE: The cat is being let out of the bag. Under what conditions will the engine driver be there on Saturday morning? Double time. That is under the Federal award. In order to compel these 53 men to come back and do nothing, the Minister is prepared to go to any ridiculous length, so

long as he can effect something that will be favourable to the private employer.

Mr. Hughes: And he will spend public money to do it.

Mr. MUNSIE: If the State Implement Works are to die, I want to see them die a decent death, and not commit hara kiri. There is a Bill before Parliament now to get rid of the State trading concerns. For goodness' sake let us deal with that Bill, and sell the State trading concerns. But even if the Premier took the bull by the horns and sold the State Implement Works to a private company, that private company would never attempt to do what the Government are now attempting. No private employer would endeavour to put into operation such a ridiculous proposition as this. Suppose a union in this country goes to the State Arbitration Court and obtains an award, and then, immediately upon the delivery of that award, the employers put in an application for a variation, and then approach the Premier with a view to having the court altered, and the Premier does it, I will tell the unionists not to obey the award of such a court. I know, of course, that the Premier would not do such a thing. But that is what happened in the Federal case. The ink was not dry on the award before the employers applied for a variation reverting to 48 hours. They demanded an amendment of the Federal Arbitration Act, and they got it. They wanted new judges on the bench, and they got them. And so they got the 48 hours. If men are blinded to such an extent as not to be able to see through such things, it might be said they deserve to suffer. However, even if they are blind they may be able to hear, and if my voice can reach them I will let them know what has been done. It must be agreed that if such a case happened in the Federal Arbitration Court it was a disgrace to the arbitration laws of Australia. I do not want to see any other Government attempt to do anything of the kind. I am satisfied that our own State Government would not do it. If they did, I would advise the men not to obey that award either. The Premier cannot name one other award which any of the eight organisations in the State Implement Works have disobeyed. We are not asking the Government to break the Federal arbitration award, but merely that they shall not make a farce of the State Implement Works, pending the hearing of the case by the State court. Why should these men go along there for four hours on Saturday morning in order to do nothing? I appeal to the Premier to let the State Implement Works live, rather than kill them in this way. It is not fair either to the country or to the men employed.

The Premier: We can all say it is not fair.

Mr. MUNSIE: The Premier made no attempt to justify the attitude taken up. The Government must obey the law, but the Government need not be ridiculous. Just at present it seems the Government cannot obey the law without being ridiculous; that is to

say, if the State Implement Works are to continue. I appeal to the Premier to take a sensible view of the position and let us have uniformity. I do not for a moment believe that private firms are suffering from the strike; they are being backed up by the big firms over East, who wish to keep the dispute going.

The Minister for Works: And the big firms over East are sending here stuff which we should be making.

Mr. MUNSIE: Yes, I know that, and the small proprietor knows exactly what is being done. The big employers realise that they can fight the thing more cheaply in Western Australia than anywhere else. That is why we have the trouble here.

Mr. Teesdale: One firm is shifting 50 men and a mass of machinery from here in order to start in Adelaide. That is lovely for secondary industries!

Mr. MUNSIE: I admit it. Ever since the trouble began, we have endeavoured in every way to bring about a meeting with the Employers' Federation in order to discuss the position. We even went so far as to privately approach the judge of the Arbitration Court to see if he could not by some means convene a private conference between a representative of the men and a representative of the employers. He did that. The two selected were Mr. Andrews, the secretary of the Employers' Federation, and I, representing the men. We had that private talk and discussed the position for a couple of hours. The president of the court put forward various suggestions. But when we again approached the Employers' Federation to see if they had agreed to anything, they said no good could come from a conference. That is the way we are treated! They will not move, will not do anything, whereas we have done everything possible. I know the sufferings and privations of a lot of the men affected, but I can assure you the trouble is not yet ended. If the employers continue to make little of the men, as they are doing, every shop in the country will be closed and everything will be permitted to go East before the men give in. The chief bugbear on the side of the employers has been that the State Implement Works was still working. The employers have done everything possible to stop the State Implement Works.

The Minister for Works: And now you are helping them.

Mr. MUNSIE: No, it is the Government who are helping them. Does any hon. member know of any fairer offer ever made to get over a difficulty than the offer in the letter written by the men? But that offer has been turned down by the Government in order that they might try something utterly impracticable. Who should know better than Mr. Shaw? Yet Mr. Shaw tells us that the 53 men will be brought back to do useless work, if any work at all.

The Minister for Works: I do not think Mr. Shaw said that.

Mr. MUNSIE: The Minister himself knows what engineering is, and he must realise that he cannot carry on under those conditions.

The Minister for Works: I know that we would lose something, but we would not lose it all.

Mr. MUNSIE: Why make the loss any greater? The Premier says the thing is losing already. The wages of those 250 men constitute a very big set off against the few pounds which may be lost on one side or the other in the balance sheet. If those men went over East it would be a much greater loss to the State than the small loss shown in the ledger. I want the Government to look at it from that standpoint. The present proposition is ridiculous on the face of it. Even the Premier himself, after last Thursday's deputation, admits that it is a ridiculous and absurd proposition. He said we must have uniformity.

The Premier: So we must.

Mr. MUNSIE: The only offer of uniformity made was turned down.

The Premier: We had uniformity, but you broke away.

Mr. MUNSIE: The Premier did not have uniformity even then.

The Minister for Works: We made a good try at getting it.

Mr. MUNSIE: You have an offer of it now. You say you do not want the Federal court to have jurisdiction over State instrumentalities. We are prepared to assist you there.

The Premier: We have to obey the law. Here is the letter.

Mr. MUNSIE: But I ask the Premier to quote the other letter, repudiating that one.

The Premier: I do not think there is one.

Mr. MUNSIE: I say there is. The Premier's departmental officers know all about it. The letter which the Premier has was not written by Mr. Barker, is not official.

The Minister for Works: It is on the official notepaper.

Mr. MUNSIE: But the other letter was signed by Mr. Barker himself. In any case, the letter which the Premier has in his hand was written prior to the decision as to the court's jurisdiction over State instrumentalities. It was only natural that any union which had been waiting 14 or 15 months should write to a Government institution asking that something be done.

The Premier: I admit that. That is what they asked for.

Mr. MUNSIE: Since then the conditions have been altered. I ask the Government not to insist upon having something impracticable done, when they can reach a satisfactory settlement in the course of the next four or five weeks.

Capt. CARTER (Leederville) [5.27]: There has been a great deal of vociferous, not to say violent, verbiage over a matter which the Premier has dealt with in a statesmanlike pronouncement this afternoon, statesmanlike because of its simplicity and direct-

ness. Ever since I have been in the House I have closely studied the member for North-East Fremantle (Hon. W. C. Angwin) as a leader amongst us. I have every sympathy with him, because I believe he was perfectly sincere in what he said this afternoon. But having listened carefully to him I came to the conclusion that the primal argument he put up, the main fact on which he hung the whole of his speech, was the letter of the 5th inst. addressed to the Government. On that letter he has made out a case in which he says the union is offering the olive branch, and a quid pro quo for anything it may receive by way of benefits from a resumption under conditions similar to those which it previously enjoyed. The hon. member must realise that he went somewhat beyond the Act, as the letter does, in making such an offer. I understand that an industrial union rarely takes an important step without first securing legal opinion. If that be so, it seems to me there may be a little guile behind that letter. It cannot be the outcome of ignorance, when we have at the head of affairs men such as the last speaker, who has given proof of his wide knowledge of industrial affairs. It cannot be that the letter has been written in innocence, but I think the offer made has tricked even the member for North-East Fremantle. It has been made with the specific idea of tricking not only him, but also the advisers of the Government.

Mr. Corboy: In what way?

Capt. CARTER: I will tell the hon. member what seems to be the trick. The union has offered to contract itself out of an agreement based on an award delivered by the court. It has offered in effect to forego and waive any claim for back pay it may possess by reason of being brought officially under the Federal award, provided the Government will give a quid pro quo and return to the old hours.

Mr. Corboy: There is no harm in it.

Capt. CARTER: Section 126 of the Industrial Arbitration Act says that subject to Section 39 no person shall be free or discharged from any liability or penalty by the application of any industrial award or agreement by reason of any contract made or entered into by him or on his behalf.

Mr. Corboy: That is the State Act.

Capt. CARTER: Quite so. There is a similar provision in the Federal Act.

Mr. Corboy: Quote it.

Capt. CARTER: It is obvious that here is an attempt on behalf of the union to place the Government in an invidious and an improper position.

Mr. McCallum: It appears that you are the only one that has been tricked.

Capt. CARTER: There is no question as to the matter of principle involved in the present dispute. We have discussed this matter in the House before. Whilst it was sub judice, because of the appeal lodged before the Privy Council, the Government could not be expected to take any action. So far as I know they have not attempted to

coerce the men in any way. Since the Privy Council appeal has failed the union has been brought within the application of the award. The Government are perfectly within their rights in demanding that the men should be mulcted according to the finding of the Court. The member for North-East Fremantle (Hon. W. C. Angwin) said that the Government had failed to keep the wheels of industry going. Other members stated that if the men were given the opportunity to work they would work, but that they had been locked out. If we are to believe what the Minister for Works said, we must acknowledge that the men were offered employment on Saturday morning last but refused it. They did not attend at the works at the time appointed and therefore the action taken by the Government was only a natural one. It would be quite as fair for me to say that instead of the Government failing to keep the wheels of industry going, they have failed to knuckle down to what amounts to a bluff on the part of the union. The one statement may be as extreme as the other, but there is more ground for the one than the other. If the Government standing in their present position desire to keep the wheels of industry going, they must do so solely and absolutely along the lines of constitutional conditions. I do not know of any other path along which they can walk that would enable them to compete with the other States. The figures quoted by the Minister for Works in his laud speech have astonished members, who now realise that we are placed in an impossible position in relation to the other States when it comes to a matter of competition in this particular industry. If we are to compete with similar industries in the other States we must work under conditions similar to those operating there. The member for North-East Fremantle rather amused me by inferring that he wanted my help because three-fourths of the men concerned lived in the Leederville electorate.

Mr. Corboy: You will want it some day.

Capt. CARTER: I have had their help already.

Hon. W. C. Angwin: They never expected your help.

Capt. CARTER: I believe I am helping the men by supporting the Government. The action of the Government will undoubtedly redound to the benefit of the men and the workers in general. We cannot have our cake and eat it. If we are going to ruin industries we shall ruin our avenues of employment. We shall place men out of work and keep them from the possibility of earning a livelihood. Instead of referring to the geographical position, I would refer to the mental position of these men. Fully half of them live in jeopardy and in dread, and in many cases are disgusted with the union control.

Mr. Corboy: You know a lot about it!

Capt. CARTER: I will give the hon. member the proof. Let him look at the vote that was recently taken in Kalgoorlie. It rose from 41 to 83 in favour of resumption of work.

Mr. Willecock: Who controls the situation? Capt. CARTER: Will the union concerned in this matter take a vote in the metropolitan area as was done on the fields, and leave the question to the men to decide?

Mr. Corboy: It has been done. A vote was taken last week.

Capt. CARTER: Here is a golden opportunity to allow democracy to rule, and permit the individual to decide his own fate by recording his vote in a secret manner.

Mr. McCallum: Of course in a secret manner.

Capt. CARTER: I would stipulate for a secret ballot.

Mr. O'Loughlen: Would you support the decision if it were given in that way?

Capt. CARTER: I was not a little disappointed to notice that the member for North-East Fremantle had, I may say, descended to the use of a threat.

Hon. W. C. Angwin: I did not do so.

Capt. CARTER: He said that probably there would be no superphosphates for the new cropping season. That could only be taken as a threat of a rather invidious character. Several speakers are bursting with information now.

Mr. McCallum: Such profound knowledge as you have displayed has astounded us.

Capt. CARTER: For the member for North-East Fremantle to say that, gave me, as a young member of this Assembly, a grievous shock. I have grown to regard him as one who uses more moderate terms and shows greater wisdom than has been evidenced in his speech this afternoon.

Hon. W. C. Angwin: I should be wrong if I did not tell what I knew.

Capt. CARTER: The hon. member is, I believe, sincere in the attitude he has taken up. I should like to hear him in reply to the Premier and the Minister for Works in relation to the legal aspect of the letter he has read. It was the only peg on which he could hang his arguments. I listened attentively to his speech, and could find no other peg than the letter of the 5th January to which he could hang them. I wish to refer to the remarks of the member for Hannans (Mr. Munsie). He spoke in an earnest manner of the difficulty of placing these 53 men at work on Saturday mornings. What, he asked, were the Government to do with them? That position seemed to worry him more than anything else.

Mr. Willecock: Break the principle of the 44 hours.

Capt. CARTER: Such solicitude for the safe working of our departments is remarkable. He is most pathetic in his kindness. How pathetic he becomes and solicitous he was in the days when the 44 hours week was first introduced. Did he go to the employers and say, "I wonder what you will do when you have only half the number of men working on Saturday mornings?"

Mr. Corboy: That never happened.

Capt. CARTER: It did happen.

Mr. Munsie: It did not.

Mr. SPEAKER: Order!

Capt. CARTER: The hon. member was not as solicitous for the safe working of the industry in those days as he appears to be now.

Mr. Corboy: When was that?

Capt. CARTER: There can be only one stand for us to take, and that is one behind the Constitutional authority of our courts. I agree the accountants should get busy in adjusting the pay sheets, and that the men should be given what benefits, if any, accrued to them from the Federal award. The men should also be prepared in return to work the hours prescribed under the award. The whole question is one of principle as to whether the Government are going to stand by the laws of the country, or whether they are to be browbeaten into an acceptance of what is the opinion of a very small minority.

Mr. Willecock: A corrupt court.

Capt. CARTER: I was coming to that. The hon. member has reminded me of perhaps the saddest feature of the debate. The member for Hannans referred in most scathing terms to the officials of the Arbitration Court.

Mr. Munsie: It is the most serious thing that has ever happened within the Commonwealth.

Capt. CARTER: An inference of bribes of office was made. The hon. member said it was a court which had been tampered with.

Mr. Corboy: So it has.

Capt. CARTER: If people feel that way towards a court of British justice they should be manly enough to come out into the open where they can be asked to prove their words.

Mr. Corboy: It has appeared in the Press.

Capt. CARTER: I have never heard such statements as we have heard this afternoon.

Mr. McCallum: The judge has been written to.

Capt. CARTER: Very strong statements indeed were made this afternoon.

Mr. Corboy: What about the Kessell case?

Hon. P. Collier: You did not take the Kessell case into the open and read the affidavits there.

Capt. CARTER: That case is not on all fours with this. I had before me a sworn statement.

Hon. P. Collier: You were impugning the honesty of a man in the British House of Commons under the shelter of Parliament.

Capt. CARTER: Members opposite supported the action I took. As a party and individually they joined with me.

Mr. O'Loughlen: They did not.

Capt. CARTER: They did.

Mr. O'Loughlen: There was no vote taken.

Capt. CARTER: That is not the point I am discussing. Apparently the desire is to keep me from giving the facts of the present position.

Mr. Marshall: Come over here.

Capt. CARTER: If I had a voice like the hon. member's I would consider myself qualified to sit next to him.

Mr. Teesdale: Would you sell it in sections?

CapA. CARTER: The member for Hannaus stated that the Government would not employ the men. That is a subversion of fact. There is nothing on record to show that the Government refused to employ the workers concerned. The works were open on Saturday morning to enable the men to take their places at the benches. The men refused to work. They are, therefore, a party to the lockout.

Mr. Corboy: What about Monday morning?

Capt. CARTER: The men had no right to go on Monday morning. They broke their conditions of employment by refusing to work on Saturday morning, and therefore could not work on Monday morning. The Government have done all that is necessary not only to safeguard the public interests, but also the rights of the men themselves. If the men had this matter within their own hands I say that what happened in Kalgoorlie would happen in the metropolitan area.

Mr. O'Loughlen: Would you stand up for their decision?

Mr. McCALLUM (South Fremantle) [5.45]: When the member for Leederville (Capt. Carter) started to speak, we thought he was going to give some information to this side of the House, but he began with the usual procedure of attempting to teach his grandmother to suck eggs. He charged members of the Opposition with speaking with a want of knowledge, and actually went so far as to say that the union had written a letter to the Government in which a deliberate trap was set for the Government to fall into. Then the hon. member quoted from an Act which did not apply to the matter at all. I listened to him attentively and he reiterated ordinary claptrap about union control and the domination of the individual worker by organisations. This has become so sickening and we have explained it so often that I cannot understand men possessing common sense repeating it within the hearing of those who know and understand the position. That kind of thing shows a lack of knowledge and common sense. What is a union? If it is not the men, what is it? Who controls them if they do not control themselves?

Capt. Carter: Why not have a secret ballot?

Mr. McCALLUM: Who is to decide? The men themselves must carry the resolution if they wish to have a ballot. Then a ballot is taken.

Capt. Carter: There is the difficulty.

Mr. McCALLUM: What difficulty is there? If the men demand a secret ballot, then the secret ballot must be taken.

The Minister for Mines: On a simple majority?

Mr. McCALLUM: Yes, a simple majority.

The Minister for Mines: No.

Mr. McCALLUM: What is the Minister inferring now?

The Minister for Mines: It requires a two-thirds majority.

Mr. McCALLUM: It requires a notice of motion to rescind a resolution. Of course, everything would depend on the Standing Orders of the union.

The Minister for Mines: I interjected, "A simple majority!" and you said "Yes."

Mr. McCALLUM: All unions take a simple majority vote unless it is in the case of rescinding a resolution previously carried. That requires a notice of motion and in some instances a two-thirds majority to rescind it. If men object to union control, they are objecting to their own control. It has been stated that the figures quoted by the Minister for Works must have had a profound effect on the House, and that they proved that a stand would have to be taken. I am sorry the Minister is not in his place, but even he cannot claim that the difference between 17s. and 33s. represents the difference as between the 44 and 48 hours a week.

Mr. Teesdale: What about the 2s. 3d. and the 33s. which he quoted? That is the greatest knockout I have ever had.

Mr. McCALLUM: The union responsible for the manufacture of that article in England is working 44 hours. The difference lies in the machinery that is used. Thimbles are being made in the Eastern States with modern machinery, and hence the lower cost than that of this State.

Mr. Teesdale: The Minister never contended that the hours were responsible for those low costs.

Mr. McCALLUM: The member for Leederville seriously advanced the argument that the figures used by the Minister for Works had a bearing on this dispute. If the State Implement Works had modern machinery installed, it would be possible to turn out more work and at a reduced cost, in the 44 hours than is now being done in 48 hours. It is all obsolete plant that is being used there. As a matter of fact, the plants in most of the engineering shops in this State are obsolete, and that is the reason why they cannot stand up to the costs of production in the other States. To say that the difference in the prices is due to the reduced hours being worked is ridiculous. The Minister for Works and the Premier have admitted that the decision of the Federal court in imposing 48 hours a week for the Amalgamated Society of Engineers, leaving 44 hours to be worked by the others, has created an impossible position. I have just been supplied with information which may be of use to the Minister for Mines regarding the majorities about which he was speaking. The engineers took a ballot before they came out and a two-thirds majority was required to determine the matter. As a matter of fact, the decision to come out was carried by more than a two-thirds majority. Now they require a two-thirds majority before deciding to go back. The Premier and the Minister for Works, as I previously stated, declared that an impossible position had been created by the introduction of different hours of working in the one shop. If the

Commonwealth decision is brought into existence, it has been said that it will mean chaos in the industry. Is it not logic and common sense that the parties to the dispute should get together and find a way out of the difficulty? To say that one side will sit back and declare, "We admit it is an impossible position but we are going to enforce it because it is the law of the land" is ridiculous. Is that a Statesmanlike action? Is that the action of a Cabinet that can claim to possess as its members logical and common sense men? If common sense is to prevail at all it should say both sides admit the position is impossible. Surely the correct thing then to do is for the two sides to get together and find some way out of the trouble. No hon. member opposite has shown what in his opinion is the correct way out and the Government have not done so either. They sit back and let chaos continue. That is not the stand for a body of men to take and by so doing hold up the interests of the State. It should be everyone's desire to see the wheels of industry kept revolving. If the Government cannot agree to the proposition of the union, admitting that the existing state of affairs is impossible, then some proposal should come from the Government. I speak with some knowledge of Arbitration Court awards and I know that there are scores which have been altered by the parties interested. It is a common practice.

Mr. Lutey: The miners arranged to get their holidays a fortnight earlier.

Mr. McCALLUM: Yes; the unions proposed that they should continue under the existing conditions until the case was heard before the State court, and when the decision by the State court was given it would be accepted. Surely that is a fair way out of the difficulty.

The Minister for Mines: That is not so.

Mr. McCALLUM: Yes, it is, unless the Minister for Mines wishes to read something in the secretary's letter which is not intended.

The Minister for Mines: There is no undertaking to abide by anything.

Mr. McCALLUM: Will you agree to it?

The Minister for Mines: It is not for me to agree to.

Mr. McCALLUM: Just let me read what the letter says—

We realise that if discrimination is insisted on between members of the various unions, the stoppage of the State Implement works may result, thereby causing much unnecessary suffering on members of unions not concerned in the Federal award, at the same time causing heavy financial loss to the State, which we wish to avoid. We therefore repeat that we are willing to make an agreement to continue on the existing terms and conditions along with the other unions until the State Arbitration Court has decided the cases already cited by the Government when the decisions arrived at shall be applied to members of this society along with the members of other

unions concerned, all claims under the Federal award to be waived.

Is that not definite enough?

We trust that you will give this the serious consideration it deserves and that the decision arrived at will avoid needless stoppage of the State Implement Works with its attendant cost to all concerned.

The Minister for Mines: That does not undertake that the court's decision will be accepted.

Mr. McCALLUM: It is merely a question of words; we can easily get over that. The position is too serious to let words stand in the way of settlement.

The Minister for Mines: Say "agree to accept" or "abide by the decision of the court."

Mr. O'Loghlen: Will you agree to that?

Mr. McCALLUM: Let me tell the Minister that no one could be more careful in these decisions than I have been, and the last settlement in connection with the railway dispute will make me more careful than ever with any document to which my signature is affixed. There will be no ambiguity in any document I sign with the Railway Department since my experience of the interpretation placed upon the last settlement. I will assist the Minister in having it worded in as plain and definite terms as possible.

The Minister for Mines: There are only 53 men affected. What about the other 200? The Disputes Committee would have to give a guarantee.

Mr. McCALLUM: The Disputes Committee would be prepared to give a guarantee. The Minister has stated that the union cannot contract out of the award. That is correct. Neither party can do so, but the union have an application before the Federal court requesting that Western Australia be excluded from the Federal award. The moment work is recommenced the judge will be prepared to proceed. Will the Government join with the union in asking that Western Australia be excluded from the award? If so, that would entirely overcome the legal difficulty. Both Ministers have said that the present position is impossible.

The Minister for Works: We cannot oppose the Federal court. Will the other sections go on strike?

Mr. McCALLUM: What other sections?

The Minister for Mines: The Amalgamated Society of Engineers.

Mr. McCALLUM: There is an opportunity to come to an agreement and get work resumed. The judge has held the case over pending work being resumed. Once work is resumed, the case can be proceeded with. If all parties joined in asking that Western Australia be excluded, there is not much doubt that the court would agree to exclude Western Australia.

The Minister for Mines: That would enable the State court to hear the case and the Disputes Committee would give an undertaking as suggested?

Mr. McCALLUM: Yes; that is a way out of the difficulty and it should be accepted by both parties. I hope the offer will be carefully examined by the Government. The situation at present is pretty black. The member for North-East Fremantle (Hon. W. C. Angwin) has been said to have thrown out a threat that the superphosphate works will be closed and that there will be no super for the coming crop. That statement emanated from the companies themselves. The member for North-East Fremantle has only repeated the warning previously uttered by the companies. It is not to be regarded as a threat from the unions, because any man of common sense must know that that will be the result. In fact there will be very few industries in the State running in the course of a few weeks. It is wonderful that they have been able to continue so long. Machinery can be run for only a certain length of time before requiring attention and repairs, and that time is long overdue. The machinery has been run for weeks without expert attention, and it is quite on the cards that there will be a number of workshops stopping in the near future. I do not wish to introduce any bitterness into this debate. I hope the suggestions thrown out will result in some good being done. It is common knowledge to every member of the House that the Employers' Federation have been pushing the Government for a considerable time. Questions have been asked in Parliament. The member for Leederville (Capt. Carter) has been persistent in his interjections regarding the attitude of the Government. The Employers' Federation called a conference of metropolitan members of Parliament to place their views before them and wanted to know the attitude of the Government regarding State trading concerns.

Mr. Clydesdale: They did not invite me.

Mr. McCALLUM: They knew the hon. member's political colour and were perhaps afraid that he would let out secrets.

Mr. Mann: Your information is a bit astray.

Mr. McCALLUM: It is correct information. I could tell the hon. member almost word for word what took place at the conference. I have means for finding out these things. The whole cost of fighting the 44 hours week is being borne in Melbourne.

The Minister for Mines: On both sides?

Mr. McCALLUM: The Amalgamated Society of Engineers is a world-wide organisation and can draw on resources from all quarters of the globe. While I was general secretary of the Trades Hall, a telegram came to the Employers' Federation telling them in no circumstances to agree to a 44 hours work, and that any expense incurred in fighting it would be borne by headquarters in Melbourne. There is no doubt who is behind the whole thing. A number of small employers were prepared to agree to the restarting of work, but the screw was put on them. They were told they would receive no material and would be boycotted, and so they

had to knuckle down. They had no hope in view of the opposition of the Employers' Federation. This is common knowledge. I mention these things to show that the other side have been looking for this scrap. They have been determined to enforce a working week of 48 hours. They have always been against the 44 hours although the shorter week was won on its merits. The unions collected information from all parts of the globe.

Hon. P. COLLIER: I think it cost them nearly £30,000.

Mr. McCALLUM: It cost a considerable sum, and Mr. Justice Higgins stated from the bench that he had no idea the 44-hour week had been so widely adopted in other countries. He also said he was of opinion that Australia led in industrial reform, but from the information put before him, unless Australia looked to its laurels, it would be well in the rear, as other countries were leaving her standing.

Mr. Mann: What other countries?

Mr. McCALLUM: A good many parts of England and the Continent and a great portion of America and Italy. I have a precis of the case and the judge's comments, showing that he had before him information from all parts of the globe. The 44 hours week was won on its merits and after a most exhaustive inquiry. I want to see industries continuing. I want to see our secondary industries developed and not strangled. I know a lot of our so-called industries are merely agencies. Manufacturers put up little tin-pot works here while running big industries in the other States, and they want to see big jobs go East and not carried out here. They have always posed as great patriots of the State and called themselves Western Australian manufacturers, but they have their works in the East. They are undermining Western Australian industries, and will do everything conceivable to prevent industries from being established here.

Mr. Pickering: Can you name any of them?

Mr. McCALLUM: Why should I be called upon to name them here? I have sat round the table with many of them and have told them that to their faces on more than one occasion. I hope we shall be able to find a way out of this difficulty. I hope we shall not be prepared to sit back under a decision which creates chaos. To do so would be a very narrow-minded way of dealing with the situation. If both parties realise that the decision makes it impossible for the works to carry on, let them get together and find a way whereby work can be resumed. Surely that could be done. I was hopeful that the State would have been able to settle the dispute so that the other iron trades could continue. The State court, however, has not dealt with the matter, but has brushed it aside. The President has told the unions that he will not listen to their case, but says that as this is a Federal award, the case of

moulders, engineers and boilermakers must go. If the technicalities of the law are to throttle industries, the position will become indeed serious and will involve many industries. We should have enough knowledge and common sense to be able to find a way out of the difficulty created by this legal decision. I hope the proposal made will meet with the acceptance of the Government, and if they cannot accept it, I hope they in turn will put up a counter proposal which might prove acceptable to the other side.

Hon. P. COLLIER (Boulder) [6.12]: As a result of the afternoon's discussion we have reached a stage which may lead to a solution of the difficulty being discovered. It may be well to remind members that the union involved in the dispute has always been regarded as the most conservative of the Labour movement. It was not generally believed to be anxious or willing to rush into a dispute at a moment's notice or for trivial reasons. Not only in this State but outside of it, the Amalgamated Society of Engineers have rarely been the first to become involved in an industrial dispute and have seldom become involved where it was possible to avoid it.

The Minister for Mines: They are the British Medical Association of the Labour movement.

Hon. P. COLLIER: Yes; that fact is well known to the Minister for Mines and to other members on the Government side who have had lengthy experience of industrial matters. It has frequently been a matter of complaint that the iron trades unions and the Amalgamated Society of Engineers erred on the side of conservatism. They were not keeping in step—

Mr. Teesdale: They would not go out.

Mr. O'Loughlen: A lot of them would not vote the right way.

Hon. P. COLLIER: They were not keeping in step with what we believed in those days to be the proper pace to be maintained by the Labour movement.

The Minister for Mines: Their complaint was that we did not keep pace with them.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. P. COLLIER: At the tea adjournment I was remarking that the members of the organisation which is involved in this dispute have always been regarded as belonging to the exceptionally conservative wing of the Labour movement. They are that class of our organisation which has been usually considered by those who are not either politically or industrially on our side as a sane, moderate, and level-headed body of workmen. That being so—and it is an undeniable fact—hon. members will realise that when these men take the stand they have taken regarding the Federal award, they must be moved by some deep-seated sense of injustice. These men have always been law-abiding, and have accepted arbitration awards throughout their

past history, and therefore they do not hastily embark upon an industrial dispute of this character. They do not take such action without feeling that a grievous injustice has been done them. I do not wish to pursue that aspect of the question further except to say that in my opinion any impartial person, possessed of a full knowledge of the circumstances associated with the application to the court and the manner in which the 44-hour week was varied to 48 hours, would come to the conclusion that the whole matter was not done strictly in accordance with the principles of British justice and fair play. But here we have the case. As a result of this award we have a situation in which, if the men accept the award and continue work in the State Implement Works, working 48 hours, we shall have the concern being carried on with two different sets of awards, some men working 48 hours, others working 44. Indeed, the position will be that of two men working together, one being necessary to the other to enable that other to perform his task, and the first will have to work only 44 hours, while the other will have to attend on Saturday in order to complete a week of 48 hours. It stands to reason that no works of any description can be carried on efficiently or satisfactorily under such conditions. If the men were to agree to the proposal of the Government and accept the award, and continue work under it, then absolute chaos would result in the carrying on of the State Implement Works. Hon. members must realise that it is not possible to carry on a business having a number of men working one set of hours, and others working another set of hours, and two sections working at different rates of wages. If the men were to accept the award, what would the Government do? They could not reasonably carry on for any length of time. Of course, we know they could carry the works on at great disadvantage for some weeks, or possibly months, but not satisfactorily. The Government themselves would find it necessary to seek some way out, some way which would lead to uniformity of conditions regarding both wages and hours. I consider that the proposal suggested by the member for South Fremantle (Mr. McCallum) offers a reasonable solution of the dispute. The Premier emphasised, and probably rightly, as one having the responsibilities of head of the Government, the need for a Government to observe the laws of the land. It is the duty of the Government and of Parliament to uphold the laws of the land. But, after all, we should not concentrate our thoughts too much upon that aspect of the question, because not only recently, but at all times throughout the history of every British community, not only individuals and sections, but Governments themselves, have found it necessary not to stand up too strictly for the letter of the law. Governments of this State have on many occasions departed from the letter of the law. And that is a common practice also on the part of employers, and organisations of employers, and organisations of em-

ployees. They meet together and mutually agree to set aside various aspects of an award which are found to be irritating or unworkable. I can cite the instance of the tramway employees, who three or four years ago went on strike for about seven weeks. The whole of the tramway service of the city was held up because they were defying the law. They refused absolutely to avail themselves of the law of the land and go to the Arbitration Court. After the whole service had been suspended for a period of seven weeks, the Government eventually yielded the point, met the men, and arrived at an amicable agreement with them. I could also quote the instance of the civil servants, who went on strike two or three years ago—the strike of a complete Public Service being unheard of previously in the history of responsible government in Australia. After tremendous inconvenience had been occasioned to the people of the country, the Government of the day did not stand out to the bitter end for the letter of the law. The Government met the civil servants, and a compromise was effected. At that time the civil servants had a legal remedy; they had the Public Service Act, by which their salaries and conditions were to be fixed. But as a compromise, and a means towards settlement, the Government agreed to waive the strict letter of the law and to introduce new legislation, conferring upon the civil servants certain conditions which were not available to them at the time.

The Premier: The civil servants had the offer of those conditions before they went on strike.

Hon. P. COLLIER: Yes. The Government could have dismissed the whole of those civil servants, and cancelled substantial privileges and rights which had accrued to them. But, very wisely as I think, the Government met the civil servants in a spirit of compromise. It is inevitable that friction should occur in connection with such laws as our industrial laws, which are so widespread in their influence, which affect so very materially hundreds of thousands of individual citizens. To say that arbitration has been flouted or defied because occasionally disputes of this kind crop up is, in my opinion, to talk absurdly. We shall have reached the stage when the millennium has been long overdue if we can pass legislation of this character which will give satisfaction to all sections and to every individual concerned. In the present case, although it has been strongly stressed by the Government that they were not responsible for the Federal award, that it was the union itself which initiated the proceedings and took the Government to the Federal court, still the fact should not be overlooked that that action occurred so far back as four years ago. Very much water has flowed under the bridges during the past four years. After all, men should not be held altogether blamable to-day if actions taken three or four years ago, actions which at the time appeared wise, judicious, and commendable, now appear to be otherwise—especially having regard to the four years we

have passed through. To use the famous phrase of our worthy Prime Minister, "What does it matter what we thought yesterday?" If conditions change so rapidly, we must make allowance for acts done, not yesterday, or a week ago, but three or four years ago. I understand that the proceedings in the Federal Arbitration Court extended over a very considerable period, and that the cost of the case to the union was something like £30,000. I think men are to be forgiven for some drastic action when, after years of strenuous endeavour to improve their conditions, and after the expenditure of a sum which to them and to their organisation represents a huge figure, they fail to view the position in the same light as an Arbitration Court which has considered the matter for only a week or two. Therefore, the question of standing up for the law of the land ought not to obsess us too much. I could go on all the evening citing cases not only with regard to industrial arbitration law, but with regard to practically every one of our statutes, where the Government of the day, or those charged with the administration of the law, have not stood up strictly for the rigid enforcement of the law.

Mr. A. Thomson: Can this State afford to work 44 hours when the rest are working 48?

Hon. P. COLLIER: That is not the point just now.

Mr. A. Thomson: It is a very important point.

Hon. P. COLLIER: This is what the men are prepared to do. They say, "Allow us to continue under existing conditions." The Government have a case pending before the State court. It should be possible to have that case heard at no distant date. Our judges have just entered upon their usual summer vacation, but that should not prevent an early hearing. The men say, "Allow existing conditions to remain until the State court makes an award; and we undertake to accept the decision of that court and to waive any claim we may have under the Federal award." In doing that, they are taking the risk of getting a 48-hour week from the State court, and also perhaps a wage which would be less than that fixed by the Federal court. In addition, they will be yielding up their right to back money, amounting to on an average £14 or £15 each. That is the position. It seems an anomaly that only a few weeks ago the State Governments were using the whole of their powers and machinery in an effort to avoid being compelled to accept a Federal award. At all events, that would have been the effect of it had the State Governments won. Actually, of course, they were claiming that the Federal Constitution does not provide for the Federal Parliament making laws dealing with State employees. A few weeks ago the Government were appealing to the Privy Council to evade the application of a Federal award to Government activities. To-day we have our men involved in an industrial dispute on the ground that the Government say, "You must accept an award of the Federal court." So

the position has been exactly reversed. We know, too, that the Government desire that our State Arbitration Court should apply to employees of the State. The men say, "We are willing to accept our State Arbitration Court."

The Minister for Mines: We are willing; but neither they nor we are able.

Hon. P. COLLIER: But the Government are able. I see no obstacle in this proposal to allowing the existing conditions to continue until the State court makes an award. That can be done within a few weeks. There may be technical objections, but when two persons are agreeable to a certain course of action, generally they are able to obtain their way. The union now has an application before the Federal court to be exempted from the provisions of the award. If the Government were to join them in that application the position would be clear.

The Minister for Mines: The court would not hear them.

Hon. P. COLLIER: Perhaps not while the strike continues, but if that course were adopted it would open the road to a settlement of the dispute with the outside employees, and when that was settled there would be no obstacle to a mutual application to the Federal court to be exempted from the provisions of the Federal award. Surely it is not beyond the powers of this Parliament and the parties concerned in the dispute to bring this about! Although the trouble has continued over some 12 or 13 weeks, all will admit that the men concerned belong to the finest class of craftsmen in the world. The Empire would not have lasted had it not been for the skill and loyalty and handicraft of those men and their fellows.

Mr. Underwood: They require their labourers as well.

Hon. P. COLLIER: I appreciate that. I say the proposal to allow things to continue as they are until the State court hears the case will solve the whole difficulty. There is no reason why the State court should not take the hearing right away. We must not overlook the fact that there is no law to-day for those organisations involved in the dispute. Three of the unions, the boiler-makers, the moulders, and the Australian engineers were not parties to the Federal award. They are anxious to get an award from the State court, but there is no law for them.

Mr. Willcock: The Government cited them before the court.

Hon. P. COLLIER: Yes, before the State court, and the men are anxious to get an award, but there is no law for them.

Mr. Mann: If they were cited before the State court, is there not a State law?

Hon. P. COLLIER: But it is not operating, because the judge will not hear the case. That is the whole point.

Mr. Mann: Why?

Hon. P. COLLIER: That is what the men are asking. They have approached the judge and endeavoured by all means in their power

to obtain a hearing. They are asking why they cannot get a hearing. The judge has intimated to them that they will have to fight it out. Because men following similar occupations are involved in a dispute under an award issued by another court, is the benefit of our State laws to be suspended in respect to other men? Is it any wonder that dissatisfaction exists in respect of industrial legislation when some say they will not go to the Federal court, preferring the State court, yet when they endeavour to obtain the benefits of the State court they are denied? For them there is no law. They are not on strike. They are out of work, just as are some others who refuse the Federal law.

The Minister for Works: Mine are not out of work.

Hon. P. COLLIER: But others are, and yours will be before very long. A too rigid adherence to the letter of the law will not get us anywhere. From time to time every section of the community finds that the needs of the situation are best met by compromise, overlooking perhaps even where the merits of the dispute might lie. I hope, therefore, the suggestion which has been thrown out for an early settlement will be adopted.

The MINISTER FOR MINES (Hon. J. Seaddan—Albany) [7.55]: May I be permitted to draw attention to one or two points arising out of the difficulty, and at the same time briefly reply to certain statements made by our friends opposite. In the first place we recognise that the member for North-East Fremantle (Hon. W. C. Angwin) was justified, in view of the possibilities of the trouble, in bringing the matter before the House. But we ought to deal with matters of this sort free from party bitterness. I am afraid that on this occasion some party bitterness has been manifested, as in the accusation against the Government of allowing an unseen hand to direct our course of action. That accusation is wholly unwarranted. As a matter of fact we have faced the position. We have endeavoured to remain quite neutral. We have not permitted either side to use the Government for its own purposes. While it is necessary that the Government, and particularly the Premier, should always be available to all sections of the community, that should not lend itself to an accusation that because the Employers' Federation saw the Premier in respect of this dispute, he was lending himself to their direction instead of remaining neutral. It was seriously urged, not so much by the member for North-East Fremantle, although he himself made reference to ulterior motives—

Hon. W. C. Angwin: I said it made one think there might be ulterior motives.

The MINISTER FOR MINES: I assure the hon. member there has been no ulterior motive in this. We must comply with public policy. If the Government were to say that it does not matter what decision may have been arrived at by a court of law established by Parliamentary authority and whose pow-

ers therefore are greater even than those of the executive, if we were to say that notwithstanding this we were going to adopt an expedient, we should soon be landing, not only ourselves, but Parliament, in a bad mess.

Hon. P. Collier: All Governments have to adopt expedients sometimes. The Commonwealth Government have frequently done it during the last few years.

The MINISTER FOR MINES: Still I do not know that it is the proper course.

Hon. P. Collier: Quite frequently the Commonwealth Government used to appoint tribunals in disputes.

The MINISTER FOR MINES: There are times when with a dispute in existence it is necessary to compromise. Indeed sometimes unless one side or the other compromises, no settlement can be arrived at. So I agree that if we can find a means of compromise without unduly interfering with the law we ought to adopt that expedient. Not this Government alone, but the Governments of all the States of Australia, including New South Wales, when it had a Labour Government, and Queensland under a Labour Government, have contended that a State instrumentality could not be subject to awards or agreements made under a Commonwealth law. It is taking from the sovereign rights of the State if the Federal Government can establish a tribunal to fix rates and conditions under which those employed by the State shall work. We had offered that from the commencement. When the Amalgamated Society of Engineers of Australia applied to the Arbitration Court when it was presided over by Mr. Justice Higgins they had joined the Minister controlling State trading concerns in their citation before that court. The Minister for Industries in this State and the Ministers controlling State activities in the other States, were wrongly joined, and therefore we were not properly before the court. By arrangement with the States and in conformity with our rights to control our own affairs we appealed and protested against being joined. We left the court and therefore left the case. We were not made a party by the court to the award that was delivered by it. Mr. Justice Higgins, however, cited the matter for decision before the High Court. The Arbitration Court President, in fact, made it a point for decision by the High Court as to whether he had power to make an award covering State activities. Mr. Justice Higgins held that he had that power.

Hon. W. C. Angwin: He must have had some doubts on the matter.

The MINISTER FOR MINES: Even then he did not make us a party to the first award delivered some four years ago. The first time the Minister controlling the State Implement Works here was made a definite party to the Federal award was in June, 1922. That award was made retrospective so far as the Minister for Industries is concerned from, I believe, the 1st January, 1922. Immediately the High Court gave its decision in favour of the power and authority

of the Federal Arbitration Court the States of Australia jointly appealed to the Privy Council. The Privy Council held that the High Court was correct. We were thus compelled under the laws of the land to give effect to the award. What attitude would members expect the Government to adopt? Even if it was our desire to say to the men "We are dissatisfied with the decision of the Privy Council; we think we ought to be controlling our own activities; will you join us in ignoring the Federal Court?", members would justly have said "Here is a Government of a sovereign State declining to obey the laws of the land as definitely fixed by the Privy Council." Over and above that, the fact remains that when the award to which the Minister for Works was first joined in June, 1922, was made, the Amalgamated Society of Engineers in the September following wrote to the Minister demanding that he should immediately proceed, notwithstanding that we were appealing to the Privy Council against being joined in the Federal Arbitration award, to put the award into operation, although we did not obtain any decision on the question of hours. They were playing with a two-headed penny. It was a case of heads they won and tails we would lose. If they could get additional wages under the Federal award, and it was made retrospective over an extended period it would be bunce to them. They also wanted it applied before any question of hours had been fixed. Immediately, however, the hours were fixed at 48 per week they moved from their position, and said to the Minister they were prepared to consider a compromise.

Mr. Hughes: The Court was stacked in the matter.

The MINISTER FOR MINES: I have nothing to do with that. We cannot as a State do anything in connection with a matter of that sort even if it existed. I doubt very much if it did exist.

Mr. Hughes: I do not.

The MINISTER FOR MINES: If I thought that, I would place little reliance upon our courts. I believe, however, there is no community where the courts of law mete out the same even justice as they do in Australia.

Mr. Hughes: There was not much justice about this case.

The MINISTER FOR MINES: It is not just to urge that on behalf of the Amalgamated Society of Engineers, whose members deliberately refrained from working in our factories. Another award was given affecting a great number of men in the community—probably far more than is the case of the engineers. I refer to the sawmillers. They accepted the change in hours. That, however, does not alter the position of the Minister. He was told he would have to accept the award, which was made retrospective over an extended period, but no hours were mentioned. When a decision was arrived at as to the hours, the engineers wanted to work under the

Railway award. It is not in our power to enter into a contract with parties to vary an award, and to give them other than that to which they are entitled. If we did that tomorrow and men were dismissed from the Implement Works, notwithstanding any action on the part of the disputes committee or the Society of Engineers, they could obtain through the court a decision compelling the Minister to disgorge that to which they were entitled under the Federal Award.

Mr. McCallum: What about getting individual signatures?

The MINISTER FOR MINES: That would not overcome the position. If the hon. member preaches that doctrine he is doing something that is very dangerous for those he represents. We have had to fight in season and out of season to prevent individual employees making separate bargains with individual employers in order to undermine the decisions of the Arbitration Court. It would be very unwise for the Government to become a party to any such procedure. We have fought that position, and we must pay to the men that to which they are entitled. At the same time the men have to accept the decision of the court in its entirety and not piecemeal. They must not accept the decision as it is given from the monetary point of view, but decline it on the question of hours. If we agreed to that sort of thing we would not be doing that to which we subscribed when we took our oath upon accepting positions of Cabinet responsibility.

Hon. P. Collier: Oh yes, it is done.

The MINISTER FOR MINES: The hon. member suggests that we would not be breaking the law if some of the men did not work on Saturday morning because there were only 53 of them, and that nothing would be said about it if we took this course.

Mr. Corboy: That practice has been established in the Federal Public Service.

The MINISTER FOR MINES: Where would that land us as affecting others who are employed by the Government? The Minister controlling the Implement Works, who is also the Minister controlling the State Sawmills, would not be able to do anything like that. Imagine the timber workers asking for a 44-hour week, and the Minister being prepared to permit that in the case of, say, 53 individuals, and compelling the other employees to work 48 hours. He has to treat all employees on the same basis. What happened was that the Engineers' Society made a tactical blunder on Saturday morning, and they have only now awakened to it. They know that the question of finding employment for 53 of them was no concern of theirs. All they had to do was to put in an appearance on Saturday morning, and we would have been compelled to find work for them or pay them to remain in idleness. Because, however, those handling the position did not want a fight on the 44-hour question as against the 48-hour question, they said the men must not put in an appearance.

Mr. Hughes: Would you have paid them?

The MINISTER FOR MINES: They did not want any weakening of their fight as regards other members of the Society who were standing out in the private shops. To-day the Government are accused of doing something in the interests of the private employer. The reverse is the position. These 53 men men have been used in the interests of those who are working in the private shops.

Mr. Munsie: If you like to take it that way you can have it.

The MINISTER FOR MINES: Will the hon. member deny that if the 53 men had put in an appearance on Saturday morning at the works we would have had to employ them or pay them for remaining in idleness?

Mr. Munsie: Certainly.

The MINISTER FOR MINES: Then why does he talk about the Government being responsible for the position when it was really in the hands of the men?

Mr. Munsie: You know it would be ridiculous and could not go on that way. Suppose in six weeks the case before the State Court was heard and a 44 hour week was granted, where would you be with the 53 men then?

The MINISTER FOR MINES: That is a matter for the Government to consider—not for the engineers.

Mr. Munsie: An impossible position would be created.

Mr. McCallum: Then you admit the whole thing is so unsatisfactory that it should be got over?

The MINISTER FOR MINES: The position will continue to be unsatisfactory so long as we have two courts granting awards side by side, with differing rates of pay and conditions affecting the same industry.

Mr. Munsie: Let us get out of it.

The MINISTER FOR MINES: We cannot have our cake and eat it.

Mr. Munsie: We are not asking for that.

The MINISTER FOR MINES: The hon. member is asking for it. We have applied the State Court awards as affecting the railway employees without any hesitation, and have made them retrospective wherever possible if it meant rises to the men, but have never made it retrospective when it meant decreases. We have never declined to make an award retrospective when it meant placing men on the same basis as the railway men.

Mr. Willcock: There would not be much chance of getting back any over-payments.

The MINISTER FOR MINES: That is a nice admission to make!

Mr. Willcock: It is correct.

The MINISTER FOR MINES: The fact remains that if the general community are inclined to give something back to a section, it is equally entitled to say to that section, "You pay us back when the time arrives."

Mr. Willcock: You cannot get blood out of a stone.

The MINISTER FOR MINES: The Government are only too anxious and willing, just as members are, to find a way out of this difficult position. It is not an easy one to solve. The method suggested of contracting

ourselves out of the agreement is more dangerous from the point of view of members opposite than it is from our point of view. The question of ignoring the Federal award is not practicable either.

Mr. McCallum: [We suggest combining with you and asking the court to strike us both out.

The MINISTER FOR MINES: That is a different matter.

Mr. McCallum: That is what we are suggesting.

The MINISTER FOR MINES: The Federal Court will not hear the Engineers of Australia.

Mr. McCallum: Until they resume work?

The MINISTER FOR MINES: Yes.

Mr. McCallum: It is only this State we are concerned about.

The MINISTER FOR MINES: We are the dog. This has been tried on the dog as usual. We suffer in Western Australia more from employers and employees treating this State as the dog on which to try things than from anything else. The Federal Court will not hear the engineers unless the men employed in the private shops return to work.

Mr. Munsie: I do not think they gave any decision of that kind.

The MINISTER FOR MINES: It will not solve the problem if we join with the Amalgamated Society of Engineers and go to the Federal Arbitration Court to be struck out from the award, because the court would not hear us.

Mr. Munsie: The request would be granted immediately.

The MINISTER FOR MINES: The President of the court would not hear the case.

Mr. Munsie: Try the experiment.

The MINISTER FOR MINES: He has already decided that so long as the engineers in the private shops are out on strike he will not hear them.

Mr. McCallum: What ground have you for saying that he would not hear an application in regard to the State instrumentality?

The MINISTER FOR MINES: The Federal Arbitration Court have obtained a decision from the High Court. It will not go back on its own movements. There is no way of approaching the Federal Court on the question until the engineers are at work in Western Australia.

Mr. Munsie: Yes, there is.

The MINISTER FOR MINES: If the employers and employees will agree that they will, conjointly with the Government, approach the Federal Court and on that basis the men will return to work and await the citation of a case before the State Court, I do not know that it is a proposition which would not be accepted. We are prepared to accept the decision of our State court in any matter affecting State activities. That appears to me to be the only possible way of approaching and being heard before the Federal court—by both agreeing to strike out the Federal award and obtaining

a new award in the State court. I declare that the Government have not been influenced from any quarter. We hear all sections as we are entitled to do, but that is not to say that we are being influenced by them. In this matter we have acted in the belief that it was our duty to call upon those men to comply with the award. If they are not prepared to do so, that is not our trouble.

Mr. O'Loughlen: Will you agree for existing conditions to continue?

The MINISTER FOR MINES: It is not my business to do so. The hon. member knows that a Minister does not act on these subjects according to his own ideas. It is not a question of everybody saying the simplest way is to agree to this or that. The question is one of deciding what is right in the public interest.

Mr. HUGHES (East Perth) [8.20]: It seems to me that the Government had to choose between working all their men 48 hours per week and paying 200 of them overtime rates for the four hours on Saturday if they wanted to keep the implement works going, or that they had to bring 53 men to the works so that those men should remain idle. If the Government had paid more attention to common sense than to the legal aspect, they would not have called upon those men to go to work on Saturday. A somewhat similar case occurred in the Commonwealth Public Service. Clerks were working from 9 to 4.30 and general divisional officers were obliged to work another hour a day. In establishments where there were a large number of clerks and a small number of divisional officers, the position arose that of five men four would cease work at 4.30 p.m., and under a Federal award the fifth man was obliged to work another hour. The Federal Government did the reverse of what the State Government here did. Instead of compelling the fifth man to sit in his office for an extra hour doing nothing they said that in order to keep the officers working harmoniously they would forego the one hour's service a day which they were entitled to do under the award, and where the award said that a man was obliged to work an extra hour a day, the Government did not call upon him to do so. They did not adopt the attitude taken by the Government in this State. Theirs was a sensible attitude.

The Minister for Mines: That did not affect anybody.

Mr. HUGHES: Of course it did. It laid down the principle that where the bulk of the men were obliged to work fewer hours than the minority of the men in order to keep the others at work, the Government were prepared to forego a small portion of the day to the minority. That is exactly what happened at the implement works.

The Minister for Mines: There is no comparison with the clerks in the Public Works. It is nonsense.

Mr. HUGHES: It is an entirely parallel case. Out of 250 men 200 were working 44 hours a week and 50 were obliged to work 48 hours. If the Government work the 250 men

for 44 hours in order to get the full pound of flesh they must keep the other 50 men at work when there is no work to do. There are other cases to which I can point where the Government have foregone what they were entitled to claim under an arbitration award. Here is another case: Under an arbitration award a junior officer is entitled to a second class fare when travelling, and a senior officer to a first class fare. When a junior officer is travelling in the company of a senior officer the Federal Government have always allowed the junior a first class fare so as to have harmonious relations. If they adopted the attitude that the Western Australian Government have taken they could have insisted on their rights in order to carry out the law, and one man would have been travelling first class and the other second class. Instead of that the Federal Government took a common sense view and gave the junior man a first class fare. The men at the implement works are fighting a principle just as the Government have fought it. The Government have condemned the men for fighting an arbitration court award. It is all very well for the Minister to hold up his hands in horror when we say that the Arbitration Court was stacked. Everyone conscientiously believed that political interference was taking place in connection with the Arbitration Court and that the court was stacked for no purpose other than to revert to the 48 hours a week. I have made that statement from at least 20 or 30 platforms in connection with the recent Federal election campaign. It is such things as that which are inducing the worker to lose confidence in the Arbitration Court. When the worker has to go to the court and plead his case before a man who yesterday was his bitterest political opponent, it is natural to expect that he shall no longer have any confidence in the court. When we find such people sitting in judgment on cases submitted by the worker, we cannot any longer have confidence in that tribunal. What would the Minister for Mines say if he found sitting on the Arbitration Court bench the member for South Fremantle (Mr. McCallum)?

The Minister for Mines: On the same reasoning then you will have no faith in any court unless it is of your political belief?

Mr. HUGHES: When we find men fighting the workers for years and then see those men sitting on the Arbitration Court, the worker cannot but conclude that the individual is sub-consciously biased. What would the hon. member say if the member for South Fremantle had resigned the secretaryship of the Trades Hall in order to take a seat on the bench? Would not he and everyone else say that the hon. member was biased because all his life he had been fighting for one side?

The Minister for Mines: I do not think there is an employer who would not accept the member for North-East Fremantle (Hon. W. C. Angwin) as an arbitrator.

Mr. HUGHES: Would the Government accept the hon. member to arbitrate in this matter?

The Minister for Mines: I mean of course if he were appointed for life he would be accepted.

Mr. HUGHES: He would always be a friend of the worker. In the cases that I have quoted the Federal Government have adopted the common sense view point and that is what the Government in this State should have done if it was their desire to act fairly by all sections of the community. The award prescribes that they may work men 48 hours. If the Government had done the right thing when the Federal award came up and they decided to adopt it, they could have said, "We are going to forego the extra four hours. We have the right to do so, but we are going to exercise our full rights." That would have been a common sense stand to adopt. If on the other hand the Government decided to bring those 53 men in to work and there was no work for them to do—

The Minister for Works: Yes, there was work for them to do. You need not worry about that.

Mr. HUGHES: I gathered from the remarks of hon. members and also from the opinion expressed by the manager of the works, that there would be nothing for the men to do unless the Minister was going to engage them to carry bricks from one end of the yard to the other.

The Minister for Works: The manager would find them work. Mr. Shaw never said that he could not find them work.

Mr. Munsie: He said that they could not be found work economically.

Mr. HUGHES: What was he going to do with the blacksmiths' strikers when they were no blacksmith to work? Were the strikers to hit the anvil? If the implement works are to be kept going they must have power, and I gather from the remarks of the Minister that the engine-driver would have been there.

The Minister for Works: He was there.

Mr. HUGHES: Then if he was there he was entitled to overtime. It is no wonder we have a seven million deficit when the Minister would bring a man to work and pay him overtime simply to make a show on behalf of the employers of the State. If the Minister is anxious to start the works he has the remedy in his own hands. A lot has been said about not being prepared to abide by the decision of the court. The Government have fought to the last ditch to prevent the award applying to the implement works.

The Minister for Mines: That is not correct. An award was granted and we objected to the Federal court exercising jurisdiction.

Mr. HUGHES: When the Government objected they fought right to the last ditch. They took it to the last possible tribunal.

The Minister for Mines: That is entirely different from saying that we fought the application for an award.

Mr. HUGHES: But the Government fought the court's right to give an award. When the Government did not desire the

Federal court to give an award, they fought the decision.

The Minister for Works: We were fighting for the rights of the State.

Mr. HUGHES: And these men are fighting for their rights. The Government fought to the last ditch.

The Minister for Mines: The men fought to the last ditch, namely the Federal Arbitration Court, and now they are not satisfied with it.

Mr. HUGHES: Arbitration is a very fine thing if you can appoint the arbitrator. The Minister would not abide by the award if the court were stacked on him.

The Minister for Works: We did not stack the court, anyhow.

Mr. HUGHES: The Minister's political step-brothers did.

The Minister for Mines: Of the same name as you.

Mr. HUGHES: I admit that, and I regret to think it will take 30 years to live down the stigma attaching to the name. Perhaps I shall never live it down. If it gets too strong for me, I shall change my name. The Government maintain that they were obliged to carry out the law in its entirety. As a matter of public policy, they contend that they had to carry out the strict letter of the law. That is not always done. There are any number of laws in this State allowed to remain in abeyance. Many laws are harsh and the Government do not put them into operation. Half of the Criminal Code is lying in abeyance. If the Minister controlling the police gave effect to the Criminal Code with the same vigour as he wishes to enforce this Federal award—

Mr. O'Loughlen: There would be civil war.

The Minister for Mines: You and I would be the only two left.

Mr. HUGHES: I cannot agree with that. I was prominent in running a sweep recently. That is opposed to the Criminal Code, so if the Minister was left, he would have the job to watch me. It is a very thin plea that the Government were obliged to put the law strictly into operation. There are dozens of laws in the State to which effect is not being given because the Government consider them unduly harsh. They are not removed from the statute book; they are merely allowed to remain in abeyance. I see no difference between allowing portion of the Criminal Code to remain in abeyance and portion of an award. In this case it suits certain people to have the Government as their allies to fight the conditions which have prevailed in their works. The Government works at Midland are operated on a 44-hour week under a State award. If it is a question of public policy, as stated by the Minister for Mines, the Government must be in favour of either a 44 or 48 hour week. If they are in favour of a 48 hour week and are going to put the Federal award into operation, to be consistent they should cite the railway workers in the Federal court in order to institute

the 48 hour week for them. If not, the Government will be adopting a double public policy. For North-East Fremantle the policy will be 48 hours, and for Midland 44 hours.

The Premier: You know that we did not go to the court.

Mr. HUGHES: Of course not. There is no occasion to enforce an award in its entirety.

The Minister for Mines: We did not even answer the citation. The court gave an award which we have accepted.

Mr. HUGHES: It shows what the Government thought of the court when they did not condescend to answer the citation. They treated the court with contempt.

The Premier: No; we thought the court had no jurisdiction.

Mr. HUGHES: And the Government fought to the last ditch, the same as these men are fighting for the 44 hour week. The Government treated the court with contempt, so much so that they did not reply to the citation. Now the Government say they have to carry out the award and do something they did not ask for.

The Minister for Mines: We object to the jurisdiction of the court and not to the court of itself.

Mr. HUGHES: The judge did not stipulate that the Government must work their employees 48 hours. Here we have almost a State-wide policy of 44 hours, but in one little corner, the Government desire to institute the 48 hours system.

The Minister for Mines: The court says we have the right to work the men 48 hours and, if required, the men should do it.

Mr. HUGHES: But the Government do not want the right. It is more economical for the Government not to exercise the right. The Minister for Works admitted that if he exercised the right, he would have to put on an engine-driver at overtime rates.

The Minister for Works: Until the case is heard.

Mr. HUGHES: In order to take advantage of his rights, the Minister has to spend more public money than is necessary. No wonder we have a deficit mounting up to seven millions of money.

The Minister for Works: That is not the idea. We have to obey the award.

Mr. HUGHES: But the Minister would be obeying the award if he required the men to work only 40 hours a week. The award prescribes the maximum. But when the court prescribes a maximum number of hours and a minimum rate of pay, employers regard it as the minimum number of hours and the maximum rate of pay. That is not the principle of arbitration. The award prescribes that the men may be worked 48 hours a week if the employers so desire. The Government were working 44 hours. Only one of two reasons could prompt the Government in their attitude. Either they desire to throw in their lot

with the private employers and fight the employees on the 44 hours question, or out of sheer cussedness for being cited in the Federal court, they have determined to take their full pound of flesh, even if by so doing it results in financial loss to the State owing to the necessity for paying overtime rates, as suggested by the Minister for Works.

The Minister for Works: It was not suggested by me. Why say that?

Mr. HUGHES: The Minister interjected that the engine-driver would have to be there. If the engine-driver works a 44-hour week and is brought on for an additional four hours on Saturday, he must be paid overtime.

The Minister for Works: Exactly; but it does not bear the construction you say.

Mr. HUGHES: It would be in the interests of the State for the Government to forego their full pound of flesh and to display a little more commonsense and a little less regard for law.

Hon. W. C. ANGWIN (North-East Fremantle) [8.38]—in reply: There has been a good deal of discussion on this question. I assure members that I brought the motion forward in what I believe to be the best interests of the State. The Premier said that no person desired to see the State Implement Works closed. That was my object in bringing the motion forward, but, according to the Minister for Works, if the conditions which prevail to-day continue, then within 10 days the works will be closed. I wish to avert that calamity. The Premier asked whether the phosphate was not to go into the land because a minority would not obey the law of the land. In spite of the remarks of the member for Leederville (Capt. Carter) that my reference to the possibility of the farming community being affected was a threat, there was no intention on my part of uttering a threat. I heard to-day on good authority that if the engineering work in connection with the two phosphate manufactories were not carried out, in all probability those works would not be able to supply the orders. Knowing that, I should have been wanting in duty if I had not given those particulars.

Mr. A. Thomson: We would have had to do the same as with other goods—bring it from the Eastern States.

Hon. W. C. ANGWIN: The hon. member might then find himself up against another snag which we do not want to have to meet. My object is to endeavour to keep these works going. I take second place to no man in my desire to see the wheels of industry kept running smoothly. I was grieved to hear the remarks of the Minister for Mines, which were not those of the John Scaddan I knew, or thought I knew. Are we not coming to a pretty pass if we admit there are no means whereby this difficulty may be overcome? Are we going to say that our laws are like those of the Medes and Persians—that there shall be no departure from them?

The Minister for Mines: Who said that?

Hon. W. C. ANGWIN: The Minister did. The Minister for Mines: No.

Hon. W. C. ANGWIN: The Minister said it was impossible to disobey this law.

The Minister for Mines: I did not say that. I said we cannot contract ourselves out of an award.

Hon. W. C. ANGWIN: The Minister said this was an award given by the court which was established by the approval of Parliament. I have endeavoured to refrain from referring to the appointment of the court. There are differences between the laws approved by Parliament and the laws made by the courts.

Mr. Money: The courts do not make laws but only administer them.

Hon. W. C. ANGWIN: Don't they? Court made laws present the greatest difficulty with which we have to contend throughout our Empire. The courts do not always confine attention to administering the laws. The hon. member knows that the Federal Parliament have repeatedly appealed to the people of Australia for permission to interfere with the State instrumentalities, and the people in every instance have turned them down. We had it on the authority of Mr. Piddington, through letters published in the daily Press, and not denied, not even by the mysterious person who signed himself "X," that his views in regard to Federal versus State rights were obtained before he was appointed to the court.

The Premier: That is many years ago.

Hon. W. C. ANGWIN: Not many. It is nearly four years since this case went to the court. According to the statement of the Minister for Mines, even Mr. Justice Higgins must have had some doubt regarding the matter; otherwise he would not have referred it to the High Court. This decision represents a law made by the court.

Mr. Musie: And not approved by Parliament.

The Minister for Mines: And disapproved by the people of Australia.

Mr. Money: The court merely administers the law.

Hon. W. C. ANGWIN: That is the position as it appeals to me, and that is why I remarked to the Minister for Works "Goodness knows what would become of the State if these conditions attending the appointment of High Court judges continue to prevail." The Leader of the Opposition put the matter very fairly and clearly to hon. members. In my belief there is a way of getting over the difficulty. In my belief the matter could be reconsidered and discussed again in all its aspects. That being so, some arrangement might be made, but if we take the hard and fast position of observing the very letter of the law, then there is no possibility of getting out of the difficulty. I am one who holds with compromise. I have endeavoured in every instance to carry that principle into effect. I would like to tell the member for Leederville (Capt. Carter) that I did confine my remarks entirely to these two letters. The

reason I gave for asking permission to move the adjournment of the House was that there should be an opportunity for dealing with the question which had just arisen in connection with the State Implement Works and other State trading concerns by reason of the engineers' dispute. Therefore, it was compulsory for me to confine myself to those two letters and the dispute; otherwise you, Mr. Speaker, would have ruled me out of order. I wish also to assure the member for Leederville that there is nothing in these letters to lead anyone astray. They are as clear as A.B.C. There is no necessity for anyone to spend a great deal of time in carefully perusing them in order to understand their meaning. The meaning is perfectly clear. The Minister for Mines, by way of interjection, indicated that the letters did not say that the unions agreed to abide by the decision of the court. The word "abide" is not used here. But it is stated that the decision of the court "shall apply to our members." No other meaning can attach to those words.

The Minister for Mines: Nonsense. The Federal award applies to them, but they do not accept it.

Hon. W. C. ANGWIN: The Minister for Mines knows as well as I do that during his term as Premier he on scores of occasions compromised and altered perhaps a letter of the law here and there for the purpose of achieving industrial peace. Apparently the Minister for Mines is not now prepared to enter into a compromise.

The Minister for Mines: I have not said so.

Hon. W. C. ANGWIN: I believe there is a possibility of getting over the difficulty. I believe the Premier is reasonable. I believe the other Ministers are reasonable sometimes, but I do know the Premier is reasonable. I hope that, after the discussion which has taken place to-day, and after a thorough investigation of the whole matter, the Premier will decide that the State Implement Works and the other State trading concerns shall be placed in the same full working condition as they were in a week ago. Trusting that the Premier will give the matter further consideration, I ask leave to withdraw my motion.

Motion by leave withdrawn.

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

- 1, Supply (No. 3), £1,040,000.
- 2, Pearling Act Amendment.
- 3, Agricultural Bank Act Amendment.
- 4, Land Act Amendment.
- 5, Licensing Act Amendment (No. 1).
- 6, Land Tax and Income Tax.
- 7, Land and Income Tax Assessment Amendment.
- 8, Dairy Cattle Improvement.

QUESTION—EMPIRE DAY RECORDS.

Mr. TEESDALE (for Mr. MacCallum Smith asked the Colonial Secretary: 1, Will he inform the House (a) in what State, (b) in what year, (c) by whom, Empire Day was originated? 2, Has he records, etc., showing, inter alia, that: (a) His Majesty the King awarded his mandate of "cordial thanks" for the numerous citizens' address-petitions, "The Empire Orison," etc., conveyed to him through the originator of Empire Day, an Australian citizen Mr. F. L. Wise—which addresses patriotically reminded His Majesty in reference to his visit to Australia in 1901, "Your Majesty whilst here gathered further evidence that 'Australia is the birthplace of Empire Day,' . . . the emblem of our Empire's brotherly unity and resulting safety, . . ." advocated 1887, originated 1897; (b) In the year 1900 the resolution accompanying the Empire Day Patriotic League's petition on behalf of returned soldiers, Empire Day matters, etc., to the Legislative Assembly was passed unanimously there and also in the Legislative Council? (3) Has he any objection to lay such records, addresses to Throne, papers (especially those sworn as to or supporting Empire Day, patriotic life-saving, victory, mission, soldiers' resolutions, etc.) on the Table of the House, so that justice be done to this State and Australia?

The COLONIAL SECRETARY replied: 1, (a, b, c) See answer to No. 2. (2) Documents have been produced to me evidencing what is set out in paragraphs (a) and (b). 3, No; I propose to lay the papers on the Table.

QUESTION—ABBA RIVER ROAD.

Mr. MUNSIE asked the Minister for Works—1, Has any clearing been done on the Abba River road construction by contract? 2, If so, how many chains and at what price per chain? 3, What is the cost per chain to the department for the work by day labour?

The MINISTER FOR WORKS replied: 1, No clearing was done on the Abba River road construction by contract. The work was done by returned soldiers sent from Perth. 2, Answered by (1). 3, £1 per chain.

QUESTION—ELECTORAL, COMPULSORY VOTING.

Mrs. COWAN asked the Premier: 1, Whether the Electoral Department is in possession of information relating to compulsory voting in other parts of the world? 2, If so—particularly in view of the apathy displayed at the recent Federal elections—will the Government cause to be prepared a brief return showing the results that have been attained in those countries where that system of voting is in force? 3, If it is possible to secure this return, will the Government have it made available before consideration of the Electoral Districts Bill is resumed?

The PREMIER replied: 1, Yes, except in regard to new States created by the war. 2, Yes, and the information, in round figures, in regard to the percentage of votes cast is as follows:—Queensland, increased from 60 to 90 per cent.; Belgium increased from 60 to 94 per cent.; Austria, increased from 55 to 80 per cent.; Spain, increased from 50 to 67 per cent.; five Cantons in Switzerland, increased from 60 to 80 per cent. It should be explained that the low percentage in regard to Spain is due to the illiteracy of the population in certain provinces. 3, See reply to No. 2.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Introduced by the Premier, and read a first time.

BILL—NORTHAMPTON RESERVES.

Read a third time, and transmitted to the Council.

BILL—KOJONUP AGRICULTURAL AND HORTICULTURAL SOCIETY'S LAND.

Second Reading.

Debate resumed from the 21st December, 1922.

Hon. W. C. ANGWIN (North-East Fremantle) [8.58]: This appears to be one of those Bills which are frequently brought down for the purpose of allowing certain lands held in trust to be sold. In moving the second reading the Minister pointed out that some difficulty was being experienced in regard to this particular land. Portions of the trust land had been sold to various persons, and consequently there was no power to give a title to the land. One person had sold to another at a considerable profit. The member for the district was not here at the time, and I thought it desirable that the second reading should be adjourned so that an explanation might be given to the House of the conditions applying to the land. The Minister admitted there was a good deal of difficulty in the matter owing to the various sales of the land. So far as I am concerned, I do not know what the position is.

Mr. A. THOMSON (Katanning) [8.59]: There has been no profiteering so far as this land is concerned. As a matter of fact, the agricultural society had a title to a portion of the land. The other portion was held in trust. The trust is a very ancient one, and the trustees were under the impression that they had authority to sell. They were given permission by the Lands Department to sell; but, as has been pointed out, it is necessary to have an Act of Parliament to validate the sale. There is no tangle about it at all. The matter is purely one of the land being sold by one section of the community to another

section. I repeat, there has been no profiteering of any kind. The agricultural society sold the land to the hospital committee of Kojonup. The committee in turn sold portion of the land privately, and the whole of the proceeds of the sale will go to improve the agricultural society's new ground. If the hospital committee made any profit at all in the sale of the land, that profit will go into a public building, to which the people themselves have contributed about £1,500. The Kojonup people, in my opinion, are to be commended for their public spirit in doing so much for the advancement of what I may term humanitarian interests. They have taxed themselves in raising a considerable sum of money, and to-day they have a hospital which is a credit to the town. I trust the House will agree to the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment and the report adopted.

ANNUAL ESTIMATES, 1922-23.

In Committee of Supply.

Resumed from 21st December, 1922; Mr. Angelo in the Chair.

Department of Railways, Tramways and Electricity Supply (Hon. J. Scaddan, Minister).

Vote—Railways, Tramways and Electricity Supply, £2,552,000.

Mr. PICKERING (Sussex) [9.4]: The Minister, in introducing the Estimates of the department, drew attention to the report of the Royal Commissioner, to the reply by the Commissioner for Railways, and also to certain statements made by the Primary Producers' Association. I am not quite clear as to how the appointment of the Royal Commission on Railways was brought about, but I believe it arose from a threat by the member for Claremont (Mr. J. Thomson) to move for an inquiry into the Railways. However, the Government chose to appoint a Royal Commission, and selected Mr. Stead as Commissioner. If one takes into consideration the voluminous report of the Royal Commissioner and the reply by the Commissioner for Railways, one has there a large field. I had thought that the Government would afford the House an opportunity to discuss this question apart altogether from the Estimates. However, that has not been done. There is in the report of the Royal Commissioner a great deal which is entirely of a condemnatory nature. This may have been inevitable, because in the criticism of a railway system one naturally takes into consideration the management of that system and so, although perhaps there may be some personal

feeling in the matter, still it is almost impossible for a Royal Commissioner to thoroughly investigate a railway system without seriously criticising the management if fault be found with the control. Listening to the speech of the Minister, one was struck by the way in which he referred to the Royal Commissioner. He said the Royal Commissioner had a free leg, or a loose leg. To my mind the Minister did not accord to the Royal Commissioner the respect and dignity which should belong to the occupant of an office of that nature, more especially since the appointment of the Commissioner rested with Cabinet. It has been the custom, unfortunately, both in the House and outside, to hold up to ridicule gentlemen appointed to such responsible positions.

Mr. Johnston: This Royal Commissioner was allowed to travel beyond the State.

Mr. PICKERING: I was going to draw attention to that fact. We are told by the Royal Commissioner that he travelled to the Eastern States and made exhaustive inquiries into various railway systems.

Mr. A. Thomson: Did the Government pay his expenses?

Mr. Johnston: That is what we want to know.

Mr. PICKERING: He travelled to South Australia, Victoria and New South Wales, and was absent from this State for a considerable period. I understand from his report that he was empowered by the Government to do so, and it is my intention to ask the Minister for Railways what expenses were allowed to the Royal Commissioner while travelling. If it is fair to pay a Royal Commissioner investigating the railway system expenses and allowances while away from the State, surely it is fair that another Royal Commissioner engaged on similar work should be similarly treated.

The Minister for Mines: You had better give notice and ask a question.

Mr. PICKERING: It is my intention to ask the Minister now.

Mr. Johnston: A Royal Commissioner always has a free hand.

Mr. PICKERING: It seems to me that only those who are the pet appointees of the Government are so treated.

The Minister for Mines: Have the Government declined to allow any other Royal Commissioner to travel?

Mr. PICKERING: They have, and have refused to pay his expenses. In perusing the report of the Royal Commissioner on Railways and the reply by the Commissioner for Railways and the remarks of the Minister, one must concede that much good has come from the inquiry. Several recommendations have been adopted. The Minister was very severe in his criticism of the Primary Producers' Association, because they had the temerity to make a comparison of railway systems. I am going to put before hon. members the statement made by the Primary Producers' Association.

Mr. Johnston: Who have to pay the railway freights.

Mr. O'Loughlen: The Minister himself is one of your strongest members.

The Minister for Mines: A little too strong, and so they do not like it.

Mr. PICKERING: Not at all too strong.

Hon. P. Collier: Let brotherly love continue in the new year.

The CHAIRMAN: We are discussing the Railway Estimates, not holding a conversation.

Mr. PICKERING: Here is the statement of the Primary Producers' Association:—

Commissioner Pope took control of the railways on the 1/9/19. The increased capital for the last three years has been £334,616. No new railways were built during the past three years. The Commissioner states that the increased rates and fares charged during 1921-22 compared with 1913-14 is 51.34d. per train mile.

The Minister for Mines: Of course you are all out for economy.

Mr. PICKERING: Judging from the Minister's speeches, I do not know whether he has any regard for economy in respect of the cost of "Hansard."

The Minister for Mines: What about you? You are not speaking, you are reading, as usual.

Hon. P. Collier: Read the Commissioner's report right through.

Mr. PICKERING: I will. The statement of the Primary Producers' Association continues:—

Folio 6 shows that the train miles run during 1921-22 were 4,564,631. The increased freights and fares, at approximately 4s. 3½d. per train mile is approximately £979,000. The loss in working for the past three years amounted to £1,075,309, and the increase in capital expenditure to £334,616.

These are figures culled from the report of the Commissioner of Railways. Yet the Minister said they were wrong, they were malicious, and constituted an attack on the Commissioner's report.

Mr. Johnson interjected.

The CHAIRMAN: Order! It is not fair to the hon. member. Still, it is wasting the time of the House.

Mr. PICKERING: The statement of the Primary Producers' Association continues:—

Folio 6 shows that the average population of Western Australia during the last three years was 332,469 persons. An increased debt of over £7 per head for every soul in the State is represented by the sum shown above, namely, £2,388,925.

That has been denied by the Minister, but I can show from the Commissioner's own statement that it is the true position. The statement continues:—

To the married man with three children this represents £35. These figures show heavy taxation and also heavy losses. The Commissioner for Railways' reply to the Royal

Commissioner's report shows copy of letter dated 13/11/20 from Commissioner Pope, asking the Government for authority to purchase 28 engines at a cost of £412,000.

The Royal Commissioner in dealing with the question of new engines contends that there was no occasion for the expenditure, approval for which I believe had been given by the Government. He suggested that instead of new engines being purchased, the system of super heating should be adopted. He says:—

It is to be regretted that a more forward policy has not been adopted in making use of advantages to be derived from super heating. It is beyond question that super heated engines will show a saving of from 15 per cent. to 25 per cent. in coal consumption and 22 per cent. to 35 per cent. in water. I estimate that by super heating of E., E.C., C, M, D and F class engines the saving in fuel and water, and allowing for cost of transport from the mines, would amount to approximately £39,000 per annum. This saving, however, only represents coal and water consumption and does not allow for the increased load which the engine would haul—certainly not less than 7½ per cent. Your Commissioner is fully aware of the fact that it would not be practicable to convert the whole of the engines previously referred to at once; but before going to the expense of purchasing new engines, advantage should be taken to economically use the present engine stock. The reply of the Commissioner of Railways to that was given under the heading of "super heating of engines."

The Minister for Mines: Have you been a lay reader?

Mr. PICKERING: "During the war"—

The Minister for Mines: Have you no ideas of your own?

Mr. PICKERING: I will deal with the matter as I like. I do not know whether the control of the House rests with the Minister for Mines or with you, Mr. Chairman.

The CHAIRMAN: I will see that the Minister does not control the Chamber.

Mr. PICKERING: It appears to me that he is taking your place in this Chamber.

The Minister for Mines: I only suggest that you might express something of your own views.

Mr. PICKERING: I will express my views upon the Minister if necessary.

Mr. Johnston: That ought to be interesting.

Mr. PICKERING: I have given my views concerning him before now and he knows it.

The Minister for Mines: They have not been worth much.

Mr. PICKERING: The Commissioner of Railways continues:—

(a) During the war the department was unable to obtain the material necessary for maintenance of the super heater elements then actually in use. Certainly none could be obtained for additions. Since my appointment the financial posi-

tion has precluded me from pressing this question upon this Government in face of so very many matters of urgency.

In spite of that we find that approval was given for a large amount for the purchase of new engines. The Commissioner of Railways in his report says:—

I shall be glad to have your approval to the invitation of tenders in Australia, Great Britain and the U.S.A. for the supply of 28 locomotives for which at £15,000 each for the heavy type and £14,000 each for the Garratts (which is the nearest approximate estimate that can be given) based on £197 per ton (which was the cost of the Midland Railway Company's engines referred to above) a sum of £412,000 will be involved.

The Royal Commissioner drew attention to the advisability of adopting the super heating system as applied to engines. He pointed out that if it were found necessary owing to the demand upon rolling stock consequent upon increased production that new engines should and could be obtained between harvests, the price of engines or material for their construction would be very much less in the next year or two than at that time. By pointing out how this saving could be effected and by suggesting that the expenditure upon new engines should be indefinitely postponed the Royal Commissioner did a great service to the State. That policy was subsequently endorsed by the Minister for Railways.

Mr. O'Loughlen: The super heating of engines?

Mr. PICKERING: Yes. Up to the 4th August, 1920, we find the Commissioner of Railways pressing for an expenditure upon new engines. He says:—

The time has now arrived when a very considerable number of our locomotives are obsolete both as regards design and also as regards conditions, and ought to be scrapped. I am of opinion in view of the above facts that an amount of £222,838 should now be made available from loan to repay £222,838 provided from working expenses for this purpose, and I shall be glad to know whether you will be able to arrange this, so that I may go into the question of laying out the amount mentioned to the best advantage.

It is only since the Royal Commissioner on the railway system made his inquiry that the question of postponing the purchase of the engines has seriously been considered. This is what I gather from a perusal of the reports.

Mr. O'Loughlen: But for the inquiry they would have been purchased?

Mr. PICKERING: Probably. The Minister for Mines in dealing with the reports of the Royal Commissioner and the Commissioner of Railways has not dealt fully with the question of the Sandstone stockyard, which cost a considerable sum of money. One of the recommendations of the Royal Commissioner was that the railway

service at Sandstone should be removed. If that had been carried out it would have meant that the value of the stockyards there would have been nil.

Mr. Willcock: A lot of stock goes over that line.

Mr. PICKERING: I will read what the Commissioner of Railways says in reply to the remarks of the Royal Commissioner:—

Sandstone stockyards. As to the benefit to the prospects of a very large and newly opened pastoral district and as to the Royal Commissioner's remarks in general on this subject, I refer you to the Pastoralists' Association and to the member for the district. The construction of these yards was the only hope of developing a stock traffic on the Sandstone railway, and I claim that what I did has been perfectly successful in present and in prospect—so far as any inducement for traffic over this line could be successful.

A large sum of money was expended on these stockyards, but the Royal Commissioner says they should not have been built and that the line should be taken up.

Mr. Clydesdale: The traffic is increasing. That should not now be done.

Mr. Marshall: These yards were built before the Royal Commissioner made his recommendation.

Mr. Clydesdale: The traffic is increasing every week.

Mr. PICKERING: The Commissioner of Railways says, "so far as any inducement for traffic over this line could be successful."

Mr. Marshall: Gold mining is well on the up grade also.

Mr. PICKERING: I am glad to hear members' remarks on this question. We have to take what the reports say, but it now appears that the retention of the line is justified.

Mr. Clydesdale: There is no doubt about that.

Mr. PICKERING: When the Minister responsible for the railways makes comments upon two reports of this nature he should be fair to both.

Mr. O'Loughlen: Do you not think he should be here listening to your comments?

Mr. PICKERING: Reference is made in the reports to the accounts and stores branches. The criticism by the Royal Commissioner was that these branches are very considerably overmanned. His recommendation was that they should be carefully examined and reported upon by a competent authority. The reply of the Commissioner of Railways is as follows:—

If there are branches of this service with which, from practical comparison with other railway systems, I am fully satisfied, they are these two. In order to test this, I am quite in accord with the proposal to get a railway accountant or any firm of qualified accountants of reputation and experience beyond question to report on the comments of the Royal Commissioner, who in my opinion has

ventured upon a subject with which—compare the loss by peculation of thousands of pounds of the Midland Railway Company's funds during the eight years of his management of that company's affairs—he is not well acquainted nor qualified to express an opinion.

The gentleman who was appointed by the Government as Royal Commissioner to inquire into the railway system is regarded by the Commissioner of Railways as a man who is not well qualified to express an opinion.

Hon. P. Collier: That is a reflection not upon the Royal Commissioner but upon the Government.

Mr. PICKERING: It is a reflection upon the Government which appointed him. I am not finding fault with the work of the Commissioner but with his criticism of the Commissioner of Railways. We were promised that we should have a précis of the report furnished by the Royal Commissioner. The only précis we have consists of the comments of the Commissioner of Railways on the report of the Royal Commissioner.

Mr. O'Loughlen: We were told we should have an opportunity of discussing the whole report.

Mr. PICKERING: The only opportunity we have is of dealing with the matter on the Railway Estimates.

Hon. P. Collier: You have the remedy in your own hands.

Mr. PICKERING: On the question of management the Commissioner of Railways says:—

After service in the department extending over 27 years, preceded by service in the Great Northern Railway (England), and including observation abroad as detailed in my application for this position, I dissent generally from the proposals of the Royal Commissioner, which I submit are the result of insufficient knowledge and experience of the management of any undertaking of the magnitude and complexity of the Government railways of this State.

Mr. O'Loughlen: That is what you said about your opponent at the last election.

Hon. P. Collier: It is copied from the Busselton "Times."

Mr. PICKERING: The Commissioner of Railways continues:—

I, after nearly three years of sole control, suggest that I know a great deal more about the business than your Royal Commissioner knows.

This is the way in which the Commissioner of Railway criticises the Royal Commissioner. He goes on to say—

The Royal Commissioner has not one word of commendation for the administration or for the responsible officers of the department. All are bad, and nothing they have done or can do is good—he does not even express appreciation of the assistance given him by the department in making his inquiries—not that appreciation is ex-

pected from him, but rather that courtesy would have offered it. Everything mentioned in the report is condemned—from the system of organisation down to the burning of a few signal lights at Geraldton.

The Minister for Mines: I seem to have read that before somewhere.

Mr. PICKERING: The reflection by the Minister for Mines upon the primary producers who venture to criticise the replies of the Commissioner of Railways to the report of the Royal Commissioner is unwarranted. The Commissioner of Railways has shown in his report that he considered improvements had taken place during the last 12 months and that he had effected certain economies. He agrees with several of the recommendations put forward by the Royal Commissioner, but questions the ability of the Royal Commissioner to form an opinion on the system which he (the Commissioner of Railways) is operating. If the Royal Commissioner, Mr. Stead, has done any service to this State by his report to Parliament we owe him a considerable debt of gratitude. It is not the business of any member or any Minister to cast any reflection upon the Royal Commissioner who has done that service for us. The Government were satisfied when they appointed him that he was fully qualified to deal with the questions upon which he was called to adjudicate.

Mr. O'Loughlen: They should have stood up for him when he was reflected upon.

Mr. PICKERING: I regret it should have been the custom of late to heap ridicule upon the Royal Commissioners.

Hon. P. Collier: Upon Royal Commissioners generally?

Mr. PICKERING: Yes.

Mr. O'Loughlen: They should be declared noxious weeds.

Mr. PICKERING: I do not know what Mr. Stead has cost the State.

Hon. P. Collier: More than you are ever likely to do.

Mr. Johnston: But he got paid.

Mr. PICKERING: Yes he got paid, and it is not certain I will not be paid. The question of regrading has been dealt with by the Royal Commissioner. One remembers that when Mr. Eddy was appointed Commissioner of Railways in New South Wales, the first thing he did was to ask the Government for authority to spend two million pounds on regrading; he stated that unless he was given that authority he would resign his position. The work was carried out, and the saving effected in that State is well known to everyone. The Royal Commissioner strongly recommends the regrading of the system. Anyone who has travelled over the railway system of Western Australia knows perfectly well that portions of that system do not permit an engine of the proper weight. Take, for instance, the section between Donnybrook and Balingup, or the section between Perth and Spencer's Brook. There is another similar section on the Bridgetown line.

The Minister for Works: The second section you have mentioned is graded as well as it can be.

Mr. PICKERING: But the whole route can be changed to where it will probably have to go when the new Transcontinental line comes through. It is a very vital factor in the economical management of railways that the grade should be such as to enable the engines engaged in the work of haulage to carry their full loads. Money for such things should be found at the earliest possible date, in order that the necessary economies may be effected; for it is not possible to run a railway system at a profit when it labours under such disadvantages as those existing on our system.

Mr. O'Loghlen: Would you hold up development in other directions while that defect was being remedied?

Mr. PICKERING: I do not propose to hold up development, but when the time is opportune a loan might well be floated for the purpose of effecting this essential economy. I agree with the Royal Commissioner when he says that that particular recommendation should be carried out at the earliest possible date.

The Minister for Mines: That recommendation was made before the Royal Commissioner was thought of.

Mr. PICKERING: Certain comparisons have been instituted between our railway system and Eastern States systems. I am not a railway authority, but it does seem to me that our system compares fairly well with Eastern States' systems. The comparison drawn by the Royal Commissioner is certainly in favour of the system in Queensland. To my mind, the Queensland system should be even more difficult to operate than ours, because our main system of railways is all connected up, and we have only two or three lines, such as the Hopetoun-Ravensthorpe and the Port Hedland-Marble Bar, not connected up. In Queensland there are large sections which are not junctioned with the main system, and which therefore must be more difficult to operate.

Mr. Clydesdale: Queensland has a larger population, too.

Mr. PICKERING: True, and a feature that is always being stressed in connection with our railway system is that our population per mile of railway is very small. I want it to be clearly understood that I am not adversely criticising our own Commissioner of Railways where I think it is not just to do so. I recognise, like all fair-minded people should recognise, that in the operation of a system like ours the Commissioner of Railways has a stupendous task. When the Commissioner of Railways takes all the comments of the Royal Commissioner as personal attacks, I do not think he is right. There could not be any effective criticism of our railway system without some reflections being made upon the man in control. I disagree with the Royal Commissioner as to the necessity for three Commissioners of Rail-

ways. I have always been in favour of one-man control of the railways, and I believe that the best results can be got by one-man control. Therefore I hold that if we persist in one-man control and carry out Mr. Stead's main recommendations, some economy and some advantageous change in the financial position of the Railway Department may be brought about. Another matter raised by the Royal Commissioner is the question of branch control versus district control. The position has been argued by the Royal Commissioner, who certainly shows that if the system he suggests were adopted, namely a system of four districts, in place of branch control, considerable saving could be effected. Against that view the Commissioner of Railways puts up the argument that branch control is more satisfactory. I am loth to accept the comments of the Commissioner of Railways upon the Royal Commissioner's suggestion as being final. It seems to me fairly obvious that some saving must result from the adoption of the Royal Commissioner's suggestion, since it means cutting out one branch and reducing the number of engineers and inspectors stationed in each district. Careful consideration should be given by an impartial authority with a view to deciding between the Royal Commissioner and the Commissioner of Railways. Then there is the question of sleepers, which also has been gone into pretty fully by the Royal Commissioner. Mr. Stead shows that a considerable amount of unnecessary expense was incurred by certain engineers in the Geraldton district, 53,000 sleepers being ordered when, upon careful inspection, it was found that only 8,000 were required. From the report of the Commissioner of Railways it appears that since he took office the life of a sleeper has been extended up to 18 years, and that he hopes the life will be further extended to 22 years. According to Mr. Stead, the system in vogue has been to re-sleeper in a face. Mr. Stead contends that that is not the right system, and that only those sleepers which are unfit for the permanent way should be removed. The point is a vital one and I think that if we simply say that the Royal Commissioner, who was appointed by reason of his special knowledge of railway working, is not right, and that the Commissioner of Railways is right, we shall never attain any finality. Who is to decide on a point of this kind? If the Royal Commissioner makes such a recommendation, for which he is paid by the Government, and the Commissioner of Railways disagrees with it, surely some impartial authority should decide who is right in the matter. In view of the high cost of sleepers, and of the high cost of the labour of relaying, the matter requires impartial investigation. There is also the question of adzing and boring sleepers. When I was engaged on the Forestry Royal Commission, I had an opportunity, during my inspection of the firewood lines, to see the excellent work which the Kurrawang Company were doing in regard to their sleepers. They were treating their

white gum sleepers, sawing and adzing and boring them in their shops. If that can be done by such a company, why is it not possible for the Commissioner of Railways to adopt a similar method? It is a method which costs only 2s. 8½d. as against 16s.

Mr. Clydesdale: The sleepers have not been handled for that amount, let alone adzed and bored.

Mr. PICKERING: I have quoted what the Royal Commissioner says. If all he has said is lies, what is the good of a Royal Commissioner? Surely he had evidence on the point. He had the power to call whatever evidence he considered necessary, as I know from my experience as a Royal Commissioner. Mr. Stead got sworn evidence. What evidence has the hon. member?

Mr. Clydesdale: I have evidence that he made a very bad mistake.

Mr. PICKERING: I am going by the printed report which is furnished for the information of members of the Committee.

Mr. Clydesdale: That is not the only mistake the Royal Commissioner made, either.

Mr. PICKERING: If it is a mistake the fact of its being a mistake should be made clear to members. I am not satisfied to accept the statement of the hon. member interjecting unless he supports it by facts. Then there is the question of the powellising plant at Bunbury. The Royal Commissioner shows very clearly that it is impossible to operate that plant profitably.

The Minister for Mines: We knew that before he was appointed.

Mr. PICKERING: If the Minister knew it, why were not we made aware of it, and why was not some recommendation made?

The Minister for Mines: Do you think that every report the Commissioner of Railways sends to me I should show to you?

Mr. PICKERING: It needed the Royal Commissioner's report to bring this matter before members of Parliament, and members of Parliament are entitled to know where the leakages are in the Railway Department. The Royal Commissioner has made recommendations as to economies which can be effected, and the Minister for Railways has given no evidence of intention to effect those economies. It has been shown that the Railway Department were alive to various facts stated in the Royal Commissioner's report, but I do not know that the Railway Department have yet given effect to the recommendations of the Royal Commissioner, or to their own ideas of what is necessary to improve the position. Whether the Royal Commissioner's report is or is not right in all its contents, it certainly has brought out information with which members of this Committee were not conversant. It has shown that there are certain leakages which should be stopped. Another leakage which is instanced in the report refers to timber required for the building of cottages in our timber areas. That timber was taken from near Pinjarra to Manjimup. Just imagine such a position! If that sort

of thing can take place, it is time some inquiry was held. In my opinion the appointment of the Royal Commissioner was fully warranted, and he has done good service in bringing under notice several directions in which economy can be effected. Instead of his being condemned in every possible way, he should be commended. It is strange that when a man like Mr. Stead is appointed to so responsible a position he should be treated in such a manner.

Mr. O'Loghlen: Don't be so despondent. Your case will come right.

Hon. P. Collier: I should bring it before the executive and make a vital question of it.

Mr. PICKERING: I congratulate the Minister on the improvement on the railway system this year as against last year, and I hope he will accept the recommendations of the Royal Commissioner in the spirit in which they were framed, and take advantage of any point which is likely to improve the position of the railways. To be effective, a railway system must provide cheap fares and freights. If we wish to develop the State the facilities by rail must be as cheap as possible; otherwise we are going to kill the goose laying the golden eggs. Some of the freights, perhaps, would bear an increase; because the policy of the Government has been to use the railways as a developmental factor. If the time is never to arrive when the result will spell reasonable freights, I cannot see what is to become of the system. Some of the products reaped as the result of cheap freights should be remunerative enough to pay reasonable freights. For instance, when we carry super at a low rate with the idea of a resultant heavy crop, that resultant crop should be able to pay a freight adequate to the requirements of the railway system.

Mr. O'Loghlen: Would you favour an increase in that freight?

Mr. PICKERING: In some cases I would. Many of our farmers could afford to pay a reasonable freight.

Mr. Clydesdale: We are carrying super 200 miles at a lower rate than it is carried 100 miles in South Australia.

Mr. PICKERING: If produce, the result of cheap freights, will never be able to pay reasonable freights, we are certainly up against it.

Mr. O'Loghlen: You are up against the executive in that.

Mr. PICKERING: I cannot help it. There are many little points which call for improvements. Take the Christmas traffic to Busselton. When a train is running in two divisions, the shorter distance division should be the first to go. During the Christmas holidays the excursion train for Bridgetown and Busselton was the first to leave Perth, and in consequence it was packed, because people travelling shorter distances used that train. The second division was practically half empty. If the longer distance train had been made the second division, it could have gone through without a break, and not had to lose time at Picton.

That sort of thing is obvious, and should be remedied. Also there is the question of accommodation for passengers. The last time I came up from Busselton some of the passengers had to stand. That required investigation. We should provide at least the accommodation for which passengers have paid, especially on long journeys, instead of which we allow passengers to be crowded like sardines. I am not going to move any amendment to the Estimates. Much of the Royal Commissioner's report is of great value, and I sincerely hope that the Commissioner for Railways will view it in a reasonable light.

Mr. HUGHES (East Perth) [9.51]: Another year, and no evidence of the overhead bridge at Claisebrook-road, East Perth, although plans for that bridge have been in existence for 10 years. I should like to know from the Minister whether it is the intention of the Government to ever put those plans into execution. Quite apart from the loss of life which has occurred at these level crossings, there is the loss to business men through delay. On any day in the week at Claisebrook-road there are to be seen four or five vehicles on each side of the level crossing, hung up waiting for trains to pass. Business men of East Perth suffer a great loss through this delay. If it were possible to calculate the loss to the community at various level crossings, it would surprise members and might even induce the Government to build some of the overhead bridges so badly needed. I should like to know whether the Government intend to build that bridge over the Claisebrook-road crossing, the most important in the metropolitan area. Again, there is the obnoxious additional penny fare on the tramways each Sunday, the only day the working man has to go to the river. That is a narrow minded policy and operates to the prejudice rather than to the advantage of the tramway revenue. With the fare at 4d., if a man has to take out his wife and a couple of children it is 1s. each way before he gets anywhere. It makes travelling rather heavy, particularly if a man has to use two lines. From the Commonwealth hotel to Inglewood, the single fare is 8d. That is brought about by the abolition of the transfer system, an abolition which has resulted in great hardship to those who have to transfer from one to another line. Some relief should be given in respect of the additional penny charged on Sunday. By increasing railway and tramway fares on public holidays and Sundays we are depriving workers of their weekly outing.

Mr. Clydesdale: The through fare to Como will obviate that.

Mr. HUGHES: I am not going to advocate Como. One evidence which demonstrates that the heavy railway fares on Sundays are not operating to the advantage of the railway revenue is to be seen at Cottesloe. A few years ago at Cottesloe on an ordinary Sunday there was always a fairly large crowd. One or two Sundays ago I was astounded to see the paucity of the assemblage there.

The Minister for Mines: That is since the new Licensing Act came into operation.

Mr. HUGHES: No, the people I refer to went there to bathe, not to soak. The 2s. fare from Perth to Cottesloe is quite excessive. It deprives the working people of their one opportunity in the week to go to Cottesloe for a swim in the sea. Many people go to the river for their swimming, but a dip in the river is not so refreshing as one in the sea.

Mr. Clydesdale: Oh, get out!

Mr. HUGHES: One bathing at Como requires to be a fairly strong swimmer to reach the deep water.

Mr. Marshall: Cannot one walk out?

Mr. HUGHES: What appealed to me at Cottesloe was the small number of people. The 2s. return fare is the principal reason for it. The same thing applies to other seaside resorts. The additional fare operates in the nature of a prohibition. I do not know exactly how much traffic is carried on Sundays as against week days, but there ought not to be a great deal of money involved. Probably £10,000 or £15,000 per annum would be the maximum.

The Minister for Mines: It costs 15 per cent. more to earn it.

Mr. HUGHES: That is the old cry. If we look at the revenue shown on the tramways balance sheet we see that the surplus for 1921-22 was £3,835. In statement No. 3 we find that the net earnings, after paying working expenses, in 1922 was £39,500. In the previous year it was only £20,000. In the year before that it was £38,000 and going back another year it was £22,000. So last year was the highest during the past four years. The net earnings above working expenses were £1,000 higher than in any of the preceding years.

The Minister for Mines: What about the interest bill?

Mr. HUGHES: That is not increasing.

The Minister for Mines: Oh, isn't it?

Mr. Johnston: Also the tracks are in a bad condition.

Mr. HUGHES: If the Government reduced the fares on holidays and Sundays instead of increasing them, they would earn more revenue. Anyhow, the proposal is worth a trial.

The Minister for Mines: We could not carry any more people.

Mr. HUGHES: If there was a deficit on the tramway operations, the people would have to make it good from consolidated revenue.

The Minister for Mines: We could not carry any more people with our rolling stock.

Mr. HUGHES: Then the Minister would have to get more rolling stock.

The Minister for Mines: That is what we have been doing.

Mr. HUGHES: It might not be possible to carry any more people on the trams but more people certainly could be carried by train from Perth to Cottesloe on Sunday.

The Minister for Mines: Do you want more workers employed on Sunday?

Mr. HUGHES: What is the use of men having a holiday if they cannot go to a bathing resort? The tramway men work only six days a week.

The Minister for Mines: I am referring to railway men.

Mr. HUGHES: They work only six days a week. The trains travelling from Perth to Cottesloe on Sunday should carry more people, and the Minister should consider the question of reducing the Sunday fares below those charged on week days. The time has arrived when the additional penny charged on Sundays should be removed. There is a vital reason why it should be removed now. The tramway men have suffered a reduction of 6d. a day.

The Minister for Mines: Why say "suffered"??

Mr. HUGHES: It is a gross injustice. It was rumoured in town during the week that, simultaneously with the reduction, the manager of the tramways had received an increase of £500. Is that true?

The Minister for Mines: The man who circulated that is a liar of the deepest dye.

Mr. HUGHES: It was told to me as a rumour.

The Minister for Mines: The man who told you is a liar, and a mischievous liar at that.

Mr. HUGHES: I am pleased to learn it is not correct. I would not like to be the means of depriving the manager of an increase, but it seemed very strange that such an increase as was rumoured should have occurred simultaneously with the decrease in the men's wages.

The Minister for Mines: It would have been very strange.

Mr. HUGHES: The men have suffered a reduction of 6d. a day, which will result in a saving of £3,000 to £4,000 per annum. Surely the time has arrived for the removal of the additional penny charged on Sunday. The tramway men themselves believe that the saving represented by the reduction of 6d. a day will be devoted to benefiting their fellow workers. A number of them have said that the Government must now remove that additional penny charge.

Hon. W. C. Angwin: It does not take the whole of the additional penny for the Sunday working, but it is required for holidays when the Government have to pay double time.

Mr. HUGHES: That could be made up by revenue during the week. Sunday is the one day on which the working man has an opportunity to take his family to the seaside, and he is now called upon to pay an additional charge. I wish to refer to the Superannuation Act, and to a point not available to the hon. member who dealt with a certain case recently. Under the Superannuation Act of 1871 the Government can grant an officer, when he reaches the retiring age, a super-

annuation allowance commensurate with his salary. Section 6 provides:—

It shall be lawful for the Governor in Executive Council to grant to any person retiring or removed from the public service under the Colonial Government, in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of the department to which he belongs, by which greater efficiency and economy can be effected, such special annual allowance by way of compensation as, on a full consideration of the circumstances of the case, may seem to the Governor in council to be a reasonable and just compensation for the loss of office; and if the compensation shall exceed the amount to which such person would have been entitled under the scale of superannuation provided by this Act if ten years were added to the number of years which he may have actually served, such allowance shall be granted by special minute stating the special grounds for granting such allowance, which minute shall be placed before the Legislative Council, and no such allowance shall exceed two-thirds of the salary and emoluments of the office.

The Government have that power and in one instance to my knowledge it was exercised. Section 7 reads:—

It shall not be lawful for the Governor in Executive Council to grant the full amount of superannuation allowance which can be granted under this Act to any person not being the head officer or one of the head officers of a department, unless upon production of a certificate signed by the head officer of the department, by two head officers if there be more than one, that he has served with diligence and fidelity to the satisfaction of such head officer or officers, and in every case in which any superannuation allowance is granted after the refusal of such certificate, the Order in Council granting it shall state such refusal and the grounds on which such allowance is granted.

The case involved is that of Connolly, who joined the railway service as a cadet in 1897. He served 25 years in the railways principally in the capacity of a record clerk. He was in the record office until 1916 and was then in charge of the room. He had never been charged with being inefficient. If he was inefficient, it was the duty of the permanent heads to so charge him in order to have him removed from the service. If a charge of inefficiency had been laid and he had been dismissed, he would have had the right to appeal against the decision, and those bringing the charges would have been compelled to substantiate them. It seems monstrous that a man can be incompetent and yet remain in the service for 25 years. When he entered the service, he did so under an expressed and implied contract that certain privileges would be his if he carried out his duties. For 25 years he carried them out to the satisfaction of the department.

The Minister for Mines: Who said so?

Mr. HUGHES: He has never been charged with inefficiency.

The Minister for Mines: That is a different thing. If a man does not make progress, he is not giving satisfaction.

Mr. HUGHES: This man made progress.

Mr. Corboy: Why was he promoted?

The Minister for Mines: When he was retired he was still on the minimum rate.

Mr. HUGHES: He was receiving £270 a year. The Act provides that if a man is not competent he can be charged with incompetency, but he has the right to appeal before an independent board, and the Commissioner is obliged to substantiate the charge. It is bunkum to contend that, after a man has served 25 years in the department, he is incompetent. If he is incompetent, it shows a marked degree of incompetency on the part of the permanent heads in allowing him to remain so long. This man was transferred to the Perth goods and was employed entirely in record work. If a boy is taken into the service and kept in the record room, it stands to reason that he will know nothing other than record work. It would be unreasonable to charge him with incompetency because he was unable to drive an engine.

The Minister for Mines: Why? Others learn.

Mr. HUGHES: He did not have an opportunity.

The Minister for Mines: He did have an opportunity.

Mr. HUGHES: He was not incompetent. On the 15th July, 1922, he received a letter reading—

Owing to the depression in trade and the consequent necessity for retrenchment, there is now no position where you can be suitably placed and it has become necessary to dispense with your services.

Mr. Marshall: He will be standing for Parliament next election.

Hon. P. Collier: Then let us hope the Minister will not sack too many employees.

Mr. HUGHES: He displayed more intelligence than I did, because he waited until he got his retiring allowance amounting to £270. I got in first and received nothing. The reason he was retired, as stated over the signature of his chief, was owing to depression in trade and no position being available for him. It was entirely due to reorganisation. If that is not so, this letter contains a misstatement and the man has been deceived. In the second paragraph of the letter he was informed—

You are hereby notified that your service with the department will terminate as from the 17th August, 1922, and you are to relinquish duty on that date. Approval has been granted to your being given a retiring allowance equal to 12 months' pay.

Under the Superannuation Act that officer was working in an established capacity and unquestionably was entitled to the benefit of the Act. He was entitled to a pension of about £3 per week.

Mr. Johnston: He could sue for it as others have done.

Mr. HUGHES: That is where the hon. member is wrong. If the man could sue for it I would not be appealing here in his behalf. If he could go into a court of law, he would receive his pension in 10 minutes. He cannot sue because one of the early sections of the Act says—

Provided that if any question should arise in any department of the public service as to the claim of any person for superannuation under this clause, it shall be referred to the Governor in Executive Council whose decision shall be final.

He has no appeal to the law. When I heard the Minister say that the law should be upheld, I was hopeful that it would be upheld in Connolly's case and that he would get a pension. He is entitled to one because of the nature of his retirement, and should get a sum of about £3 a week.

The Minister for Mines: He has been sitting down for 25 years, and you now ask that he should receive £3 a week for doing nothing.

Mr. HUGHES: What do you mean?

The Minister for Mines: He joined the service 25 years ago, and has been sitting down ever since.

Mr. HUGHES: I could say the same of the Minister. One half of the community sits down when at work.

Mr. Mann: Have you looked up this officer's file?

Mr. HUGHES: I have here a copy of a letter from his chief saying that he was retired owing to depression in trade.

Mr. Mann: I saw the file and took an interest in the case.

Mr. Lambert: You have a peculiar way of showing your interest.

Mr. HUGHES: Connolly was told that he was being retired because of re-organisation of the department. Against that decision there was no appeal. Before he can get his pension of £3 a week he must get a certificate from the chief of the railway system to say that he has served with diligence and fidelity. He was not required to show any intelligence or to be energetic. All he had to do was to attend his office, and diligently and with fidelity perform the work allotted to him.

Mr. Mann: He did not pass any examination.

The Minister for Mines: He was not the kind to make any progress.

Mr. HUGHES: Why was he not retired before? The Commissioner of Railways was not prepared to give the necessary certificate, although to a deputation he said, "I should say that he had to the best of his ability given diligence and fidelity to my satisfaction." The Commissioner, however, was not prepared to put that statement on paper where it would be of some use to the officer in question.

Mr. Mann: The authorities are prepared to give him a retiring allowance.

Mr. HUGHES: An allowance of one year's salary, but he is entitled to £3 a week.

The Minister for Mines: There are many workers in your electorate who will not receive that when they get the sack.

Mr. HUGHES: I would not get that if I got the sack, nor would the Minister. When a man enters the public service he does not get as good pay as people outside.

The Minister for Mines: Yes he does; quite as good; and he gets privileges the outside workers do not get.

Mr. HUGHES: This man's privileges were of no use to him owing to the subterfuge and shuffling of the heads of the department. For many years civil servants received lower salaries than were paid to outside workers. It has been held against them by the Arbitration Court that they enjoyed certain privileges which outsiders did not get. This man is entitled to the privilege of a pension, but owing to the difficulty of getting the necessary certificate he is debarred from receiving it.

Mr. Johnston: What explanation does the Commissioner give?

Mr. HUGHES: He will not put on paper what he said to the deputation. When inquiries were made by the union in regard to this man's rights they were told that from expressions of opinion by responsible officers, it seemed doubtful whether the necessary certificate could be given. Should this prove to be the case, it would then be a question of what allowance should be made. If this man had not served with diligence and fidelity he must have been incompetent. That is the least that is required from any officer. If a charge had been laid against Connolly of incompetence he could have demanded a hearing, and could have defended himself from the accusation. The department would have had to prove the charge. If an officer had not the right of appeal in such a case a permanent head need only be biased against a man to be in a position to put him out of the service. This right of appeal is given in order to force the permanent head to make a charge to prove the correctness of the statement.

The Minister for Mines: That is not done in the public service.

Mr. HUGHES: It is done in the Commonwealth Public Service. There is not much justice about retiring a man without giving him the chance of proving that he has carried out the necessary conditions of his employment.

The Minister for Mines: It took me two years to get an incompetent man out of the service.

Mr. HUGHES: There are still many incompetent men in the railways.

The Minister for Mines: And out of it.

Mr. HUGHES: And they are not all clerks either. It was stated that this officer was being retired because of depression in trade, but this was only done to disguise

the fact that the permanent head wanted to get rid of him. It was also desired to prevent him from exercising his right to appeal against the decision.

Mr. Mann: Do you suggest there was bias?

Mr. HUGHES: There was something extraordinary about the case. If the man was incompetent he should have been charged with that and allowed to appeal.

Mr. Mann: The department said he was all right when he was holding a juvenile's position.

Mr. HUGHES: It cannot be said that record work is juvenile work.

Mr. Mann: The department said they could not afford to keep him there; that he was incapable of doing anything else.

Mr. HUGHES: The department is paying the same salary to his successor, namely £270 a year. That is not an excessive salary for a man in charge of the records of the Chief Traffic Manager's office.

The Minister for Mines: The declaration was a simple one. The man had never made any progress.

Mr. HUGHES: That is not why he was retired.

The Minister for Mines: Therefore, he could not have been diligent.

Mr. HUGHES: The Commissioner says he was diligent.

The Minister for Mines: Rubbish!

Mr. HUGHES: If I can prove to the Minister that the Commissioner said he was diligent, will he give him his rights?

The Minister for Mines: I cannot give him anything. He is lucky to be getting 12 months' salary.

Mr. HUGHES: The Commissioner does not qualify his statement that Connolly has been diligent and faithful to his satisfaction.

The Colonial Secretary: They did not want to lose him, but thought he ought to go.

Mr. HUGHES: That is a flippant way of dealing with an officer who has served the State for 25 years. This officer is being whisked away from his position because his permanent head is not honest enough to put on paper what he is willing to say to a deputation. We have reached a very sorry state of affairs in the government of this country. If the Government are prepared to repudiate their contracts and pledges, things have come to a sorry pass in Western Australia.

The Minister for Mines: You are talking absolute bunkum.

Mr. HUGHES: If there were not that section preventing the man from going to court, he would get a verdict very speedily. If a boy is taken into the service and kept 25 years in one job, he necessarily becomes a machine. Thousands of young fellows are ruined in our public service by the same process.

The Colonial Secretary: A good man cannot be kept down.

Mr. HUGHES: Men can be kept down in the Public Service. The real man in the military service of this State was getting

about £250 a year. The head, drawing £750 a year, was merely a rubber stamp. The capable man was kept back because his seniors did not want to lose him. He was deliberately kept back.

The Colonial Secretary: He was foolish to remain.

Mr. HUGHES: A man who has been 10 years in a particular service does not want to leave. Thousands of young fellows are ruined by being kept in one position.

The Minister for Mines: They are not obliged to remain. Besides, there are means provided at the public expense for enabling men to improve themselves.

Mr. HUGHES: This man never had a chance to advance. The man's rights are safeguarded under the Superannuation Act, but there is a section which prevents him from going to law, and the Commissioner of Railways is taking advantage of that section to deprive the man of something the right to which was granted to him when he entered the railway service. In order to avoid having to prove that the man is incompetent, the Commissioner has retired him by way of reorganisation. Now it is said that he was retired for not being diligent. If that is so, why was he not retired on that ground and thus given the right of appeal? If retired under a reorganisation scheme, he has no right of appeal but has his superannuation rights. By a shuffling of the two things, he is deprived of the right of appeal and also of his rights under the Superannuation Act. It is a straight-out case of repudiation on the part of a contracting party. Unfortunately, owing to the section which I have mentioned, the matter is outside the jurisdiction of the law courts, and the injured party's only hope of redress is a feeling of justice on the part of those who control the State. The Minister for Railways should go into the case. I can bring to the Minister the report of a deputation to which the Commissioner of Railways said that the man was a diligent and faithful servant. That was stated verbally. If it were put into writing, the man would get a pension.

The Minister for Works: The Commissioner of Railways must be very foolish if he would say such a thing to a deputation and not put it into writing; in fact, he would not be a man then.

Mr. HUGHES: I am prepared to produce the report of a deputation in the course of which that statement was made by the Commissioner.

The Minister for Works: Who took the report?

Mr. HUGHES: I have the report?

The Minister for Works: But who took it?

Mr. HUGHES: I have here now the report of a deputation of the Railway Officers' Association to the Commissioner of Railways. I will read two or three questions and answers leading up to what I have stated.

The Minister for Mines: Who took the shorthand note?

Mr. HUGHES: Never mind about the shorthand note; here is the report, and the Commissioner of Railways has never denied making the statement.

The Minister for Mines: I do not know whether he has or not.

Mr. HUGHES: Is the Minister prepared to institute an inquiry and let the evidence be given?

The Minister for Mines: I will not do anything of the sort. I have enough to do without worrying about details.

Mr. HUGHES: If the repudiation of an honourable contract legally entered into is something which the Minister has no time for—

The Minister for Mines: I am not going to inquire into the matter. If you can get the House to appoint a select committee, let the inquiry be made by that means.

Mr. HUGHES: I now quote from the report of the proceedings at the deputation—

Mr. Kenafick: If you say you have no job for him, we say, "Very well, if that is so he goes out with his full pension."

The Commissioner: All right. If you like I will put those papers up to the Public Service and ask them what they would do in a similar case.

Mr. Kenafick: You know very well that under the provisions of the Pensions Act you have to send a certificate along that the man has served satisfactorily.

The Commissioner: I should say that he has to the best of his ability, so far as that is concerned, given diligence and fidelity to my satisfaction.

"Diligence and fidelity to my satisfaction."

The Minister for Works: If that is a correct report, I cannot understand the attitude which you say the Commissioner has taken.

Mr. HUGHES: Neither can I, and that is why I am asking for inquiry into the matter. If the Minister will inquire, there will be an opportunity of getting the Commissioner to repudiate the report. If the Commissioner did not make that statement, I have been misinformed. I have been informed by responsible people that this is a fair report of the proceedings at the deputation. Surely, in the face of that, there is sufficient evidence to warrant the Minister making some inquiry. If the man was retired as incompetent, he was entitled to an opportunity to defend himself.

The Minister for Mines: Who is suggesting that he was incompetent?

Mr. HUGHES: Well, why was he retired?

The Minister for Mines: Simply because he was a man sitting in the service, which warranted reorganisation.

Mr. HUGHES: Under the reorganisation scheme the man had to go. Such cases are provided for by the Superannuation Act of 1871. If the Government retire a man under those conditions, they have to give him a pension.

The Minister for Mines: The Superannuation Act was never intended for the case of a man who joined the service and sat down until he was retired and got a pension.

Mr. HUGHES: The Superannuation Act was intended for the whole Government service. The Minister could not go into a law court and tell the judge that the Act was not intended for this man. If the man had been incompetent, or was not performing his work satisfactorily, they had a method of dismissing him under which he would have had the right of appeal. But he was retired under a reorganisation scheme, and so was entitled to a pension, although deprived of right of appeal. Now the refusal to give the man the necessary certificate has deprived him of his rights under the Superannuation Act. The Commissioner was using a double-headed penny against this man. Surely the Government are not going to repudiate their obligations to this retired officer! We have evidence to show that the Commissioner made the statement quoted by me, and I appeal to the Minister to institute an inquiry.

The Minister for Mines: I am not going to do it. In almost every case of retirement the man retired stirs up a lot of trouble, and eventually it comes to Parliament.

Mr. HUGHES: What is Parliament for if it cannot deal with so important a matter as the repudiation of a contract entered into by the Government?

The Minister for Mines: It is no such thing.

Mr. HUGHES: It is undoubtedly repudiation.

The Minister for Mines: It is not.

Mr. HUGHES: Take the comparison afforded by the Shillington case. Shillington was dismissed.

Mrs. Cowan: Shillington was not dismissed.

Mr. HUGHES: What happened to him?

The Minister for Mines: He was asked to retire.

Mr. HUGHES: I do not wish to enter into the merits of the Shillington case, but merely to make a comparison of the two cases. One man was dismissed for an indiscretion. He forfeited his pension rights, but had the right of appeal under the Act. That right was not exercised. The Government stepped in and granted an independent inquiry.

Mr. Mann: That is not correct. They refused an independent inquiry, and Shillington had to go before the usual board.

Mrs. Cowan: It was not really a disinterested board.

Mr. HUGHES: Shillington was allowed to appeal and to retire from the service with his pension. One man is given almost special rights, while another is denied all rights.

Mr. Mann: The cases are not analogous. One man was charged with an offence, while the other was not charged at all.

Mr. HUGHES: Did not the board find Shillington guilty and recommend that he be allowed to retire?

Mr. Mann: No, they found he was not guilty of the offence originally charged against him.

Mr. HUGHES: The point is that the board recommended that Shillington be allowed to

retire. If he were not guilty of something, why did they want him to retire? Here was an officer dismissed on a charge, yet as the result of his appeal allowed to retire and get his pension. The other man never had any charge laid against him. He is retired under a reorganisation scheme and then, in order to deprive him of his pension, he is told there are certain things against him. I am informed that this report of the deputation to the Commissioner of Railways is the Commissioner's own shorthand writer's transcript. If that be so, we have here the necessary certificate from the Commissioner, and in justice to this man the Minister should hold an inquiry. I do not care whether it be a public or a private inquiry, so long as the man is given a chance.

The Minister for Mines: You should have a look at the file first.

Mr. HUGHES: If there be anything on the file the man should have been told of it and given a chance to defend himself. He knows nothing of any charges. He has never been called upon to answer them.

The Minister for Mines: He was reduced in salary because of the charge.

Mr. HUGHES: Because of an entirely private affair of many years ago! The reduction in salary did not carry with it the withdrawal of his rights under the Superannuation Act. By a subterfuge on the part of the Commissioner this man is deprived of the right of appeal, and because of the withholding of the certificate he is deprived of his rights under the Superannuation Act. After this no civil servant can feel safe, can rely upon getting his legal rights when retired. I appeal to the Minister to hold an inquiry.

The Minister for Mines: This man was reduced in salary and status. His appeal was heard and dismissed.

Mr. HUGHES: He was not dismissed from the service when the charge was brought against him. The penalty was reduction in salary. He was reduced in status, and so paid a penalty for his offence. He was allowed to continue in the service. Having been punished once for his offence, is he to be punished again many years afterwards? If this can be, any man who happens to have against him a reprimand is likely on retirement to be told that because of his offence of 20 years earlier an offence for which he paid his penalty, he is to be penalised again. I do not think the Minister would suggest that a man should be punished twice for the one offence. In justice to this man, and in view of the important principle involved, the Minister should have the whole thing ventilated.

Mrs. COWAN (West Perth) [10.50]: I congratulate the Minister very warmly on the able and concise manner in which he presented his Estimates. There can be no question that it is very helpful to listen to a statement so clear and revealing such a satisfactory position as he placed before us. Members generally must have been pleased to hear that many of the recommendations made by the Royal

Commissioner, Mr. Stead, have been accepted, and that in future the Commissioner of Railways is to work on a policy which has been settled and laid down by the Government. The results have been good, and one realises it was well that the country went to the expense of holding an inquiry and obtaining the suggestions which were put forward. Even though some of the suggestions were old, there is nothing like emphasising such matters and bringing them more closely under the attention of the Government, while any new suggestions were still more worthy of consideration. I am sure that Colonel Pope is quite capable of profiting by them. Reading some of his reports it is clear that he has in the past profited by the helpful suggestions made to him by the chief railway men of the Eastern States. I am sorry to have to allude to a subject to which two members have already referred. As a woman and a mother I wish to thank the Minister for the attitude he adopted towards the charges made in connection with the case of an absolutely innocent girl. It was extraordinary and I might even say unpardonable on the part of any man—no matter how high his position might be, and the position of Commissioner of Railways is undoubtedly a very high one—to make such charges as he made in the newspapers before he was ordered by the Minister to hold the inquiry, more especially as the Commissioner has daughters of his own. The inquiry was held, and there are many people who thought and still think it would have been better had it been held by an absolutely outside authority, because the board of inquiry was composed of men who were still officers of the department and it has been said outside—I do not say it, because I do not know—that some of those men might have profited by the dismissal of the accused officer. I wish to remind the Committee in the interests of that young woman and also of Mr. Shillington himself that the men who held the inquiry were the very ones after all who decided that he was innocent of the charges levelled against him, and that there had been no misconduct of any kind. He was retired because he did not get on too satisfactorily with his superior officers.

Mr. O'Loughlen: That should not be a reason for retirement.

Mrs. COWAN: That is quite true, but personalities entered into the question. It is shown in the report of the Commissioner of Railways, who stated—

As to Mr. Shillington's charges, I do not say much. They are the murmurings of a disgruntled and discredited man.

All I can say is that if the Government of this State allow it to be said that this officer was dismissed for misconduct and for being a discredited man, then they had not the right to pension him. I have heard and know that he cannot receive the pension unless a certificate is furnished testifying that the individual has been diligent and faithful. I can only say that this is a curious and most anomalous state of affairs.

If the statements made regarding the dismissal and misconduct were in any way true, the country should not be saddled with the burden of a pension of £300 a year. The board of inquiry acted fairly and undoubtedly gave a right decision, according to its point of view. I hope in future it will be distinctly understood, and I as a parent say it advisedly, that such charges as those made in Mr. Shillington's case cannot be made even by the Commissioner with impunity. I thank the Minister for the attitude he adopted regarding the matter. I have certainly been puzzled, and the same applies to many people outside, as to why the man who acted in the pitiful role of informer was not censured. I do not wish to mention names. In such cases it is not advisable in the interests of the wives and families that names should be mentioned, but it should certainly have been a matter for censure that anyone living in a very objectionable class of house should give information such as this informer did in order to harm others and ingratiate himself with his superior officer. Mr. Shillington was absolutely exonerated from the charges made, a point I wish to be distinctly emphasised. We must always deprecate the introduction of anything in the nature of personal animus in official places. If heads of departments cannot agree with officers holding important positions under them, they should be all the more careful that they do not in any way lower the dignity of their positions by acting in the manner in which I and many other people consider the Commissioner of Railways acted in this case. When the member for Yilgarn (Mr. Corboy) was speaking the other night I was sorry to hear him take exception to the appointment of women as clerks in the Railway Department.

Hon. W. C. Angwin: I want to see the men employed so that the women can get married.

Mrs. COWAN: All the women cannot get married.

Hon. W. C. Angwin: Because they are taking the men's jobs.

Mrs. COWAN: I know the hon. member would have it so but in other circumstances he might not be quite unwilling to be a potentate in India or some other such place and in his kindness of heart help these women with homes.

The Minister for Mines: Or Sultan of Johore.

The CHAIRMAN: I think you are reflecting on the hon. member.

The Minister for Mines: No, she is paying him a compliment.

Mrs. COWAN: The hon. member said he would like to see them all married, and so should I.

Mr. Lambert: He said he would like to marry them all.

Mrs. COWAN: I think it was a great mistake for the member for Yilgarn to speak as he did and I am glad the Minister again took the part of women and decided

it was advisable to give them an opportunity to earn a living in the way best suited to their abilities.

The Minister for Mines: If they did not suit, we would not keep them.

Mrs. COWAN: If that spirit is exhibited by men generally it will be necessary to follow the example of America. I refer to the formation of a women's party. There are many of us who do not wish to bring that about, but it may ultimately be necessary to have such a party to look after the interests of women. The effect of forming one would possibly be much stronger than some men realise. Women wish to work with men and not against them, and we therefore desire that the men should work with us and not against us when it comes to a question of employment of women in positions in which they can obtain a satisfactory livelihood. I commend the Minister for his attitude on this question and upon his attitude in regard to women generally. As a foundation member of the Society for the Prevention of Cruelty to Animals I was glad to hear the member for Murchison take up the cudgels on behalf of the stock in transit over our railways. I hope his remarks will appeal to the Government and that steps will be taken to prevent such cruelty being meted out to animals that are being brought down for consumption by the citizens of Perth. It is bad from every point of view that this state of affairs should be allowed to continue. With regard to refreshment cars, I was travelling in the train a short time before I was taken ill. It seemed to me that it might be well if the Government took over the entire management of the railway refreshment cars. It may be thought that I am rather upholding my own sex when I say that the refreshment car that was controlled by young women was very much better conducted than that which was controlled at the other end of the line by men. I only mention this to show that improvements can be effected in this direction. I daresay the men do their best but perhaps if the refreshment system were placed in charge of women they might effect greater improvement. The member for East Perth has referred to the railway crossing in his electorate. To my mind the Melbourne-road crossing in West Perth is even more important. I have repeatedly asked the Minister to do something to improve the position there but he seems to think I am only nagging him on the subject. The only way apparently for us to get anything is to keep on nagging until something is done. The Melbourne-road crossing requires immediate attention. There is no more dangerous crossing on the railway system. I sincerely hope that all railway crossings that require overhead bridges will be attended to soon. The charges made by the railways for carrying small goods from here to Kalgoorlie and vice versa are excessive. When in Kalgoorlie I was asked why a particular brand of pickles was not sold in Perth. I was told that it

would be impossible to make a profit on them, because the department charged 1s. 9d. per dozen for every dozen bottles or tins of jams or pickles carried on the railways. That seems to me too heavy a charge. If the department would reduce the charge it would assist in the development of Western Australian industries. It is certainly a point to which attention might be given. There are many small things which could be carried on the railways if the freights were reduced. Most of us have experienced great inconvenience because of the brilliant and original idea of putting numbers on the tram cars. This is not done elsewhere that I know of. Strangers who come to the town find it extremely difficult to pick out the right cars, and many of us who live here find it equally difficult. I do not always know where a tram is going because I am not familiar with the numbers. The cars also seem to travel at erratic times.

Mr. Johnston: There is no board now to show where a tram is going.

Mrs. COWAN: I do not know why all this money was spent in making such an inconvenient change. It is a pity the boards are not put back. The numbers could be left on; for to remove them would mean further expense to the Government. Apparently expenditure on these matters is readily incurred, but when we ask for money from other departments we are told it cannot be given.

The Minister for Mines: Do you mean painting the destinations on the cars?

Mrs. COWAN: The old arrangement of turning up the destinations of the cars in the glass frames should be restored.

The Minister for Mines: We cannot get the material.

Mrs. COWAN: The boards used to be there. Of course there may have been a great many breakages. Last Sunday the "Sunday Times" made reference to the overcrowding of tram cars. This was in connection with the Nedlands route. It showed what great inconvenience the public was subjected to. There is either a shortage of cars for the Nedlands track, or else the Como track takes so many of them that there are not enough left for Nedlands. Mothers and children are caused a great deal of inconvenience by reason of the overcrowded cars.

The Minister for Mines: Everybody makes it his business to travel at the same hour.

Mrs. COWAN: Not at all. People are travelling all the while. I have no objection to the fares being raised for Sunday traffic. This would probably lead to the men getting more hours off on Sunday. Further, it would not hurt people to stay at home on Sunday more than they do. Something, however, should be done with regard to the extra fares on holidays. These greatly affect mothers and children who cannot get away from their homes at other times. The railway fares have been increased, and for holidays and Sundays the fares on the trams have been doubled to the detriment of women and children whose bread-winners cannot afford to pay

the double fares for a day's outing for their families. Doubtless because of the increased fares the Como trams are paying to an extent which they would not otherwise do. Consideration, however, should be had for the convenience of the public. Mothers and children are so anxious to get an outing that even the unpleasant weed that is cast upon the river shores at Como does not prevent them from travelling to that suburb. At the sea beaches there is no offensive smell, but the cost of getting there is even greater. Something should be done to reduce the fares if possible. I fail to see why it is not possible in the best interests of the community to do this. The railways as well as the tramways belong to the people, who should be the first consideration. I would point out that the small body of men who have raised these fares are men who travel free in both trains and trams. Possibly that helps them to forget that there are other people who are not in the same position as they are.

Mr. Clydesdale: It ought to be given a six months' trial.

Mrs. COWAN: One wonders what has become of the railway porters. I would draw the attention of the Minister to the published letter of January 4th on this question. The absence of porters has caused great inconvenience to the travelling public. I was greatly surprised to hear the Minister say he did not approve of the recommendation of the Royal Commissioner that three commissioners should be appointed to control our railway system. I understood the Minister to say that the three commissioner system had proved a failure in the Eastern States. I have not read anywhere that it has been a failure. Even if one pays a little more by way of salary for two or three commissioners instead of one, it is far more satisfactory to do that if savings of thousands of pounds can be effected in other directions.

Mr. Lambert: We might get a lady commissioner.

Mrs. COWAN: In some respects we would be all the better for that, I think; or at any rate no worse.

Mr. Lambert: You can say that with safety.

Mrs. COWAN: In my opinion it is time for this State to apply the three commissioners system. Let us put in a man with practical experience to look after the traffic side of the system, and a man with financial experience to look after charges, and a man with statistical knowledge and training to look after that side of the Railway Department, and then there would be no great injustice done to anyone. It would then be a case of the cobbler sticking to his last, and that has always been a good plan both in business and manufactures. I fail to see why it should not yield equally good results in railway management. As one State which has tried the three commissioners system with success is now proposing the appointment of a fourth commissioner, perhaps the matter is worthy of more consideration than our

Minister appears to think. I would suggest to the Government that they do give the matter very serious and grave consideration, as a probable solution of some of our railway difficulties. There can be no question that in connection with our railways many things are unsatisfactory in various directions.

Progress reported.

House adjourned at 11.15 p.m.

Legislative Council,

Wednesday, 10th January, 1923.

	PAGE
Act, Land Tax and Income Tax, an error	2468
Questions: Wyndham Meat Works	2469
Estate repurchased	2469
Return: Wyndham Meat Works	2469
Bills: Agricultural Lands Purchase Amendment,	
2A.	2469
Bussellton-Margaret River Railway Deviation,	
2A.	2469
Northampton Reserves, 2A., Com., report	2469
Jarnadup-Donmark Railway, Com., recom.	2470
Kojonup Agricultural and Horticultural	
Society's Land, 1B.	2478
Motion: Water Supply Department by-laws, to	
disallow	2478

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

ACT—LAND TAX AND INCOME TAX.

An Error.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.34]: Before we proceed with the business on the Notice Paper I desire, with the permission of the House, to read a statement which has been furnished me by the Solicitor General with regard to the Land Tax and Income Tax Bill—

Land and Income Tax Bill. 1, This Bill was read a third time and passed in the Legislative Council at 11.54 p.m. on the 21st December. 2, On the 22nd December, I received the Premier's instructions to see that the Bill and the Assessment Act Bill were presented to the Governor for assent at once. 3, I, therefore, attended at Parliament House and with the help of the Clerk Assistant settled the Assessment Bill as amended, and obtained a copy of the last print on vellum. 4, I was not advised or aware of the insertion of the word "net" in the Tax Bill at the request of the Council. 5, The Clerk of Parliaments certified on the vellum that it was a true copy of the