

Legislative Council

Tuesday, 2nd September, 1952.

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

QUESTIONS.

SUPERPHOSPHATE.

As to Analyses of Samples.

Hon. A. L. LOTON asked the Minister for Mines:

How many analyses of superphosphate were made during the year 1951-52 by the Government Chemical Laboratories?

The MINISTER replied:

One, which complied with standards.

WATER SUPPLIES.

As to Metropolitan Services and Unmetered Premises.

Hon. N. E. BAXTER asked the Minister for Transport:

(1) What was the number of water services being provided by the Metropolitan Water Supply Department at the 30th June, 1952?

(2) How many of such services were fitted with meters at the 30th June, 1952?

(3) What was the percentage of premises without meters drawing water from departmental mains at the 30th June, 1950, 1951 and 1952, respectively?

(4) Is the Government aware that considerable waste of water is being occasioned and consequent loss of revenue sustained because of unrestricted water services permitted?

(5) If so, what does the Government propose to do to remedy the position?

The MINISTER replied:

(1) 90,436.

(2) 59,627.

(3) 30th June, 1950, 39.23 per cent.; 30th June, 1951, 39.64 per cent.; 30th June, 1952, 34.07 per cent.

(4) and (5) The Government realises that meter installation is a check on unrestricted use of water, and as meters are now more readily available, all possible steps are being taken to expedite installations.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 28th August.

HON. E. M. HEENAN (North-East) [4.36]: I rise to oppose the second reading of the Bill. I think all members will agree that this is probably the most important Bill that will come before the House this session, at any rate. To begin with it proposes to amend the Title of the Industrial Arbitration Act, which is the law of the country that deals with all phases of the industrial movement and the all-important relationship between employer and employee. Furthermore, the Bill proposes what I consider some complex and extremely far-reaching amendments which are contained in no less than 36 pages.

As lending further emphasis to my view that it is a most important measure, I believe that the House has agreed to the suspension of Standing Orders to give it precedence over other Bills. How strange it is, therefore, that, apart from the Minister who introduced it, no other Government supporter in this House has yet spoken in favour of the measure.

Hon. H. S. W. Parker: Others have caught the President's eye.

Hon. E. M. HEENAN: I am the fourth consecutive speaker to oppose the measure and, as far as one can see, those who are going to vote for it intend to remain silent.

Hon. H. Hearn: It is early to say that.

Hon. R. J. Boylen: Oh no!

Hon. E. M. HEENAN: I should admit that Mr. Hearn has indicated some desire to speak on the measure, and I applaud him for so doing. I will look forward to his remarks and listen to them very carefully.

Hon. C. W. D. Barker: We all will.

Hon. E. M. HEENAN: And I do hope that he will not be left alone to put forward arguments in support of the measure.

Hon. N. E. Baxter: Perhaps it will not need support.

Hon. E. M. HEENAN: That is what I am indicating. Is this Bill so full of merit, are the arguments so self evident, that it needs no debate? Perhaps some hold the view that the various clauses are quite clear, although I find them complex, difficult and hard to study.

Hon. G. Fraser: And the hon. member has had a legal training!

Hon. E. M. HEENAN: Perhaps they hold the view that the Bill is so clear and simple it is just a waste of time to discuss it. I must admit that I cannot understand such an attitude. If ever a measure called for a full scale debate, in my opinion this one does, because it is calculated to have very far-reaching effects for good or ill.

Hon. N. E. Baxter: We have yet to consider it at the Committee stage.

Hon. E. M. HEENAN: The Minister, in his opening remarks, referred to the very peaceful industrial relationships which have existed in the State over the years until the recent metal trades strike. I think the Minister was quite sincere in his remarks, which were fully justified.

Hon. L. Craig: Anyway, that strike was not organised in this State.

Hon. E. M. HEENAN: Likewise, the Minister paid a tribute to the good sense and decency of the vast majority of the workers. I will admit that the recent strike was a most unfortunate affair. It was tragic that a settlement was so long delayed. In my opinion, neither side to the dispute won any laurels. I consider that had more wisdom and good sense been shown by both parties, an earlier settlement would have been reached. However, that sorry chapter in our industrial history is closed, and we have to look to the future.

Hon. L. A. Logan: The effects will be felt in the future.

Hon. E. M. HEENAN: I will look forward to Mr. Logan elaborating that view when he speaks during the second reading debate. I honestly believe that everyone will do what lies in his power to bring about the smooth, efficient and just functioning of the arbitration system. Now the question arises: What will this Bill do? In view of our fine industrial record in this State, does the recent dispute justify such radical amendments to the Industrial Arbitration Act? Why throw a spanner into the works at this stage and needlessly antagonise thousands of decent, law-abiding unionists and their leaders?

Only in last Friday's issue of "The West Australian" appeared a long article under the heading "Tribute Paid to Union Officers." It stated—

Union officials were to be congratulated on the responsible way in which they settled industrial grievances to give benefits to thousands of workers.

This was said in the Arbitration Court yesterday by the Conciliation Commissioner, Mr. F. S. Schnaars.

Then again the president of the Chamber of Mines recently, in his annual report, made this statement—

I am happy to be able to state again—

Members will note that word "again".

—that we have had a very satisfactory year as regards our relations with the industrial unions.

Tributes such as those are numerous, and others could be quoted. Therefore I ask: Why the necessity for this far-reaching radical measure, which may cause a good deal of turmoil? Our record in this State was paid tribute to by the Minister when he introduced the Bill in this House. Tributes to union leaders have been paid by spokesmen of the employing class in various phases of industry.

So I ask again: Why bring forward a measure such as the Bill, the consequences of which might be good but, at the same time, might be fraught with grave danger? Who has asked for the introduction of the measure? As I have said, tributes have been paid to the number of competent and wise union leaders in this State. Frequently it is remarked how fortunate we are in Western Australia as regards the type of union leadership that we have. Most of these men spend their lives in studying the requirements of the workers and in making themselves proficient in the matter of industrial relationships—yet they are all opposed to this measure!

Hon. N. E. Baxter: All of them?

Hon. E. M. HEENAN: So also are their leaders in Parliament opposed to the legislation. Is it to be assumed that, but for the metal trades strike, the Bill would not have come before the House? If that is the reason, I argue that bad cases make bad law. Why, if we have had such a splendid record, go and radically alter the whole setup because of one bad show? I repeat, with respect to that strike, that with more wisdom and good sense displayed—not on one side only but on both sides—it could have been terminated much earlier than it was.

Therefore I would like Mr. Hearn and Mr. Logan—I assume that he intends to take part in the debate—to answer that argument and say whether the recent metal trades strike provided sufficient justification for this measure. The other argument put forward to justify its introduction was based on the issue of communism. I readily agree that we have a good deal to fear from communism. It proposes theories and a way of life that are entirely foreign to our views and to the principles to which the majority of us subscribe. The majority of people will not have a bar of communism. One travels in trains and gets into conversations in barbers' shops and in other places, and one hears a lot of talk about communism; but my experience is that the people who are putting up the real fight against communism and who are fighting it in the place where it should be fought, are the union leaders.

Hon. N. E. Baxter: Some of them.

Hon. E. M. HEENAN: If people read the papers, they will quickly realise that that fight against communism is not confined to Western Australia. All over the

Commonwealth, decent unionists are taking a greater interest in their meetings and activities, and in lots of cases are beating the communists who hold high office.

Hon. C. W. D. Barker: And will continue to fight them.

Hon. E. M. HEENAN: Union officials and the accredited leaders of the Labour Party, heads of churches and others, are putting up a fight against communism which I am sure will be successful. A lot of those union leaders maintain that this measure will hinder their activities in that regard. The Government would be well advised to let the union officials and unionists themselves handle this problem in the way they have been dealing with it.

There is a tendency these days to be too afraid of the communists. Once the communists accomplish their purpose of making everyone fear and tremble, they will have achieved half their victory, because fear prevents people from behaving in a normal way. If some progressive person stands up and voices views that are a little out of step with what the majority regard as the normal thing, a hue and cry goes up that he is a communist, and that sort of talk and that fear are inclined to make the task of decent unionists and decently progressive men much more difficult.

I do not see that the Bill, which is being so strongly opposed by the Labour Party and its supporters, and by leaders in the industrial sphere, will do any good at all. A lot of penalties are proposed, the definition of "strike" is radically altered and the Bill will cause the law to be brought into action when, in my opinion, more commonsense and decency, and a careful study of vital problems, would provide a readier answer. I do not think there is anything else I need say at this stage except once again to appeal to members who either support or oppose the measure to stand up and air their views. If the Bill has merits, for goodness' sake let us hear them. There are 36 pages in the Bill, and a number of definitions and clauses that I have had a good deal of difficulty in studying and comprehending.

It is our duty to express our views; and, if convincing arguments can be put before the House, let us have them. We do not want to vote on the measure simply because there are going to be 20 on one side and eight or nine on the other. Now is the time, if the Bill has any merits, for us to hear about them. If the issues of communism and the recent strike are sufficient reasons for this vital amendment to the Industrial Arbitration Act, stronger arguments in that direction than I have heard so far will be necessary to convince me. If there are arguments apart from those two issues, I would like to hear them also. Up to date I have not. I intend to oppose the second reading.

HON. H. C. STRICKLAND (North) [4.57]: I hope the Chamber will not agree to the Bill. It is a very provocative, intimidatory and repressive measure. It is designed to restrict the freedom of every wage-earner in this State, whether male or female.

Hon. N. E. Baxter: Can you pinpoint something that restricts their freedom?

Hon. H. C. STRICKLAND: There is not the slightest doubt about the object of the measure. I understand the Bill was originally to have reached this Chamber last year.

Hon. H. Hearn: It would have been better if it had.

Hon. C. W. D. Barker: That is a matter of opinion.

Hon. H. C. STRICKLAND: Perhaps it would have been better had it been introduced then. There would not have been so much prejudice and so much so-called evidence to bolster the proposition. Why did it not come down last session? Were industrial relations too placid? Why was the opportunity taken to prolong the metal trades strike until this Parliament met and there was some justification to offer for introducing such legislation?

Much has been said about the strike, but I have heard very little except from a long way off, and to me and to many others I have contacted during the last month, or met on my travels, it has been amazing that the Government did not take some action, or show some intention of bringing the dispute to an end, or attempting to do so. The door was slammed on the strikers' leaders—slammed and shut. The mulish attitude adopted by the Premier and his Ministers—

The Minister for Transport: Nothing of the kind!

Hon. H. C. STRICKLAND: —in refusing to be conciliatory or to meet the leaders of the striking unions in order to discuss the position with them was wrong. It takes two to make an argument but if one side will not discuss the position, how can agreement be reached?

The Minister for Transport: Cabinet was always available for discussion.

Hon. H. C. STRICKLAND: It closed the Arbitration Court and did nothing to try to settle the strike.

Hon. N. E. Baxter: You are laying the blame in the wrong quarter.

Hon. H. S. W. Parker: Had not the Disputes Committee anything to do with it?

Hon. H. C. STRICKLAND: The Disputes Committee of the A.L.P., eight weeks before the strike ended, suggested terms of settlement identical with those upon which the dispute was ultimately settled, but the door was closed by the Government.

Hon. L. Craig: You are not relating facts.

Hon. H. C. STRICKLAND: I am giving the House facts.

Hon. H. Hearn: If you said you were giving the House your opinion, that would be better.

Hon. H. C. STRICKLAND: It was not until five or six days before Parliament was called together that Cabinet appointed a mediator. Those matters all point to the fact that the Government wanted something to bolster up its justification for the introduction of this measure.

Hon. L. Craig: That is most unfair criticism.

Hon. H. C. STRICKLAND: That is how the position has appeared to many people I have met recently. I am not prejudiced and I always try to be fair.

Hon. H. Hearn: You are not being fair now.

Hon. L. Craig: You are being entirely unfair.

Hon. H. C. STRICKLAND: That is how the position appears to me, viewing it from a long way off.

Hon. H. Hearn: From a very long way off.

Hon. H. C. STRICKLAND: I have heard it said in this Chamber that it is the desire of the Government to create better relations between employer and employee, but I contend that this measure, if it ever becomes law, will create a chasm between those two factions.

Hon. N. E. Baxter: Why?

Hon. H. C. STRICKLAND: The Bill is lopsided, being aimed only at the worker. It restricts no one but the wage-earner and it takes from him his freedom to choose his employment and decide where he wishes to work.

Hon. H. Hearn: Under what provision does it do that?

Hon. H. C. STRICKLAND: Under the definition of the term "strike," which is so wide that it affects every wage-earner in Western Australia and takes from him the freedom that he has so far enjoyed of being able to work in whatever industry he prefers and for whatever employer he desires. The Bill has been called political dynamite and that it is repressive, restrictive, conscriptive and compulsive towards the wage earner is shown by the fact that in another place a supporter of the Government, on hearing the contents of the measure, crossed over to the other side of the House.

Hon. L. Craig: He is a beaut!

Hon. C. W. D. Barker: He is a courageous man.

Hon. H. C. STRICKLAND: I once heard that member say, at a public meeting during his election campaign, "I am proud and honoured to march under the banner of Menzies and McLarty." What a disillusionment this Bill must have been

to him, when he thought he had become a member of a party with a real Liberal background. However, he decided to stick to his principles. He was thoroughly disillusioned, and so he withdrew his support from the Government. That member has lived among working men for the greater part of his life and he knows what will be the implications of the Bill if it becomes law. Mr. Heenan had much to say about communism but I can see that the whips are being brought out and that the old election campaign propaganda is being raised again, with the result that communism as a topic is being revived. Until recently it has been practically dead in almost every State except Western Australia.

Hon. H. S. W. Parker: It was revived during the strike.

Hon. H. C. STRICKLAND: Here we have the opportunity to whip up the communist bogey again. The scheme seems to be to blame everyone who has anything to do with the Labour Party and imply that he is a communist or that he has something to do with the communists.

Hon. H. S. W. Parker: That is all done by members of your party.

Hon. H. C. STRICKLAND: The hon member belongs to the legal profession, one member of which was the only acknowledged communist ever elected to an Australian Parliament. I refer to a man named Patterson, a lawyer in Queensland.

Hon. H. S. W. Parker: I thought you were going to refer to someone in the Federal House.

Hon. H. C. STRICKLAND: I have never heard of any movement to expel that gentleman—

Hon. H. S. W. Parker: They cannot.

Hon. H. C. STRICKLAND: The electors eventually put him out. Communist sympathies have been laid at the door of the Labour movement and the trade unions generally, but most people know that such accusations are absolutely false because the real communists—those who come out into the open and contest elections as communists—always oppose Labour candidates.

Hon. G. Bennetts: And when they are kicked out they go to the Liberal Party.

Hon. H. S. W. Parker: That is the joke of the year.

Hon. H. C. STRICKLAND: It may be said that I am unfair in my criticism of the attitude of the Government during the recent metal trades strike, but it is more unfair for members of other parties in this House repeatedly to raise the communist bogey. I can remember when the communists were called bolsheviks, red-raggers and various other things. I do not know what name will be applied to them when the term "communist" has gone out of fashion. This legislation, if

passed, will take away many of the arbitrary powers of the court. I am surprised that the Government did not amend the Title of the Bill, because if it becomes law the new Act should, in my opinion, be called the "Compulsion of Labour and Conscription of Service Act," or something to that effect.

Hon. H. S. W. Parker: To what provision would that Title apply?

Hon. H. C. STRICKLAND: It is all very well to charge the workers with being communists as soon as they decide they are entitled to better conditions. The Bill aims to take away every vestige of the strength that the worker has—whether he is a unionist or not—in his struggle for better conditions. The definition of the term "strike" has been broadened so much that it embodies practically everything. If a married couple went to work on a station and later decided to leave, they could be said to be on strike.

Hon. N. E. Baxter: Is that the best case you can think of?

Hon. H. C. STRICKLAND: I could suggest many better cases, but will leave the matter there until the Bill is in Committee.

Hon. G. Bennetts: Some of the employers would do that, too.

Hon. H. C. STRICKLAND: Some members may think it amusing. It must be very entertaining to members to listen to those of us who belong to the Labour Party attempting to do something for the people whom we represent; they may think we are just treading water and may consider it humorous that we should endeavour to break down the conditions under the Bill or else ask that they be not enacted at all.

I was rather taken with a letter in this morning's paper written by somebody who did not sign his name. I suppose it can be taken that it was written by some person who believes that the pen is mightier than the sword; he certainly has a great friend in "The West Australian". I read the comments of that paper on the speeches of both Mr. Davies and Mr. Hall. Very little space was given to their speeches and yet we find all this space given to somebody who has not the courage to put his name to a letter.

Hon. G. Bennetts: There is usually a place for things like that.

Hon. H. C. STRICKLAND: The views of "The West Australian" are as lopsided as the legislation contained in the Bill before us. It does not make much difference, however, because the people of Western Australia are waking up and taking all this with a grain of salt. I will have more to say on the Bill when I become a little more conversant with some of the provisions.

Hon. H. S. W. Parker: I thought you were not conversant with them.

Hon. G. Fraser: I bet you they do not try to tell you where you are wrong.

Hon. H. C. STRICKLAND: Interjections are all very well. I do not mind them at all; in fact, they help me along at times.

Hon. H. S. W. Parker: Hear, hear!

Hon. H. C. STRICKLAND: But when the members who have interjected get up to express their views on this Bill I promise I shall not interject, unless the reference is a personal one. I would be very pleased indeed to hear members belonging to other parties air their views in an endeavour to convert me to supporting them. In the meantime, I will be content to vote against the second reading of the Bill.

HON. N. E. BAXTER (Central) [5.20]: It is my intention to support the Bill in its entirety.

Hon. G. Fraser: Naturally you would.

Hon. N. E. BAXTER: I propose to support it unless I can hear some arguments at the Committee stage from those who are opposing the Bill; those arguments however will have to be better than the ones they have already put forward.

Hon. C. W. D. Barker: I will give you some.

Hon. N. E. BAXTER: When one notes the conduct of unions in this State, one sees how necessary it is that legislation like this should be introduced. I was a member of a union and I know.

Hon. E. M. Heenan: When did you go to the last meeting?

Hon. N. E. Baxter: A couple of years ago.

Hon. C. W. D. Barker: Did you pull out of your own accord?

Hon. N. E. BAXTER: I certainly did because I was disgusted with the conduct of the union and the apathy of the members. How many attend union meetings? A very small percentage attend and they represent only the rabid few.

Hon. R. J. Boylen: A golden opportunity for you.

Hon. N. E. BAXTER: I do not know whether the hon. member has tried to persuade the masses of population that a certain thing is wrong. He will find that there is considerable apathy and that the members of unions will merely go along and pay their dues and leave it at that. I can understand why some members are opposing this Bill. It does not suit their views. They have to look after the interests of the unions, and take care of the funds of those organisations as otherwise there would be no money to support the party.

Hon. C. W. D. Barker: Are you suggesting that if the Bill becomes law, the unions will be broken up?

Hon. N. E. BAXTER: If they break the law, they will have no funds to contribute to the Labour Party. We have heard quite a deal from Mr. Davies who said that the Bill was bristling with penalties. There are certainly quite a number of penalties in the Bill, but no more than the penalties contained in the Electoral Act for various offences. I will now go further and deal with secret ballots. Mr. Lavery said there were no unions opposed to secret ballots.

Hon. C. W. D. Barker: They all hold secret ballots.

Hon. N. E. BAXTER: Many unions are opposed to secret ballots, as the hon. member knows. Does the wharf labourers' union hold a secret ballot?

Hon. C. W. D. Barker: Yes.

Hon. N. E. BAXTER: No, it does not. I know the wharf labourers and the action taken on the wharf in connection with a strike; there is no secret ballot at all. If secret ballots were held, there would be fewer strikes. Mr. Hall referred to the Bill as dynamite, but like every other member who has opposed it, he has not pinpointed a single provision in the Bill which can be regarded as dynamite. Mr. Strickland said the Bill was provocative. No member who has opposed it, however, has specified any particular in which the Bill is wrong. If those members had quoted any provision from the Bill and said it was wrong, it would be different.

Hon. G. Bennetts: Are you mentioning where it is right?

Hon. N. E. BAXTER: These members have told us long stories about the recent strike and have said that the Government was at fault for not stopping it earlier. Not one of them, however, has suggested a way in which the strike could have been terminated.

Hon. G. Fraser: Rip Van Winkle!

Hon. C. W. D. Barker: Why do you support the Bill?

Hon. N. E. BAXTER: I believe in properly-controlled unionism and, under this Bill, unions will be properly controlled.

Hon. C. W. D. Barker: You hope.

Hon. E. M. Heenan: Would it apply to the Farmers' Union?

Hon. N. E. BAXTER: Yes, if necessary.

Hon. E. M. Heenan: What about the oil companies?

Hon. N. E. BAXTER: The oil companies are not unions?

Hon. C. W. D. Barker: What about the Employers' Federation?

Hon. N. E. BAXTER: It has also been said that the consequences of the Bill becoming law could be fraught with grave danger. Here again we have only a statement and no argument to support it; speakers have merely generalised. Mr. Heenan wanted to know who was asking for a measure of this type. He should move around the province which I represent and

hear the remarks made, not only by farmers and business people, but also by unionists themselves. They say it is time that a measure similar to this was brought down so that some control should be exercised over certain sections.

Hon. R. J. Boylen: You are only pulling your own leg!

Hon. N. E. BAXTER: I know the people in my district and they are certainly suffering. The railway workers have lost a considerable amount of work because of the actions of 160 men. Those 160 men have cost this State thousands of pounds and on top of that there is the loss of work to thousands of people. The strikers themselves were able to obtain sustenance from their supporting unions. Levies were imposed by the unions with a view to giving the strikers sustenance. The other workers who were stood down, however, received no sustenance. They were just the big mugs.

Hon. G. Fraser: Are you talking about yourself?

Hon. N. E. BAXTER: Mr. Heenan asked members to tell him if the metal trades strike was sufficient to justify a measure like this. I think I have answered that by pointing out what the strike has cost this country, and the amount of work lost to the individuals who were stood down. I would also point out what another strike similar in character would cost the country.

Hon. F. R. H. Lavery: Do you think the Bill will stop another strike?

Hon. N. E. BAXTER: It will, because unions will think twice before they break the law and are made to pay the penalties provided in the Bill.

Hon. E. M. Davies: Do you think one or two men can constitute a strike?

Hon. N. E. BAXTER: Only 160 men were involved in the strike; there may, of course, have been some thousands in the Eastern States egged on by some of their leaders. The strikers in this State, however, were influenced by a few men whose word is generally law within the union.

Hon. E. M. Davies: You ought to ask some of the 160 men of whom you talk.

Hon. N. E. BAXTER: These men have no say at all in the working of the union; they are not allowed to say "boo" because the union officials will jump on them!

Hon. C. W. D. Barker: Do you realise you are talking about hundreds of thousands of workers in this country?

Hon. N. E. BAXTER: I am talking about 160 men who were on strike; they were ill advised to go on strike.

Hon. C. W. D. Barker: It was ill advised from the beginning.

Hon. N. E. BAXTER: The hon. member mentioned hundreds of thousands of workers, but hundreds of thousands of workers were not involved. Mr. Strick-

land referred to the interpretation of the term "strike" and said it could be applied to a married couple on a station who did not want to work. The interpretation of the word "strike" is as follows:

"strike" includes—

- (i) a cessation or limitation of work or a refusal to work by a worker acting in combination or under a common understanding with another worker or person;

Hon. F. R. H. Lavery: Is not that what Mr. Strickland said?

Hon. N. E. BAXTER: Yes, but he quoted the case of a married couple on a station who did not want to work and said that they could be penalised under this interpretation of the term "strike." The definition says nothing about termination of employment.

Hon. G. Fraser: Read subparagraph (ii).

Hon. N. E. BAXTER: I have read subparagraph (ii). Refusal or neglect to offer for or accept employment is vastly different from giving due notice of termination of employment. So long as a worker gave notice of intention to terminate his employment, the definition would not apply, because there would be no question of his neglecting or refusing to accept employment.

Hon. H. Hearn: Mr. Fraser does not think otherwise, either.

Hon. N. E. BAXTER: No, he is beating about the bush, trying to find a loophole where one does not exist.

Hon. G. Fraser: I am trying to show you where one does exist.

Hon. N. E. BAXTER: Let me direct attention to Clause 24 which seeks to amend Section 132 of the Act by providing that a person who takes part in a lock-out or strike commits an offence. Some members have contended that this proposal is designed to hit at the worker. Those members should read the penalty clause following which states—

In the case of an employer or industrial union, five hundred pounds; and in other cases fifty pounds.

Thus an employer would be involved to precisely the same extent as would be an industrial union. How any member can argue that this would affect only the unions, I cannot understand. Surely there must be something wrong with such reasoning!

Hon. G. Fraser: No alteration has been made to the definition of "lock-out".

Hon. N. E. BAXTER: There was no need for any alteration.

Hon. G. Fraser: There must be an alteration for "strike", but not for "lock-out"!

Hon. N. E. BAXTER: The hon. member should read the interpretation of "lock-out" in the Act, and he would then realise that the employer would be held just as liable in the event of a lock-out as the employee would be in the event of a strike.

Hon. H. C. Strickland: Are you prepared to improve the definition?

Hon. N. E. BAXTER: I can only conclude that members who argue as I have indicated are merely trying to split straws. If in Committee opponents of the Bill can show sound reason for amending some of the provisions, they will receive my support.

HON. J. M. A. CUNNINGHAM (South-East) [5.33]: A great many weary hours have been spent by another place and possibly a good many will be devoted here to debating this measure. When the Bill was introduced, in another place, the public galleries were packed, and I suggest that the empty galleries here today are an excellent indication of how fearful the average worker is of this measure.

Hon. G. Fraser: It shows how fearful he is of this Chamber.

Hon. J. M. A. CUNNINGHAM: Now the hon. member is trying to be facetious. I believe that certain people, for reasons of their own, have done their best to instil fear into the minds of the workers, but fortunately the seed thus sown has fallen on very barren ground. I consider it was a most insidious weapon to use in a case where the circumstances called for clear thinking and sound reasoning.

This is a most important measure. Nobody will deny that fact. Its results in years to come will be far-reaching, but the flaunting of such terms as repressive, vicious, savage and others equally odious has been a most unhappy feature of the discussions. The Bill cannot be justly described as being savage, vicious or repressive. Every law that has been made in this country has included powers stronger and more far-reaching than it was thought would be needed, but there has been no outcry on that score. When an accused person is proved to have done wrong, nobody would challenge the right of a court of law to exact the fullest punishment for the offence. The people are prepared to abide by the law as framed by Parliament and administered by the courts, and that is all there is to it.

The days have gone when the courts might have been corrupt or perhaps unjust, but although there may still be an isolated instance of injustice, nobody would suggest that such injustice has been done deliberately. The fear of this Bill that some members have tried to exploit is based on a fear of corruption by the court. It has been suggested that the court might be untrustworthy, but it would be the same court that has granted the wages, con-

ditions and concessions that the worker now enjoys to make his life more pleasant and comfortable. These conditions are granted by the Arbitration Court, not by the Government or by Parliament, and yet it has been suggested that the same court, by reason of the nature of some of the clauses in the Bill, might in future act oppressively against the workers. There is no ground for entertaining such a fear.

For many weeks, every conceivable argument and every conceivable power was brought to bear on the Premier in the hope of getting him to usurp the functions of the Arbitration Court and override its ruling.

Hon. C. W. D. Barker: You are wrong there.

Hon. J. M. A. CUNNINGHAM: I am not wrong. The Premier was attacked from every quarter—political and industrial, and even personally—in the hope of getting him to usurp the powers of the Arbitration Court, but he stood fast, and I believe that the greatest commendation is due to him for the firm attitude he adopted. The least that can be said is that the fear voiced time and again that a future Government might use these powers to mete out unjust treatment to an individual should now be dissipated.

Much has been said about the definition of "strike." The wording is—

A cessation or limitation of work or a refusal to work by a worker acting in combination or under a common understanding with another worker or person.

It has been said that husband and wife, working in a job, could be victimised, and there might be some ground for that fear if the court were corrupt. If I and my wife were working side by side and we had an offer to go elsewhere and improve our positions, does any member for one minute honestly believe that we, after having given notice, which is the correct procedure, could be accused by the employer of engaging in an illegal strike? If any member thinks so, who would be the arbiter? There is the answer. The definition goes on to provide—

Unless and until in any particular case the court declares the particular cessation, limitation, refusal or neglect not to be a strike.

Hon. G. Fraser: But it would be a strike until then.

Hon. J. M. A. CUNNINGHAM: No, it would merely be a claim to that effect by some one person.

Hon. G. Fraser: It would be a strike.

Hon. J. M. A. CUNNINGHAM: I do not consider that any member who has advanced that argument has shown that the definition is oppressive or likely to injure anyone. Take another instance which is fairly common. A former member of this

House, Mr. Gray, was keenly interested in the baking trade. He would know of the difficulty that occurs in the industry through workers engaged as bread-carters leaving their employment without giving any notice. I could quote names if members consider them of any importance. A baker employs a man as a bread-carter and teaches him the round of customers to whom bread is to be delivered. The man gets an offer of a better job and, without saying anything of his intention of leaving, simply does not turn up next morning.

What redress has the employer? We know what would happen if the employer said to the carter, "I have a better man to put on your job and you can finish up tonight." The man would justifiably report the occurrence to his union and the employer would be sued. This is well known to be one of the commonest troubles in the baking trade. I know of cases where it has happened time and again.

Hon. L. C. Diver: There would be no objection if the man gave notice?

Hon. J. M. A. CUNNINGHAM: No; the normal procedure is to give a week's notice, which affords the employer time to engage another man, if only temporarily, to learn the round so that the bread may be delivered with the least inconvenience to customers. Any man has a right to give notice in order to accept a better job, but if he simply walks off the job without giving notice, it should be open to the employer to say that the man is on strike. I think that, in such a case, the court would take the view that the man had acted unjustly and should be punished for an offence against the Act. All laws are made to assist us to live reasonably, and that man should not be allowed to inconvenience such a great number of people by an inconsiderate act; and that is what this legislation is intended to overcome.

Hon. F. R. H. Lavery: Do you mean to say that the measure would cause that man to be retained in his position?

Hon. J. M. A. CUNNINGHAM: I would not dare to anticipate what the court might say the man should do. It might say he offended against the Act, and would probably inflict some penalty by way of a fine, or else tell him to go back to the job and give a week's notice; but I cannot say. That is an instance where the particular clause might be invoked.

Hon. G. Bennetts: I heard recently of a case, in another industry, where a person was prosecuted and fined for doing it.

Hon. J. M. A. CUNNINGHAM: I do believe that for almost the first time in history some employer took proceedings against an employee, who had left him without notice, and succeeded in his action.

Hon. R. J. Boylen: Then why do we need this clause?

Hon. J. M. A. CUNNINGHAM: The employer probably took proceedings under a different Act, or some other section.

Hon. H. Hearn: Possibly he took action in the local court under the terms of common employment.

Hon. J. M. A. CUNNINGHAM: Members opposite have stated that they think this could be oppressive in the case of a husband and wife who wished to change their employment. I do not believe them to be sincere in that statement.

Hon. G. Fraser: We can only take what is here.

Hon. H. Hearn: And use your imagination, of course.

Hon. G. Fraser: You do not use your imagination in the court.

Hon. J. M. A. CUNNINGHAM: If two people in a job decide to leave, their course is perfectly simple—they merely give a week's notice which, every member will agree is only fair. By doing that they are absolved from any chance of being charged with going on strike.

Hon. G. Fraser: That is what operates now, and that is how we want the position to remain.

Hon. J. M. A. CUNNINGHAM: This still leaves it at that.

Hon. G. Fraser: It does not.

Hon. J. M. A. CUNNINGHAM: I shall be interested to hear the hon. member when he tries to convince me that that is not the case.

Hon. G. Fraser: I have given that away—trying to convince you.

Hon. J. M. A. CUNNINGHAM: I am a most amenable character, and I would like to be convinced of this, because some members have spoken most sincerely on the point. Much has been said about the good record of our State. No one can deny our record. I believe that the acquisition by the State of the refinery, which is to be built at Kwinana, was achieved, finally, by this one point. I understand one other site, was point for point, giving us a lot of trouble and the Minister said there was one thing that had not been mentioned, and that was the industrial record of our State in regard to strikes and other sorts of disruption.

Hon. C. W. D. Barker: Something to be proud of.

Hon. J. M. A. CUNNINGHAM: Yes. I believe the company here went thoroughly into the matter, not only in this country, but in other British-speaking countries, and its claim is that we have the best record, not only in Australia, but in the British Commonwealth. I think that was the statement.

Hon. C. W. D. Barker: That is right.

Hon. J. M. A. CUNNINGHAM: So much was made of this point that I believe interested parties outside the State set out to prove that if they really got organised they could achieve what they finally did bring about—disruption within the State. Everyone knows that members of the Opposition in another place were wholeheartedly in support of any move to terminate the strike. Time and again it was stated that the strike was most ill-advised, unnecessary and wrong. They, too, were proud of the State's industrial record, but people from outside the State set out to prove their ability to disrupt Western Australia without being subject to our laws—and by the strike they did it absolutely. That is sufficient justification for the Government to bring down a measure to close the loopholes that these people found.

Hon. C. W. D. Barker: They will find a lot more if the Bill goes through.

Hon. J. M. A. CUNNINGHAM: I doubt that. If what the hon. member has said is so, why are some members so upset about the measure? Let them point out these loopholes, and Parliament will close them up. I challenge the statement of Mr. Strickland who said that either five or eight days before Parliament sat—

Hon. L. A. Logan: He said five days.

Hon. J. M. A. CUNNINGHAM: —was the earliest time that the Premier or any other member of the Government offered to appoint a mediator. I thought that statement to be completely wrong because I had in mind hearing somewhere the Premier give a different date. I have here what I might term a roster of the various points that arose in connection with the strike from its beginning on the 21st February last. According to this roster, on the 15th July—that is 17 days, or getting on for three weeks, before Parliament sat—the Premier saw Mr. Webb and Mr. Chamberlain, and sent a letter offering to appoint a mediator. This proposal at first was rejected, but subsequently accepted.

Hon. G. Fraser: How many days had the strike been running then?

Hon. J. M. A. CUNNINGHAM: That was on the 15th July, and the strike started on the 21st February.

Hon. G. Fraser: When was the request made to appoint a mediator?

Hon. J. M. A. CUNNINGHAM: If the hon. member would like, I could read the whole programme of when these things happened.

Hon. G. Fraser: I would not like.

Hon. J. M. A. CUNNINGHAM: I did not think the hon. member would be interested. It has been said by members on both sides of the House that in parts the Bill is very good and that there are only one or two snags which they would like to see removed.

Hon. G. Fraser: Who said that?

Hon. J. M. A. CUNNINGHAM: I believe Mr. Hawke said the Bill was good. I shall have a look through "Hansard," and will endeavour in the Committee stage to quote these remarks.

Hon. R. J. Boylen: You did not hear anyone from Kalgoorlie and Boulder say it.

Hon. J. M. A. CUNNINGHAM: I will challenge that also. It may be news to some members to know that officials of a striking union, even though only temporarily appointed, went to Kalgoorlie to have the branch there involved, but the result of their trip was that they were literally told to get out of the town. The branch union in Kalgoorlie is an independent body, so that although it takes advice, and so forth, from the State and Federal unions, it runs its own affairs. It thought things were all right, and was not particularly worried about the Bill.

Hon. R. J. Boylen: You did not hear them commend the Bill up there.

Hon. J. M. A. CUNNINGHAM: If members down here knew about the Bill, I do not know why members there did not.

Hon. R. J. Boylen: I am talking of the rank and file.

Hon. J. M. A. CUNNINGHAM: They are supposed to know about it down here.

Hon. R. J. Boylen: They did not commend the Bill.

Hon. J. M. A. CUNNINGHAM: They did not condemn it.

Hon. R. J. Boylen: Yes, they did.

Hon. J. M. A. CUNNINGHAM: I discussed it with the officials of the union up there.

Hon. R. J. Boylen: The Bill does not deal with a particular union.

Hon. J. M. A. CUNNINGHAM: The term "unionist" covers a lot. It applies to the average chap in the union, and also the disrupters who are entitled to, and must in fact, join the union. The average good fellow must take a lot of mud that is thrown at the peanut who is not worth two bob.

Hon. R. J. Boylen: He will take plenty if the Bill gets through.

Hon. J. M. A. CUNNINGHAM: I will not have that. I know something of how unions are run. The average unionist is not fearful of the Bill.

Hon. R. J. Boylen: That is why his representatives in this Parliament are opposing it.

Hon. J. M. A. CUNNINGHAM: I am very careful in connection with what I say about the Bill.

Hon. C. W. D. Barker: It could be made presentable.

Hon. J. M. A. CUNNINGHAM: I believe it is presentable. Because it does not meet with the entire approval of every member, does not make it a bad Bill. Perfection is something which is desirable, but impossible of attainment.

Hon. E. M. Heenan: What is the urgent need for it?

Hon. J. M. A. CUNNINGHAM: I do not believe there is any urgency. The fact that we have been upset by one of the most devastating strikes we have known is possibly some indication of urgency, because if the Bill becomes law, I do not think the same thing could happen again.

Hon. G. Fraser: Your Government evidently thought it was urgent because it moved for the suspension of Standing Orders to deal with it.

Hon. J. M. A. CUNNINGHAM: There may have been some urgency before, but the position is entirely changed now.

Hon. G. Fraser: But it did not deal with that situation.

Hon. J. M. A. CUNNINGHAM: It possibly could have with this legislation.

Hon. C. W. D. Barker: You will never stop strikes.

Hon. J. M. A. CUNNINGHAM: I do not suggest that we can, any more than we can prevent murders, robberies and other crimes or offences. We can only take precautions to bring the offenders to book.

Hon. R. J. Boylen: Would you deny the right to strike under any circumstances?

Hon. J. M. A. CUNNINGHAM: That is a very clever question.

Hon. R. J. Boylen: It is a straight-out question.

Hon. J. M. A. CUNNINGHAM: I believe there could be circumstances under which a strike might be justified, but I believe they are very unlikely to arise. No strike is really justified. Possibly I am a little wrong there.

Hon. R. J. Boylen: You are. How is a worker to protest?

The PRESIDENT: Order! The hon. member will have a chance to speak later.

Hon. J. M. A. CUNNINGHAM: I will modify that statement. It is possible, even with a measure such as this, that an injustice to an industry or to workers, could be done by hasty action on the part of the Arbitration Court. I believe then that there might be justification for the workers, after due consideration, to risk offending by bringing to the notice of the country in general that the circumstances warranted far more consideration than they had received.

Hon. R. J. Boylen: And you support a Bill that will fine them for doing that.

Hon. J. M. A. CUNNINGHAM: That is, if they are striking purely on an industrial matter.

Hon. E. M. Heenan: Who is to be the judge of whether it is a just cause or not?

Hon. J. M. A. CUNNINGHAM: There is a clause that has received a good deal of criticism, and I refer to the question of secret ballots to ascertain the desires of the great majority of unionists. If a ballot takes place, the Parliament of the day must take cognisance because it would be an indication of the desires of the people concerned. The Government would go into the question because it would take the view that the men must have some justification for their vote.

Hon. R. J. Boylen: And they would be fined for it.

Hon. J. M. A. CUNNINGHAM: That is doubtful. In those circumstances, if the men were fined, it is quite likely, as has been done before, that the money would be refunded.

Hon. R. J. Boylen: It has not been done too often.

Hon. J. M. A. CUNNINGHAM: I think it has been done in every case, except on the recent occasion. However, I want to discuss the question of ballots. The secret ballot is one of the most powerful weapons that the unions, the unionists and the public have against dictation. No doubt some members in this House have heard the stories of new Australians who have migrated from some European countries.

I have been told of some of their so-called free elections. The people are given two coloured pieces of paper and upon each there is printed the name of a man. The idea is that the elector places the blue paper in one ballot-box, if he desires to vote that way, or the red, if that is his selection, in the other box. But behind the ballot-box for the opposition there is a row of uniformed guards, taking the name and other particulars of every elector who votes in that way. It is quite free; the elector is entitled to vote whichever way he likes! That is the type of ballot held in some countries. But the genuine secret ballot cannot be corrupted in any way. No dishonest practices can be used. That is one of the strongest weapons we have for fair government in this country and we should support that principle whole-heartedly.

Hon. R. J. Boylen: Are you suggesting that dishonest practices are used in our ballots?

Hon. J. M. A. CUNNINGHAM: I will cite an actual instance that occurred recently, and will leave it to members to judge for themselves on the question of dishonest practices, or the possibility of dishonest practices being used in a ballot. This instance will disclose what I believe to be a weakness in the method of taking a ballot, and it was in connection with a recent ballot for the selection of a Labour candidate for the Senate. The steward came round to a big firm in this State and handed out envelopes and ballot sheets so that the various members of the

union could cast their votes. In the afternoon he came around again, and said to the men, "Have you completed your votes?"

One of the men said that he had not yet voted, and he went over and filled out the voting sheet, put it in the envelope, and gave it to the steward. The steward then collected the votes of all the other members. What happens to those votes? The man I mentioned has heard nothing more about his vote, and there were 40 men in that group. Surely 40 men are entitled to have a sealed ballot-box placed at their disposal. I do not suggest for one minute that underhand practices were used because, after all, they were all Labour nominees.

Hon. G. Fraser: That was laziness on the part of the steward.

Hon. J. M. A. CUNNINGHAM: But the hon. member must agree that it is a weakness that should not exist; it is open to challenge. Probably the same steward would collect ballot papers from a number of other firms where men from that union were employed.

Hon. R. J. Boylen: Does the Bill include a safeguard against that?

Hon. J. M. A. CUNNINGHAM: I believe that in a case like that the electoral officer would run the ballot. As I said, I am not suggesting that there was anything dishonest about it, but it is a weakness in the method.

Hon. R. J. Boylen: You are very subtle!

Hon. E. M. Heenan: Are our own electoral methods perfect?

Hon. J. M. A. CUNNINGHAM: No, I would not say that we have perfection in anything.

Hon. G. Fraser: A postal vote officer does not take a ballot-box around with him.

Hon. J. M. A. CUNNINGHAM: No, but he does not have an envelope and a blank voting slip. There are certain procedures and practices that he must adhere to and in those circumstances there are certain safeguards. I agree that we cannot reach perfection, but we must do the best we can. I suggest that this Bill is doing its best, and it will provide some safeguards. It is not perfect, and I have no doubt that the Act will be amended in years to come.

Hon. C. W. D. Barker: While on the question of secret ballots, I agree with you in your remarks, but if a secret ballot were held to see whether the men were agreeable to continue a strike or not, and they elected to do so, would the strike be legalised?

Hon. J. M. A. CUNNINGHAM: No, it could not be legalised like that, but it would indicate to the Government that a group of responsible people had voted in a certain way. The ballot would be strictly

controlled, and that in itself would be sufficient indication to the Government that there was something wrong and that there was a reason for the men to vote in that way. The Parliament of the day would have to take some notice of that result.

Hon. R. J. Boylen: Not Parliament; the Government.

Hon. J. M. A. CUNNINGHAM: Yes, the Government, but after all the Government must take the matter to Parliament and the question must be debated.

Hon. E. M. Heenan: Leave some time for Mr. Parker and Mr. Dimmitt.

Hon. J. M. A. CUNNINGHAM: I could speak on another aspect of the question but I will not do so; I will leave it until later to discuss. I leave members with those thoughts, and trust that they will accept my remarks as an indication that I intend to support the Bill.

HON. G. BENNETTS (South-East) [6.8]: As most members have suspected, I rise to oppose the Bill because it looks as if this is a political rather than an industrial measure.

Hon. E. M. Davies: Too right it is!

Hon. G. BENNETTS: The Bill has been presented for the sole purpose of destroying unionism. As members are well aware, one of our ex-members of Parliament, many years ago on the Golden Mile, did his best to encourage workers to stick up for their rights in an endeavour to obtain a decent living wage. But in those days, persons who tried to form unions were kicked off the mining leases on the Goldfields. The men had to work long hours for very small wages, but eventually they joined together in an effort to protect themselves and provide for a decent living standard. At last, the worker has awakened and realises what the boss is trying to do to him. He has been brought up in an atmosphere that he is just as capable as many of his so-called superiors. But under the Bill, if a man sticks up for his own rights and the rights of his fellow-workers, he is classed as a communist.

Hon. H. Hearn: Where does it say that?

Hon. G. BENNETTS: I refer the hon. member to the definition of the term "strike".

Hon. H. Hearn: You said that he is classed, under the Bill, as a communist if he sticks up for his rights.

Hon. G. BENNETTS: Had it not been for the metal trades strike, this measure would not have been introduced.

Hon. H. Hearn: Can you prove that?

Hon. G. BENNETTS: I have a good idea about it: there is no need for me to prove it. At the bottom of page 3, it says that a strike includes a cessation or limi-

tation of work, or a refusal to work, by a worker acting in combination, or under a common understanding with another worker or person. As one member pointed out, two men working at a station could be members of two different unions. But, if they walked off the job, their act could be classed as a strike, and they could be fined for doing it.

Hon. H. Hearn: You are not really serious about that?

Hon. G. BENNETTS: It could apply in the mining industry. Two employees could walk off the job, and their act could be classed as a strike. They might be surface workers, and if they are told they have to go underground, and they leave the job, their act constitutes a strike.

Hon. J. M. A. Cunningham: Would you give an employer the right to go to those two men, under different circumstances, and say to them, "There is no job for you today; you are dismissed"? Do you think he has a right to do that?

Hon. G. BENNETTS: The boss has power to do as he likes.

Hon. H. Hearn: That is not so.

Hon. G. BENNETTS: If the Government were prepared to alter the definition of "lock-out" in the same way it has altered the definition of "strike", it would be all right. Mr. Baxter agreed with that, but unfortunately it is not included in the Bill.

Hon. A. R. Jones: The employer has to give a week's notice.

Hon. G. BENNETTS: And so does the employee. But on the mines they work on a day-wage basis. A man can take his "time" at the end of his shift; it is done regularly on the mines. Some years ago, it was hard to get work on the mines, and if a man did not do his fixed tally of trucking underground, he would probably be given another chance on his next shift, but if he failed to reach his tally on that occasion, he would invariably lose his job. There were several different types of trucks, and some would run better than others, and consequently, over long distances, this made a big difference in a man's tally. All sorts of difficulties could occur, and if a man did not work as hard as the employers thought he should, he was told he was not wanted. Under the Bill, if a worker and his mate walk off the job, their act is classified as a strike.

Hon. H. Hearn: You do not seriously believe that?

Hon. G. BENNETTS: I do; it is in the Bill.

Hon. H. S. W. Parker: You would soon have a strike if that happened.

Hon. G. BENNETTS: That is the only right the worker has—the right to strike.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. G. BENNETTS: As I was saying before the tea suspension, I consider the Bill was introduced at the wrong time, especially in view of the wonderful industrial record that we have held in the past. In my opinion, the Bill will create a great deal of trouble among unions. It will have an ill effect upon them and there are some clauses that could very well be left out.

Hon. L. C. Diver: Which particular clauses?

Hon. G. BENNETTS: The ones referring to the definition of the terms "strike" and "lock-out". I heard the hon. member refer to the secret ballot. The A.W.U., of which I am a member, is the biggest union in the State. It always holds its own ballots.

Hon. L. C. Diver: Secret ballots?

Hon. G. BENNETTS: An ordinary ballot.

Hon. C. W. D. BARKER: Yes, it is a secret ballot.

Hon. G. BENNETTS: Yes, that union holds secret ballots. I heard Mr. Baxter say that union members do not attend their meetings. I admit that they are neglectful in that respect, but the same applies to farmers' unions. I know one farmers' union which has a large membership and at a recent meeting, at which I was present, there was a very small attendance.

Hon. H. Hearn: They were too fatigued after the day's work.

Hon. G. BENNETTS: The workers are the same. If the Bill becomes an Act, the workers will not be able to attend meetings because they will be subjected to slave conditions. The big boss wants them under his thumb so that he can do with them as he pleases.

Hon. N. E. Baxter: No slave conditions are imposed anywhere.

Hon. G. BENNETTS: I know that there have been very few present at some union meetings which I have attended, and that is how communism flourishes.

Hon. N. E. Baxter: Does the hon. member think that the Bill will control that position?

Hon. G. BENNETTS: It can be controlled by the workers themselves. The ordinary worker is doing his best now and will continue to do so in the future.

Hon. N. E. Baxter: Communism cannot be controlled if the workers will not attend their union meetings.

Hon. G. BENNETTS: This Bill will not better the conditions but will create more trouble and will be the means of breeding communism. However, I intend to let other members speak on the Bill, but I oppose the second reading.

HON. C. W. D. BARKER (North) [7.35]: I rise to oppose the second reading of the Bill because I consider it will not fulfil the purpose which it seeks to achieve. As I can anticipate a heavy shower of interjections, I will first try to give members an impression of my general fears of the Bill and then point out the different parts of it which create those fears. When the Minister introduced the measure I understood him to say that it would assist the workers in bringing their disputes to the Arbitration Court and protect them from communism within their ranks. I would like him to tell me if that is correct.

Several members, during past weeks, have criticised and condemned communism, and I agree with them. I would like it clearly understood now as to where I stand in that respect. I think communism is vile; it is born of hatred. It is against all my Christian beliefs and is contrary to our way of life. None of these members have tried to describe communism and I, too, would find it extremely difficult to do so. However, I would liken it to a cancer which is growing in the side of democracy. Its roots spread throughout society and, in some cases, into our industrial affairs. I think that if one looks at the situation closely, it will be realised that a great many of those roots have been clipped by the A.L.P. It is true, but strange, that the main body of this cancer is made up of intellectuals; doctors, scientists, even lawyers.

Hon. H. S. W. Parker: I know two of them.

Hon. C. W. D. BARKER: The roots of it I would liken to the disrupters that we have in industry.

Hon. L. C. Diver: The I.W.W.

Hon. C. W. D. BARKER: Why do not members cry to high Heaven to stop it? On the day the Bill was first introduced in another place, I saw painted in big letters outside the House, "Hands off the unions. Out McLarty". Then suddenly it ceased. Why did it cease? It ceased because the communists realised that here in this very Bill is the food for that cancer that they are seeking. In my opinion, it is an inopportune time to bring down a measure of this kind.

Hon. N. E. Baxter: Did the communists tell you that?

Hon. C. W. D. BARKER: I have never had anything to do with communists. It is an inopportune time to bring the Bill forward. The State is short of finance and, unfortunately, it has had to put men off several jobs. These unemployed men are fertile ground upon which communists can go to work. I really mean this, and I fear that if the Bill goes through, the communists will go to work on it and make something of it. To all the members who have spoken against communism, I would

say that if they really mean what they say and if they want to put a spoke in the wheel of that type of government, now is the time to do it—by stopping the Bill in its present form. If the Bill becomes law, in my opinion it can never bring about closer understanding between the worker and employer; it will have just the opposite effect.

I ask all members to give this aspect of the Bill serious consideration. Let us think clearly and seriously before we do anything about it. When legislation is brought before this House, each Bill, no matter with what subject it may deal, should be a step forward; never hundreds of paces backwards. What we have gained for democracy over the years should be strengthened and reinforced. We could learn much by taking a look at the industrial affairs in other countries and copy with much advantage the relationships which exist between unions and employers in such countries as Scandinavia and America, where the main object is to bring about closer understanding between the worker on the one hand and the employer on the other.

Hon. H. Hearn: Payment by results.

Hon. N. E. Baxter: Our conditions are very similar here.

Hon. C. W. D. BARKER: Any man, whether he be a worker or an employer, should realise that the only way we can get better understanding, peace and prosperity in our industrial affairs is to bring about a closer relationship between the two parties. The Bill takes us back almost to the dark ages. It is repressive legislation.

Hon. N. E. Baxter: Where?

Hon. C. W. D. BARKER: It is very similar in character to a whole series of Acts of Parliament in the Old Country, which were directed against combinations of workmen centuries before the rise of capitalism. Trade unions are as much a part of the movement towards better democracy as are our parliamentary institutions. It is no exaggeration to say that the rise of trade unions coincided with the birth of parliamentary democracy. Freedom of speech was the starting point of all other freedoms—freedom of the Press; the right to hold public meetings; free elections and freedom of worship.

Hon. N. E. Baxter: But not the right to strike.

Hon. C. W. D. BARKER: Even that almost elementary right of the worker to break the misunderstanding came to a climax at the end of the 18th century in a general Act "to prevent unlawful combinations of workmen."

This measure laid down penalties, fines and terms of imprisonment against any craftsmen, workmen or labourers who conspired together and agreed that they would not work at a certain rate or price: would

not finish a job that had been commenced by another and would work only at hours and times agreed among themselves.

Hon. L. Craig: It was worse than that a thousand years earlier.

Hon. C. W. D. BARKER: Well, why do we want to go back to that state now? It is easy to see in the Bill before the House the same underhand principles as were probably found in the legislation against the workers of more than 200 years ago.

Hon. N. E. Baxter: The hon. member is only trying to make it read that way.

Hon. C. W. D. BARKER: The Bill is heavily loaded against the workers. It will have no effect against the employers. It proposes to change the fundamental principles of arbitration, which have for purpose the settling of industrial disputes and other industrial matters. The Bill, however, provides that the court shall deal with other matters. Instead of laying emphasis on conciliation, it is calculated to turn the workers against the Arbitration Court and will cause them to regard the court as a place of punishment and of unfair and biased treatment.

What portions of the Bill influence me and make me say these things? Every word I speak in this House, I speak from my heart. I am sincere in these matters. I do not get up simply to play "Follow my leader." I talk as I feel and think. If I thought the Bill would do any good and would bring into closer relationship the employer and the worker, I would be all for it. I will be fair and say that I do not regard the Bill as being all bad. In my opinion, it can be made presentable, reasonable and acceptable to all parties.

Hon. R. J. Boylen: By laying it aside for six months.

Hon. C. W. D. BARKER: Let members consider the definition of the term "strike" which is to be materially altered. Under the new definition, the reason for a stoppage is regarded as quite immaterial. Furthermore, whereas in accordance with the definition in the present Act, a stoppage must take place by workers acting in combination, under the proposed definition it will be quite sufficient if a worker acts in combination with a person who need not be a worker. If he should be offered a job in the industry in which he is usually employed and discusses the proposal with another person and decides not to accept the job, his action will constitute a strike.

Hon. N. E. Baxter: And so it should.

Hon. C. W. D. BARKER: That will be the position under the provision in the Bill. If we desire to elaborate that point, it will be soon found that the new definition is so wide that we could apply it to almost any action. As Mr. Strickland said—and members laughed to high heaven when he made the statement—should two persons leave a job, their action could be declared to be a strike.

Hon. N. E. Baxter: Not if they gave notice.

Hon. C. W. D. BARKER: I realise it would be very unlikely that the Arbitration Court would declare such action to be a strike, but there is no guarantee that the court would not do so or that no judge of the Arbitration Court at some time would not declare it to be a strike. I know that Arbitration Court judges are honest and do their work conscientiously, but it is possible for a judge to be swayed by the Government of the day and its policy. There is always the danger that something of that sort could happen, and while there is any doubt or danger in that direction, we must wipe that part of the measure out. Should the Bill become law, a strike will become an Act punishable by a heavy fine.

It is a very desirable principle of law with particular reference to criminal offences, that the ambit of the conduct penalised should be marked out in advance. Under the terms of the Bill, the nature of the conduct, whether it be a strike or not, is not known in advance because any stoppage of work could be declared not to be a strike by the court. That is a peculiar provision, the like of which I have not known to be placed in any other legislation. The court has been given, in effect, authority to legislate.

Hon. H. S. W. Parker: It is done every day.

Hon. C. W. D. BARKER: Mr. Parker says it is done every day, and he is in close association with the courts.

Hon. H. S. W. Parker: Every day the judges decide matters.

Hon. C. W. D. BARKER: What effect will that have on the minds of the industrial workers? Let members not think for one moment that the worker is going to think just the way they want him to.

Hon. N. E. Baxter: Or the way you want him to think.

Hon. C. W. D. BARKER: Or the way I want them to think. They will not do so; each man will make up his own mind. I am in a position that many members of this House are not in respect of knowing the minds of the industrial workers. For instance, supposing a case like this should occur: In the Eastern States at present an application on behalf of the employers is before the Commonwealth Arbitration Court to increase working hours and to decrease the basic wage by more than £3 a week. In that respect I maintain that the worker is to be called upon to bear the full load of rising prices and the whole responsibility of trying to curb inflation.

Do members think that the workers are going to take such a proposition lying down? I for one do not think they will. What a plate of porridge this will be to hand to the Employers' Federation! What a tasty morsel this Bill will be! Men will be no longer free to fight for their rights.

Immediately they do, they will be penalised by heavy fine or a term of imprisonment. We have not gaols big enough to hold the men who will be sent there. Soon we will have to build barbed wire compounds for them.

Neither have the unions the necessary money with which to pay the fines that may be inflicted. If this legislation does not represent an attempt to destroy trade unionism, then I would like to know what it is. If we hark back to the beginning of the last war, we will appreciate that Hitler, the arch enemy of our way of living, set out first to destroy the unions and he succeeded by the use of methods almost comparable to those outlined in the Bill.

Hon. L. Craig: Almost.

Hon. C. W. D. BARKER: Apart from the fears of mine, and believe me I regard them as serious fears, I really believe that if the Bill is passed it will provide fertile ground for the communists to work on. There is another part of the measure which, in my opinion, is unjust. I refer to the provisions relating to the payment of the cost of ballots. I believe in secret ballots. I regard it as only fair and right and in accordance with our democratic way of life that these should be conducted. In fact, we all believe in secret elections at any time.

Hon. N. E. Baxter: Some of your colleagues do not.

Hon. C. W. D. BARKER: In one clause power is given to the court to order a ballot to be held merely to satisfy its whim. Should the court desire to secure an expression of opinion from the men, it can order a ballot; and the discretion is left to the Attorney General to decide whether the union shall pay the cost of the ballot or the State shall do so. Surely if the court can order a ballot to be held just to find out what the opinion of the men may be, the court should be prepared to pay the cost of it. Industrial organisations are not wealthy. They are battling financially all the time. Those organisations are built on the foundation of democracy. We know the holding of a ballot is an expensive affair. If the court requires a ballot to be held, the cost should be borne by the State.

The Minister for Transport: The Attorney can decree that if he so wishes.

Hon. C. W. D. BARKER: But how often would he so wish? The provision is too dangerous. If the Minister could guarantee that the Attorney General would be fair, it would be another matter. I am not referring in particular to the present Attorney General. The Minister knows there will be other Attorneys General.

Hon. L. Craig: He might be one of your Ministers.

Hon. C. W. D. BARKER: I do not dispute that, but this matter should not be left to the discretion of any Attorney Gen-

eral. If a ballot is ordered by the court for its own purposes, then the court or the State should pay the expense involved.

Hon. N. E. Baxter: That is another part of the socialistic programme—the State must pay for everything!

Hon. C. W. D. BARKER: If that is the hon. member's interpretation, it is not mine. I did not know that is part of the socialistic programme, but possibly the hon. member is well informed.

Hon. H. S. W. Parker: How do you know he is informed?

Hon. C. W. D. BARKER: We should look at this matter from the angle of pure commonsense. If the presentation of the Bill is aimed to protect the worker and improve the relationship between employer and employee, and even if it is aimed at curbing the activities of the communists, I regard it as a complete failure. Without any hesitation, I say the Bill should go out of the window.

HON. L. C. DIVER (Central) [7.53]: I rise to support the second reading. I listened to Mr. Barker expounding the disadvantages of the measure.

Hon. C. W. D. Barker: My views were sincere.

Hon. L. C. DIVER: I do not doubt that, but the hon. member may have been misguided.

Hon. C. W. D. Barker: What I said was in accordance with the dictates of my conscience.

Hon. L. C. DIVER: Doubtless. The whole position, if it were not so serious, would be laughable, particularly when we have regard to the position the dairy farmers of Queensland found themselves in not more than 12 months ago. A Labour Government was in power and the dairy farmers found they could not produce milk at a profit.

Hon. C. W. D. Barker: They went on strike.

Hon. L. C. DIVER: No, they did not. They decided to sell their properties and the new owners who took them over set out to produce other commodities. The position became so serious that the Labour Government in that State—Mr. Collins was the Minister for Agriculture—decided that it would nominate the produce that was to be grown on each property and the quantity each farmer was to produce.

Hon. N. E. Baxter: Socialisation!

Hon. L. C. DIVER: That is what I say. If the hon. member is well informed regarding how socialism operates—

Hon. F. R. H. Lavery: The milk producers here are told how much they must produce.

Hon. L. C. DIVER: Nothing of the sort.

Hon. F. R. H. Lavery: They have their quotas.

Hon. L. C. DIVER: During the course of his remarks, Mr. Strickland mentioned that he had not come into contact with anyone who was in favour of the measure. They were all against it. I am afraid he must have moved in a rather limited circle. I have met many men in various walks of life, associated with every political party. I have been in touch with some who are farmers and support the Labour Party. During the recent strike they came to me and asked if there was nothing the Government could do to prevent the continuance of the trouble. When I told them that it was a matter for the Arbitration Court and the court was not armed with the requisite powers, they said it was high time the Government armed the court with those powers. When one meets men like that, who have supported one's political opponents, one must listen to what they say.

Hon. F. R. H. Lavery: The court gave its powers away when it deregistered the unions.

Hon. L. C. DIVER: The present measure will attend to that.

Hon. G. Fraser: You hope!

Hon. L. C. DIVER: We realise there is a lot of nominal opposition, but members know that in order to obtain good government this measure must be passed. The bogey has been raised that this power will be used by the employers. Of course, everyone realises that the power will be used by those qualified to use it, those who sit on the bench to mete out justice to employer and employee alike. It will not be the province of the employers to take any part of this legislation and use it, but whether it will be employed or not will be decided by the court.

If this legislation had not been brought down by the Government and a strike similar to the metal trades strike occurred, the Government would be held up to ridicule by the masses. It is no good our Labour friends denying that, because in every walk of life there were people saying that it was high time legislation of this kind was introduced.

Hon. R. J. Boylen: No.

Hon. L. C. DIVER: I am quite confident of that. I want to be fair. I do not suppose there is anyone in this Chamber who has had greater experience on both sides than I have had. I have worked hard all my life. I do not say that no others have equalled my record, but I have had as great experience as anyone here. I am essentially a working man, or have been up till now!

Hon. G. Bennetts: You have strayed a little.

Hon. L. C. DIVER: The hon. member must be fair in these matters. Tomorrow I might be on the other side.

Hon. G. Bennetts: You have turned down the worker now, have you?

Hon. L. C. DIVER: No. The worker has no better friend than I. Mention was made of a wheat strike. I cannot conclude my remarks without making reference to that. There has been no such thing as a wheat strike, and I want to disabuse the minds of members on that score.

Hon. H. C. Strickland: "The West Australian" referred to it as a rolling strike.

Hon. L. C. DIVER: Perhaps it did. But one often sees ill-informed comment in "The West Australian." All that some of the wheat farmers did was to exercise the little freedom that socialism had left them and decide not to grow wheat but to grow oats. They went on no strike. They still worked for the benefit of the country, and I see no great sin in that.

HON. L. A. LOGAN (Midland) [8.5]: If the passing of this measure will prevent a recurrence of strikes like the recent stupid and unwarranted upheaval, I think it behoves every member in this Chamber to vote for it.

Hon. C. W. D. Barker: "If" it will!

Hon. G. Fraser: There is a lot involved in that "if".

Hon. L. A. LOGAN: I said "if" because it is obvious—

Hon. C. W. D. Barker: That it will not!

Hon. L. A. LOGAN: —that the powers that be did not have the right to prevent that strike. The dispute lasted for six months and there was no power or authority to stop it.

Hon. G. Fraser: Do you think that any power or authority ever will stop such a strike?

Hon. C. W. D. Barker: Can you tell us why they could not stop the strike?

Hon. L. A. LOGAN: Yes; because the men would not accept arbitration.

Hon. C. W. D. Barker: No; because the court deregistered the union.

Hon. L. A. LOGAN: The court had no power to keep the unions under control, and that is all the more reason for the Bill; all the more reason for giving the court the power. When Parliament passes legislation, it has a police court to see that the law is carried out. Why should not the Arbitration Court have power to see that its laws are given effect to?

Hon. C. W. D. Barker: They should be good laws.

Hon. L. A. LOGAN: This measure has yet to be proved. If, after it has been given a fair trial, we find there is something wrong with it, we can alter it. But at least we should give it a trial to see whether we should improve the existing legislation. Members have asked the reason for the Bill. That reason is obvious.

There was no power for the court to make sure that its findings would be put into effect. Mr. Hall has referred to the measure as containing dynamite, and it has been called repressive. I would put some atomic energy into it, plus some of the hydrogen bomb, if I thought that would be effective in preventing a recurrence of stupid strikes. I do not know whether members are aware of the ramifications of the recent strike and of the damage it has caused to the economy of the State.

Hon. H. C. Strickland: The strike is over.

Hon. L. A. LOGAN: But the repercussions are not, and will not be for some time.

Hon. H. C. Strickland: Whose fault is that?

Hon. L. A. LOGAN: The hon. member will find by reading the "Daily News" that railwaymen at Busselton are still out of work, although those who caused the trouble are back at work, and are working overtime.

Hon. G. Bennetts: The Bill will cause more trouble.

Hon. L. A. LOGAN: After six months, these men went back to work; but their unfortunate fellow-workers who had nothing to do with the strike are still out of employment. If the unions and the A.L.P. had played their part in the beginning of that strike, such a state of affairs would not have come to pass.

Hon. G. Bennetts: What about the Government?

Hon. L. A. LOGAN: It did its part.

Hon. C. W. D. Barker: The A.L.P. could do no more.

Hon. G. Fraser: The Government sat down and did nothing.

Hon. H. C. Strickland: It shut the door.

Hon. L. A. LOGAN: There is one issue only. If members want to get rid of arbitration and get back to the dark ages—

Hon. C. W. D. Barker: We do not.

Hon. L. A. LOGAN: Then what about accepting arbitration? Members cannot have a little each way. It has to be one thing or the other. Either they agree to arbitration or they do not.

Hon. G. Bennetts: We do not agree with this Bill.

Hon. L. A. LOGAN: This is part of arbitration. Are members going to agree to that or not?

Hon. R. J. Boylen: We have arbitration.

Hon. L. A. LOGAN: It is necessary to give the court power to carry out its functions. It seems that members want to treat arbitration—

Hon. H. Hearn: Like a two-headed penny.

Hon. L. A. LOGAN: When there are 36 men on the football field, an umpire is selected as interpreter of the rules.

Hon. R. J. Boylen: He does not put the 36 men off the field.

Hon. L. A. LOGAN: In a soccer match the referee can put them all off.

Hon. R. J. Boylen: The rules are not loaded on one side.

Hon. L. A. LOGAN: This measure is not loaded on one side. If a team does not want to accept the umpire's decision it should not go on the field; and if the parties concerned are not going to abide by the decision of the Arbitration Court, they should not accept arbitration at all.

Hon. C. W. D. Barker: The Labour Party has said that the unions concerned should have accepted the decision of the Arbitration Court.

Hon. L. A. LOGAN: I believe it did. But what did it do about it? Nothing!

Hon. C. W. D. Barker: What!

Hon. R. J. Boylen: What did the Government do about it?

Hon. L. A. LOGAN: The Government told the unions they should accept arbitration, and no Government worth its salt would have done otherwise.

Hon. F. R. H. Lavery: Did not Mr. Webb and Mr. Chamberlain do the same?

Hon. L. A. LOGAN: And what happened?

Hon. F. R. H. Lavery: They had no authority.

Hon. L. A. LOGAN: The so-called leaders of the unions would not give them authority. A lot has been said as to why the Government did not consult with the representatives of the unions. But with whom was the Government to confer? Why were men brought from the Eastern States?

Hon. H. C. Strickland: They were only asked to see Mr. Gibson and Mr. Cahill.

Hon. L. A. LOGAN: I know. But at any time a letter from Mr. Gibson or Mr. Cahill or—

Hon. R. J. Boylen: Mr. McLarty!

Hon. L. A. LOGAN: No; Mr. Symons. A letter to the Premier from any one of those three gentlemen, stating that the unions would go back to work and abide by arbitration, would have ended the strike—at any stage during the six months. Had that letter been received by the Premier, I am sure he would have met the men and had a discussion with them. Mr. Lavery mentioned conciliation. Even when a conciliation officer was appointed, what happened when he gave his judgement? The unions would not accept it.

Hon. G. Fraser: He was not able to give a judgement.

Hon. L. A. LOGAN: He did give one on the four minor points at issue. He suggested that if the margins issue was

finalised, the men would have to suffer a loss of three days' holiday pay. But the men would not accept that. So what is the good of conciliation, either? Let us be fair.

Hon. G. Fraser: You want to be fair.

Hon. L. A. LOGAN: I am being fair. I am giving a statement of facts.

Hon. G. Fraser: Ask the Premier what powers he had. He had none at all.

Hon. L. A. LOGAN: He made suggestions for a reconciliation.

Hon. G. Fraser: He could only report to the Government. He was not a conciliation commissioner at all.

Hon. L. A. LOGAN: The suggestions were not accepted by the unions or even by the leader of the Labour Party. He said they were silly.

Hon. L. Craig: You are doing very well. You know your subject, too.

Hon. L. A. LOGAN: I know my subject because I have studied it and I studied it because of the effect it was having on the workers of Western Australia. I travel through this country probably more than anyone else in this Chamber.

Hon. H. C. Strickland: Why did you not ask the Government to meet the men?

Hon. L. A. LOGAN: Who?

Hon. H. C. Strickland: The representatives of the men.

Hon. L. A. LOGAN: I understand that the A.L.P. Disputes Committee is the body appointed to settle disputes. But even that committee could not get the ear of the leaders of the striking unions. Even when the four minor points at issue were under consideration, they could not accept one another's interpretation of them. Who, then, was the Government to meet? I have asked before: What are we going to accept, arbitration or a return to the old days?

Hon. C. W. D. Barker: Arbitration.

Hon. L. A. LOGAN: We see from today's paper that the executive of the A.C.T.U. in the Eastern States has suggested that Australian Labour should not accept the decision of the Arbitration Court if the court increases hours and reduces wages.

Hon. F. R. H. Lavery: Without a protest

Hon. L. A. LOGAN: In other words, without going on strike.

Hon. R. J. Boylen: It would be a retrograde step, would it not?

Hon. L. A. LOGAN: Not provided everything came down accordingly.

Hon. C. W. D. Barker: That is different.

Hon. L. A. LOGAN: It is not different at all.

Hon. R. J. Boylen: Wages come down and hours go up!

Hon. F. R. H. Lavery: I have told you that before.

Hon. L. A. LOGAN: I have said it before. I have also said that the A.C.T.U. will not accept any reduction of wages. Either we have arbitration or we do not. If members do not want it, let them throw it out, and then men can have the right to strike. But I will not concede that once they accept arbitration, they still have the right to strike. It seems to me that the future of arbitration is in the balance.

Hon. E. M. Heenan: You are out of touch with many good authorities.

Hon. L. A. LOGAN: Perhaps so, but I am giving my opinion. The fact that we abide by arbitration puts the right to strike out of being.

Hon. G. Fraser: You will never do away with it. It is part of human nature.

Hon. C. W. D. Barker: Would it not have been better to bring about a settlement by sweet reasonableness and conciliation?

Hon. L. A. LOGAN: When conciliation was offered, it was not accepted. The Conciliation Commissioner, Mr. Galvin, made an award but the workers would not accept it, and that was the beginning of the strike.

Hon. G. Fraser: That was because he set himself up as an economist.

Hon. L. A. LOGAN: He was a Conciliation Commissioner but the unions would not accept his decision. I warn members that if we depart from arbitration, it will be woe betide the worker.

Hon. C. W. D. Barker: Woe betide him in any case, judging by this Bill.

Hon. L. A. LOGAN: Only two of its provisions have been mentioned so far by members and one of them was the definition of the term "strike".

Hon. F. R. H. Lavery: What was wrong with the definition in the parent Act?

Hon. L. A. LOGAN: It was not sufficiently wide to enable the Arbitration Court to do its job.

Hon. F. R. H. Lavery: If the court had not deregistered the unions so soon—

Hon. L. A. LOGAN: They should have abided by the judgment of the court.

Hon. C. W. D. Barker: Do you think it was wrong?

Hon. L. A. LOGAN: I will not set myself up as an arbitrator, because the court is the only authority to sit in judgment, and I believe that over the last 20 years the workers have gained the advantages they have today by means of arbitration.

Hon. E. M. Davies: They have got them through strikes, also.

Hon. L. A. LOGAN: All they have got through striking has been loss of purchasing power.

Hon. C. W. D. Barker: What about Magna Charta?

Hon. L. A. LOGAN: There will be a copy of it in Canberra in a few weeks' time. The hon. member can read it for himself. Apparently the definition of "strike" was not worded effectively and so it has been amended. Now there is a cry that the definition of "lock-out" should be changed. If it can be proved that the present definition is unworkable, the Government will alter it.

Hon. C. W. D. Barker: When the Bill is in Committee we will prove that it is no good.

Hon. L. A. LOGAN: The other point raised was that the unions would have to pay for ballots.

Hon. C. W. D. Barker: Certain ballots.

Hon. L. A. LOGAN: Yes, and those ballots would be few and far between.

Hon. C. W. D. Barker: Then the State could easily pay for them.

Hon. L. A. LOGAN: Unless this provision is left in the Bill, there may not be any ballots at all. It is reasonable to expect that at certain times the unions should pay their share of the cost.

Hon. C. W. D. Barker: I agree—at certain times.

Hon. L. A. LOGAN: No member can point a finger at the judgments of the Arbitration Court in this State—

Hon. C. W. D. Barker: But you are altering the Act.

Hon. L. A. LOGAN: I am giving the reasons for the alteration. The hon. member has not criticised my reasons, because he cannot.

Hon. C. W. D. Barker: What!

Hon. L. A. LOGAN: He cannot refute the statement that the court previously had not sufficient authority. I represent many industrial and other workers in my electorate and I wish to see something done that will prevent a recurrence of what we have just been through, as it was the workers who lost most because of the strike.

Hon. G. Bennetts: If you will assist us with our amendments we will make it a good Bill.

Hon. L. A. LOGAN: I can assure members that I have heard many Labour men talk on this subject and I believe that Labour members in this House are out of step with the consensus of opinion as to what is required in the Bill. I support the second reading.

HON. R. J. BOYLEN (South-East) [8.20]: I intend to oppose the second reading, not that that will make much difference to the ultimate fate of the Bill, because that will be decided by members who represent about 30 per cent. of the people and perhaps 5 per cent. of those

who will be directly affected by this measure. Mr. Hearn has said that we want the Industrial Arbitration Act to be a double-headed penny, but in fact we are satisfied to have the Act as it is at present, and I do not think that even Mr. Hearn could suggest that in its present form it is a double-headed penny loaded in favour of the workers.

I do not suggest that it is loaded in favour of the employers. It would be interesting to hear the views of speakers in this House who intend to support this measure, if a Bill were brought before the Chamber to interfere with matters affecting the Employers' Federation to the extent that this Bill interferes with the unions. We have heard much about peace in industry and harmonious relations between employer and employee. We will hear little about those matters if this Bill is allowed to find a place in the statute book.

Hon. N. E. Baxter: If the Employers' Federation got out of hand we would soon have the same thing.

Hon. R. J. BOYLEN: Yes, if someone would institute it, but there are members here who would never allow it to become an Act. Labour was responsible for the arbitration law and brought it into being because of the injustices that the workers had suffered in the years gone by. The purpose was to avoid the same type of suffering in the future. That is why the workers of the whole of Australia have abided by arbitration.

Hon. H. S. W. Parker: Arbitration was brought in by the Wilson Administration.

Hon. R. J. BOYLEN: That may be so, but it has been supported by Labour Governments.

Hon. H. S. W. Parker: And Liberal Governments.

Hon. R. J. BOYLEN: The Industrial Arbitration Act is being amended by the present Liberal Government, but not to the advantage of the workers. The Government would not have brought in this Bill—since it was elected it has shown no interest in matters affecting industrial arbitration—had it not been unable to handle the situation that developed last February and that was allowed to drag on for six months. One member said there had been no suggestion as to how the Government could have terminated the strike. It could have done in February what it did six months later, despite Mr. Logan's arguments.

Hon. C. W. D. Barker: Has it penetrated those marble domes at last?

Hon. L. Craig: I hope you are not referring to me.

Point of Order.

Hon. H. Hearn: On a point of order, Mr. President, Mr. Barker has referred to members of this House as having marble-headed domes.

Hon. C. W. D. Barker: I never meant it in that way. The hon. member has misunderstood me.

The President: The hon. member will withdraw his remark.

Hon. C. W. D. Barker: I willingly withdraw it.

Debate Resumed.

Hon. R. J. BOYLEN: Although the Bill has been brought in by the present Government, I doubt whether it has the approval of even all the employers in the State. Despite the fact that other speakers have said that they have heard that the workers favour such a Bill, I say that if the Government was sincere and wanted to know whether the workers favoured the legislation, it could have held a referendum, the result of which would have been such that the Bill would not have been brought before Parliament.

During the debate on this measure we have heard a lot said about communism, but by bringing down this Bill the Government, I feel certain, is going the right way to foster communism in this country. It was regimentation of the workers in other parts of the world that brought about communism. Under this measure the unions in Western Australia will be told what to do and will not have control of their own domestic affairs. The ultimate result will be a chaotic position, and then the people will rebel against the laws of the country, knowing that they are not in keeping with modern times.

I was pleased to hear Mr. Heenan urge members to express themselves on the Bill and not to just vote on party lines. If heed is taken of what he said the workers will know what the opinions of members are in this regard. Mr. Cunningham said he had no doubt that there was some dishonesty in the conduct of ballots by unions. While he might have thought he had the right to make such a statement and it might apply to unions in the Eastern States, he could never point to such a state of affairs in Western Australia. The unions have done nothing to justify the provisions for the secret ballot as contained in this Bill. I oppose the second reading.

HON. H. HEARN (Metropolitan) [8.28]: I have read with a great deal of interest the speeches made in the debate on this Bill in another place, and have listened, not only with interest but also with wonder, to the debate that has taken place in this Chamber on the second reading of the measure. I was intrigued with the references made to the Employers' Federation, both in another place and in this House. I have in mind more particularly another place where it was suggested that the Employers' Federation was a sinister body—a sort of shadow Cabinet controlling the present Government. Members there flattered us to the extent of

assuming that we, of the Employers' Federation, have very much more power than we really possess.

Hon. E. M. Davies: But you are trying to get it.

Hon. H. HEARN: We realise that we have a very good Government but sometimes we, who work in the Employers' Federation, feel it would be a better Government if occasionally, in the case of industrial matters, it would listen to, and take counsel with, the Employers' Federation. We very often wish the Government would consult us to the extent that Messrs. Webb and Chamberlain were able to chat to Ministers over the industrial trouble.

For a moment, may I refer to the constitution of the Employers' Federation, because I believe there is something quite indefinite in the minds of members concerning its position. It is definitely a union of employers. Even my friends who do not have my political convictions will agree that Mr. Justice Dunphy, the Commonwealth Arbitration Judge, who used to be the President of the Arbitration Court in this State, is a good man. He was born into the Labour way of thinking, and, as I have said, became President of the Court of Arbitration. Mr. Justice Dunphy took a good deal of trouble going to the Trades Hall and having a chat with people there on odd occasions. At Christmas, he would go and wish them the best for Christmas and the New Year. He used to do exactly the same with the Employers' Federation.

I remember that on one occasion, when responding to the toast of his health, he referred to the union of employers. He said that personally he had no time for non-unionists. He made it clear that he felt the same about the average businessman who refused to join up with his trade association and the Employers' Federation. Because of that, all through the years we have had a wide influence. Undoubtedly the Employers' Federation has a wide influence because it controls the destinies of practically every facet of industry in this State. We have had a succession of many years of industrial peace because as Mr. Lavery outlined, the union secretaries were able to go along and get a hearing of their troubles.

Strangely enough, today the majority of the discussions are held in the office of the Employers' Federation and then when an agreement is reached, it is left to the Arbitration Court to be registered as a common rule. I want to make it clear that the Employers' Federation stands in precisely the same relationship to industry as does any industrial union of employees, and accordingly we have on the one side the employers and on the other the employees.

Hon. H. C. Strickland: Will you go on with the Bill?

Hon. H. HEARN: I will go on with it if the hon. member will be a bit patient. I was very patient when he was talking. First of all, I should like to refer to the percentages mentioned by Mr. Davies when he was talking about wages in relation to the margin for skill. I think on reflection Mr. Davies will find that he made a very grave mistake in those percentages, because he went right back to the Harvester judgment—

Hon. E. M. Davies: In 1907.

Hon. H. HEARN: He went right back to the 1907 Harvester judgment, and quoted the margin for skill applicable in 1907 and compared it with the percentage available on the increased basic wage in 1952. May I remind the hon. member that what he forgot was that 49s. of the present basic wage is due to prosperity loadings, and has no relationship to the base for needs. If he will subtract that 49s. from the basic wage, he will then have the figures comparable to those he quoted when the Harvester judgment was introduced. I merely want to remind Mr. Davies about this because I am sure that, being such a careful and conscientious speaker, he would not willingly mislead the House. Nearly 49s. is prosperity loading and has nothing to do with basic needs.

I have studied the Minister's speech on the second reading of the Bill, and must of necessity—and I think every sane person must of necessity—agree with his conclusions that the recent strike in Western Australia was started at the instigation of the communists. Its very pattern was in line with the general communist methods, namely, a rolling strike, taking care not to completely close the whole of industry but just to keep enough trouble simmering in the State to destroy its economic life. How well have they succeeded!

If members read the returns published in "The West Australian" today, they will see that the Government figures alone, which comprise the least of the cost to the State, are absolutely staggering. Railway revenue fell from £780,441 for August, 1951, to £412,313 last month. And so the sorry story goes on. From a governmental point of view, the cost has been colossal, but again I say that has been the least of the cost to the State because, as we look around, we find that industry has been paralysed and has had to bear the tremendously increased cost of carrying its goods to the country, and, in order to keep its men employed, has been obliged to expend huge sums of money.

The real pinch, however, is felt by the unwilling victims of this strike who have made a great sacrifice. Mr. Logan mentioned the question of men at Busselton being still out of work, while the strikers are back working overtime. That is only a simple illustration of what is happening. Thousands of homes tonight are impoverished as a result of this disastrous

strike. In this upheaval, the working man lost, the Government lost; the only people who won were the communists, and they will strike consistently to create these chaotic conditions so that their theory and philosophy of life may flourish. I say that not only do I believe that the communists commenced this strike but I have very good reason to know that they decided when it should end.

It is difficult to prove any action decided upon by the communists. Our friends say, "Keep the Communist Party in the open. We will then know what they are doing; we will know where they are." But will we know? The moves to paralyse industry, the suggestion for rolling strikes, are never made in public; they are made in secret. The steps to implement the decisions are proposed by a secret junta which works underground. Yet we are told that we must keep the communists in the open so that we will know what they are doing.

Hon. C. W. D. Barker: They should be put in gaol!

Hon. H. HEARN: If we only knew what the communists were doing in Australia today, what my friend suggests for them would not be sufficient. The communist Press gave its opinion on the Galvin decision many months before the Conciliation Commissioner made the decision. I have in my hand a copy of the "Tribune" of Wednesday, the 21st November, 1951.

Hon. R. J. Boylen: Do you get it regularly?

Hon. H. HEARN: I will quote a part, as follows:—

Union Leaders Call for Campaign
for "Double the Margins."

Both Mr. Rowe and Mr. Wright stressed that the margins campaign would be fought outside the court by the workers themselves in the workshops.

The Galvin decision was given on the 16th January, 1952. I would also like to conjecture what would have happened if this strike had continued for another month. I will tell you what would have happened, Mr. President. The workers of this State would have overthrown their leaders and have gone back to work. Because the communists in the Eastern States knew that, they called the strike off. Do not make any mistake about it. We have the evidence, and we know what has happened.

Holland has four main union federations. One federation, called the Unity Federation, is communist-controlled, and contains 150,000 members. The other three are non-communist, and at least they know what they are doing in Holland, because the Government of that country will not, under any conditions, have anything to do with the Unity Federation. All negotiations are carried on with the other

three federations, and I am beginning to wonder whether the time will not soon arrive when we, as reasonable people, knowing that the communist is only interested in ruining and wrecking the economy of the Commonwealth, will be prepared to take similar action.

Let some people should imagine that too much emphasis has been placed on communist influence in Australia, I want to say that the Commonwealth of Australia is not the only country the communists have singled out for an attack by the Metal Trades Federation. I have before me a report which we get from time to time. These reports are confidential, but this one had been released by the London Press. It will interest the House if I read it because it will indicate what is happening in Britain.

Hon. F. R. H. Lavery: Has it anything to do with the Bill?

Hon. H. HEARN: Yes, it has a very direct bearing on the Bill, because the foundation of it and the reason why the measure was brought down was that the Arbitration Court did not possess the powers to deal with the extraordinary situation.

Hon. C. W. D. Barker: Do not you think—

Hon. H. HEARN: Would the hon. member mind keeping quiet for a little while? Thanks very much! The report referred to reads—

COMMUNIST BID TO WRECK MOTOR INDUSTRY.

By R. E. Hudson.

Britain's M.I.5 has been notified of a communist plan to attempt to bring the motor manufacturing industry to a standstill. Since last September there have been twelve major unofficial stoppages in motor and motor accessory factories—seven of them since February. These unofficial strikes have lost the workers an estimated £2,000,000 in wages and cost the nation dearly in terms of delays to exports. No one has benefited from these strikes except communist troublemakers, acting under orders from Moscow.

The object of the plan is to—

- (1) Wreck the defence programme, the success of which depends in large measure on the motor manufacturing industry;
- (2) disrupt the flow of motor exports, which earn the nation £317 million worth of food and raw materials each year.

It is known that in February this year, at the Vienna conference of the European Metal and Engineering Workers, instructions were given for "committees to be set up in the fac-

tories to organise a united struggle" against the defence programme and the Schuman plan for pooling raw materials.

This conference was held under the auspices of the Communist World Federation of Trade Unions, which subsequently issued through its trade department a circular stating "The leading national bodies of metal and engineering workers must draw up and inaugurate a plan of action with a view to carrying out the decisions of the Vienna conference."

This "plan of action" is now in operation and since February there have been unofficial strikes at Messrs. Joseph Lucas Ltd. (Burnley), the Humber works at Coventry, S. Smith and Sons Ltd. (Cricklewood) (who make instruments for eight out of 10 British cars), Austins at Birmingham, Briggs Motor Bodies Ltd. at Dagenham, Ford's at Dagenham and Park Royal Vehicles Ltd. at Willesden.

Communist influence in these strikes cannot be doubted. Various committees have been set up, consisting of shop stewards in the motor industry, to "co-ordinate activities" in the factories. Many of these men are known to be members of the Communist Party.

As an example, in April a motor combine advisory committee (London area) was formed comprising seven shop stewards and representing some of the bigger motor and motor accessory firms. Of these men, three are members of the Communist Party and one is a communist supporter. One of the four helped to lead the strike at Briggs Motor Bodies, another was the secretary of the strike committee at Park Royal Vehicles Ltd. and a third led the strike at Ford's. Moreover, it is known that of the ten unofficial strike leaders at Park Royal Vehicles Ltd. at least one is a member of the Communist Party and four others are communist supporters.

Similar communist "cells" have been established in other parts of the country where the motor industry has factories. Methods used by the communists show considerable skill in planning the unofficial strikes, which generally hinge on the issue of redundancy. Some short-term redundancy is unavoidable during the change-over in factories to war work, but where redundancy is non-existent, the communists have been known to create it artificially.

Thus the Ford's strike began through men being laid-off when Briggs' workers—who had already stopped work—failed to deliver the motor bodies. A desperate effort was made to keep the Briggs strike going

even after the Ford workers had returned. Reason for this was that Briggs provided steam for a neighbouring firm of wheel makers. Had the strike continued there would have been a shortage of wheels for firms like Rovers Ltd. at Birmingham. With a shortage of wheels at Rovers, some redundancy might have resulted—together with an opportunity for local communists to call for a strike.

That is the latest from Britain on the tactics of the Communist Party in order to prevent Britain from carrying on her export trade and rearmament programme, and it is strange that in the same line of industry in Australia, we have had similar trouble. The metal trades strike in this State was directed by a publicity committee. Is it a coincidence that on that committee there were several communists and communist supporters? I do not think members would say that that was altogether a matter of chance, and, knowing these things, I believe that members should support a Bill that will give greater power to the Arbitration Court to control, in the interests of the community, people who have been taking advantage of the loopholes in the Act.

The definition of the term "strike" in the Act is now 40 years old. I am sure that everyone would be prepared to pay a tribute to the work done by the late Mr. Alec McCallum in introducing the parent Act, but I submit that 40 years ago, we knew nothing of communism, and it is very necessary from time to time to take stock even of a law like the Industrial Arbitration Act to determine whether it is fulfilling the functions we had hoped it would. I feel certain that not one member of this House could say that the Act is capable of doing the job that it should have done during the recent unfortunate strike.

To illustrate the point, let me quote the interpretation of "strike" in the Act. It includes—

any cessation of work or refusal to work by any number of workers acting in combination or under a common understanding with a view to compel their employer or to aid other workers in compelling their employer to agree to or accept any terms or conditions of employment or with a view to enforce compliance with any demands made by any workers on any employer.

So it is quite clear that if the employees did not make any demand then, under the existing Act, there could be no strike. That was borne out by the decision of the Supreme Court. What happened? Some of the strike leaders joyfully announced that not one of them could be touched. Unfortunately for them, they overlooked another section of the Act and a few unions

were charged before the court and fined £500. However, the fact remains that if tomorrow we were confronted with a similar strike, unless this measure is placed on the statute book, the court would be as powerless as it was during the six months or so of the currency of the recent strike.

The Metal Trades Federation is an unincorporated body, consisting of presidents and certain officials of the A.E.U. and A.M.E. and the Moulders' and Boilermakers' Unions. The A.M.E. and the Moulders did not join in the stoppage. Notwithstanding that ten branches of the A.E.U. are separately registered in the court, not one of those branches or the Boilermakers' Union passed a motion that there should be a stoppage of work. For this reason, no action could be taken against the unions and they decided to strike. The Bill will remedy those deficiencies.

Notwithstanding the barrage put up by my friends of opposite political opinions, I feel sure that they themselves will feel relieved when this law is placed on the statute book. I do not blame them for fighting the measure; they have to put up a case, but I am absolutely sure that had their party been in power, they would not have been prepared to sacrifice arbitration for the whims of the communist section.

Hon. G. Bennetts: The strike would not have lasted so long had Labour been in power.

Hon. H. HEARN: I want Labour members to realise the responsibility that is theirs on behalf of the decent law-abiding unionists, who comprise the great majority of union members in this State. At this stage I do not intend to deal specifically with any other phase of the Bill, but I wish to offer one or two comments on the question of ballots. We heard the hue and cry that occurred when the Commonwealth Conciliation Act provided for secret ballots and we have heard it here on this occasion. We are told that it is tantamount to taking control from the unions. What has been the result of the Commonwealth action?

Many unions have been able to clear their ranks of communists. I believe the trade union movement is sincere in endeavouring to free itself from communist control, but I do not believe that the trade union movement alone is capable of dealing effectively with the communist menace. It can play its part, but unless we, as a united Commonwealth with every phase of society, worker, business man and all in authority pursuing the same object, we shall fail miserably. I have been greatly interested in the amendments placed on the notice paper by Mr. Fraser relating to the definition of "lock-out."

Hon. G. Fraser: You are not permitted to deal with amendments during the second reading debate.

Hon. H. HEARN: I am aware of that. We have heard a lot about the definition of the term "lock-out". If any member can show me that there is a deficiency in the definition, I shall be prepared to consider having it altered. When we reach the Committee stage, I shall have a full answer for Mr. Fraser concerning his proposal. His suggested amendment would place industry in an impossible position, but the time to deal with it is in Committee, and I shall have great pleasure in discussing it then. I plead with the House to assist the Government in ensuring that the Arbitration Court is granted full power to deal with the wreckers of industry.

HON. C. H. HENNING (South-West [8.59]): During the debate, much has been said about the Government's handling of the recent strike and about how it could have been settled much sooner, but not one speaker has placed before us an indication of how the strike could have been ended without the Government's sacrificing the principles of arbitration. I believe that the system of arbitration is accepted by the great majority of employers and employees. The Act which the Bill seeks to amend is more than 40 years old and during that period a number of weaknesses have been revealed and amendments have been made. What more can we expect than that, in the light of recent experience, we should need more amendments to stop up the loopholes that have become so conspicuous in the Act?

We learn only by experience. If the Government had usurped the powers of the court and decided the terms on which the strike should be settled, where would we have been today? In absolute chaos, not only as far as the employers are concerned, but also in regard to the employees. Much has been said to incite unionists, and excite them. A great deal of publicity was given to a monster meeting held at the Capitol Theatre. We heard over the air that 200 people attended; we read in "The West Australian" that 400 attended; we heard from Mr. Barker, when he stretched the neck of the poor old black swan, that there were 700; and we have heard on reasonable grounds that 150 people went along.

I understand there are approximately 150 trade unions in Western Australia, and some 30 or 40 more Labour members of Parliament, and the A.L.P. This means that, assuming all members of Parliament attended, many unions were not represented. Mr. Bennetts said that farmers did not attend meetings of the Farmers' Union, but I know that when a matter affecting their principles comes forward, they attend. I am sure that if the Bill was affecting the principles of the unionists, they would have turned out and filled these 2,400 seats in the Capitol Theatre.

On the 13th August, in the Opinion column of the "Daily News," under the heading "A Unionist Speaks," we find this—

The anti-strike legislation now being sought would in no way affect the honest worker and unionist. I am sure it is the squealers and their kind who are most afraid of it. I hope the proposed legislation becomes a fact. Furthermore I hope that electors will remember, on election day, the members who helped to prolong the strike through their speeches at Sunday's meeting.

(signed) A member of the A.E.U.

We can easily understand why the man would not sign his name when we recall the type of people who are trying to encourage industrial unrest throughout Australia. I think Mr. Barker mentioned that our thoughts were turning to the industrial relations in the United States. If only the energy used by those opposing the Bill were put into an effort to assist the economy of Australia by suggesting that instead of working by the hour, men should work by results, so that each could earn according to his ability. I am certain Australia would not be in the economic condition it is now.

I remember reading an article some months ago dealing with wages in the automobile industry in the United States. It stated that between 1934 and 1940 wages per hour had increased from 54 cents to one dollar, yet in that same period the total amount of wages in a unit had not increased. If over the last five years when wages had doubled, an extra amount of work had been done, what a prosperous country this would be, and what a prosperous working population we would have! I believe the Government is to be congratulated on bringing down the measure.

Hon. G. Fraser: You only believe it.

Hon. C. H. HENNING: At one time we looked to the East for the wise men, but now I am afraid we have had unwise men from the East so that we are beginning to realise that they are not only unwise, but bad.

There has been quite a fuss in the Press, and a certain amount of talk in this House, about communism. I can remember that only a month or two ago certain people came over from the East and they had quite a lot to do with the strike. One of them admitted straight out that he was a communist and the other, in effect, said, "Mind your own business." So it is no good trying to get away from the communist influence. I was pleased to note that when Mr. Hearn was speaking, no one was game to interject. I do not know whether it was because of the little brush-off he gave earlier, but I think it was due to the substance of his remarks.

Hon. F. R. H. Lavery: Because we all agree that we are against communists.

Hon. C. H. HENNING: The people who came over from the East insisted that no settlement could be made without them, and they found loopholes in the Act. They have discovered that Western Australia is now becoming industrially important. With the money from the East, they can easily finance a strike here. No one will ever know what was poured into the strike. We do know that over £20,000 came from one centre—Collie. If we do nothing about plugging up the gaps in the legislation, who is to say that something similar will not happen again as soon as we have more or less got over the unemployment difficulties and unhappiness that occurred recently.

At a Pan-Asian conference some four or five years ago there was talk of countries due for communist infiltration, and Australia was said to require some softening up. What are these strikes other than a softening up process? Mr. Heenan said that this far-reaching and radical measure might cause a great deal of turmoil. I notice that considerable emphasis was laid on the word "might." I am just as inclined to say "might not." He also wanted to know whether the latest strike was sufficient justification for the Bill. If it is not, whatever is?

Hon. N. E. Baxter: An atomic explosion, apparently.

Hon. C. H. HENNING: We do not have to consider just what the strikers have suffered, but what the innocent people have had to put up with. What about those mentioned at Busselton, where 10 men are doing 128 hours work a week; and they have no industrial concerns to fall back on. There must be 20 or 30 similar towns throughout Western Australia. Mr. Heenan also said, "Let the union leaders handle things as they have been doing." I agree that 99 per cent. of the union leaders have handled affairs quite well in Western Australia, but can we say the same of Mr. Cahill and Mr. Gibson? I do not think anybody—not even their most ardent supporters—would like them to handle matters as they did the last strike.

In the course of his remarks, Mr. Strickland said the Bill would weaken the arbitrary power of the court. I cannot understand that. I thought the opposition to the Bill was because it was to strengthen the power of the court. We all want to strengthen the court to deal with circumstances similar to those I have just mentioned. The definition of the term "strike" was dealt with by a few members. The definition in the Act is not very strong. I am inclined to think that the definition in the Bill will tighten it up, roughly, to the extent of the definition of the term "lock-out." I would like to know the pro-

portion of lock-outs to strikes, over the years, and when the last lock-out took place.

Hon. L. A. Logan: The definition of "lock-out" in the Bill is pretty wide.

Hon. C. H. HENNING: Some of those opposing the Bill may be able to give us the information. I do not claim to know the legal and technical points of the Bill. Mr. Heenan, a qualified legal practitioner, did not understand them. I have, however, read the measure and I believe I understand it from the point of view of the ordinary man in the street. I support the Bill, and commend the Government for bringing it down.

HON. G. FRASER (West) [9.12]: Might I at this stage inform members, in case they have any doubts as to my attitude, that I intend to oppose the second reading. I make this explanation because in the past I have always asked members, except when a Bill was outrageous to allow it to pass the second reading stage so that we could examine it in Committee. This is one of the exceptional occasions where I am taking up the attitude of opposing the second reading. I do so because I consider this to be the most outrageous Bill that has been put before this Chamber. Notwithstanding what has been said by members in trying to support what is in the Bill, we cannot get away from plain English. If we read the measure as it stands, members must agree that the interpretations that have been placed on its provisions by members on my side of the House, are correct.

Hon. H. Hearn: You do not think so.

Hon. G. FRASER: I do.

Hon. H. Hearn: Do not smile!

Hon. G. FRASER: Before dealing with the Bill, might I congratulate Mr. Hearn on the excellent speech he made this evening? But it reminded me of many of the meat pies that I see in shops these days—very well prepared, beautifully served up, but containing very little meat. If we examine the speech of the hon. member we find that about 99 per cent. of it was about communism and one per cent. on the Bill. If the measure had dealt with the banning of the Communist Party, or something of that description, it would have been an excellent speech. But only about one per cent. of it dealt with the Bill and that is where the hon. member mentioned the strike.

During his speech, Mr. Strickland mentioned a phase this evening which was laughed at as being ridiculous and not possible, but I put the same construction on the measure as did he and other Labour members. I defy any hon. member—and a great number have not yet spoken, including a legal gentleman—to place any other interpretation on the word "strike" in the Bill. I shall read the latter portion of it, which was not given earlier. Paragraph (ii) states—

A refusal or neglect to offer for or accept employment in the industry in which he is usually employed by a person acting in combination or under a common understanding with another worker or person.

When that occurs, there is a strike, which remains until such time as the court says it is not a strike. No other interpretation can be put upon it. It would definitely be a strike. The words "conscription of labour" have been used before in this House and the same description could be applied here. It could be used for the conscription of labour.

Hon. N. E. Baxter: It could not be applied that way.

Hon. G. FRASER: Of course it could.

Hon. N. E. Baxter: It is only where a man is engaged in the industry.

Hon. G. FRASER: It does not say so. The hon. member can argue the point, but he cannot get away from plain English. We are trying to show how ridiculous the Bill is. I have some legal interpretations in support of my remarks and these interpretations bear out the argument submitted by our members. One of the legal interpretations reads as follows:—

Under the new definition it would be sufficient if a worker was acting in combination with a person who was not a worker. Should a worker be offered a job in any industry in which he is usually employed and should he, having discussed the matter with his wife, agree not to take it, then that action would constitute a strike as that word is defined in the second subparagraph.

The Minister for Transport: Where did you get that?

Hon. G. FRASER: That is a legal opinion received from Joseph, Muir & Williams, a reputable firm of solicitors.

Hon. H. S. W. Parker: I suppose you expect me to disagree with that.

Hon. G. FRASER: I think it is the usual thing for legal people to disagree with each other. Members seem to treat our remarks with a certain amount of levity, especially the interpretation we have submitted. Nevertheless our views are correct. It is there in plain English; members cannot get away from it. They can say, "This will not occur" or "That will never happen". But there is the stark meaning of the word, and that is why we say the Bill is outrageous. It could be used to do things which the Government never intended should be done.

We have passed Acts of Parliament before and we have put in words and said, "They will not be used in that way," but later on we have had to introduce amending legislation to cover those aspects. That is why we have adopted this attitude and

have tried to point out just how far-reaching some of these clauses could be. We have done that so that members cannot say that they were not told and that they did not know what it all meant. We want to give members an opportunity for reflection before they commit themselves to passing the second reading of the Bill. There need be no excuses afterwards.

The definition of the term "strike" in the parent Act, has stood the test of time. One member said that it has been there for 40 years. The Act was originally passed in 1912 and I do not know whether the present definition of "strike" was in the measure at that time, but it has been in the statute for at least the last 27 years, and it has stood the test of time.

Hon. H. Hearn: Except for the last six months.

Hon. G. FRASER: The definition of "strike" has stood the test of time for 27 years. I think it was inserted in the parent Act in 1925 and I want to remind members that the Industrial Arbitration Act, which members have so often eulogised in this Chamber, does not need to be amended in this way. The amending legislation introduced in 1925 was agreed to after one of the longest conferences that has ever been held in this State Parliament. The late Mr. Alex McCallum, one of the greatest industrialists this State has ever had, was a manager at that conference which I believe lasted for something like 17 hours.

Hon. J. M. A. Cunningham: And yet a horse's bad breath caused a strike.

Hon. G. FRASER: The Act has stood the test of time for 27 years. Who are the persons, either in the Government or the Crown Law Department, responsible for the drafting of this Bill? Is there one person in any of those departments who could hold a candle to the late Alex McCallum as an industrialist? He knew and understood what the unionists wanted and what was best for the people of this State. So I repeat again that it has stood the test of time for 27 years.

Hon. N. E. Baxter: Until it broke down.

Hon. G. FRASER: The Government wants to alter it because of one instance; one swallow never made a summer.

Hon. H. Hearn: It made a winter.

Hon. L. A. Logan: It was a pretty serious one.

Hon. G. FRASER: Because that happened, the Government panics and rushes in with this legislation. Let me tell the Government that it is not bolstering up arbitration; it is undermining it. So I hope that members will think twice before they vote for the second reading of this measure because while they may think it will put the unionist in a spot later on,

by their own actions they will undermine the Industrial Arbitration Act of this State.

We all believe in arbitration; we work for it and we will fight for it; but we do not want to have it put into a position where the workers of this country will lose confidence in it. Once they do that we might as well dismiss our Arbitration Court judge and the rest of our arbitration system. Do not let us think that by the application of a fine we will cause one less strike. It has always been the inherent right of human beings, throughout the centuries, to fight for their rights, and I know of no greater fighter than the worker of this country if he feels that an injustice is being done to him.

Hon. N. E. Baxter: It is all right if it is within the law.

Hon. G. FRASER: Whether it is a fine or imprisonment will not matter one bit. Our Industrial Arbitration Act has always contained penalties, but has that prevented any strikes? Some members have treated the Bill as a laughing matter.

Hon. N. E. Baxter: Not the Bill.

Hon. G. FRASER: I ask members to consider seriously the various phases of the Bill. I believe that until it was introduced no member of the Government had had an opportunity to look at it.

Hon. L. A. Logan: You are only guessing.

Hon. G. FRASER: I hazard the guess that the first time supporters of the Government knew anything about it was when the Minister explained it to them at a party meeting. They had no idea what was in the Bill until that time. Yet they are accusing the unions of this country of doing the same thing. Supporters of the Government have been ruled by two or three men at the top of the tree who have come along and said, "This is what we are going to introduce." There was no opportunity of discussing it or of members pointing out to the Government what they considered wrong with it.

Hon. L. A. Logan: You are just guessing.

Hon. G. FRASER: I think my guess is pretty right too.

Hon. J. M. A. Cunningham: I think Foo must have been at the meeting.

Hon. G. FRASER: I do not think any member can get up and say that I am wrong.

Hon. H. S. W. Parker: I can.

Hon. H. Hearn: You are only guessing.

Hon. G. FRASER: The first opportunity they had of seeing it was when the Bill was introduced.

Hon. H. S. W. Parker: You are wrong.

Hon. L. A. Logan: Of course he is.

Hon. G. FRASER: I hope I am, but if I am wrong then I have a lower opinion of members than I had before, because I thought they were merely being dragged behind their leaders.

Hon. H. S. W. Parker: Ask Mr. Butcher! He will tell you.

Hon. G. FRASER: If Mr. Butcher had had an opportunity to see it, I do not think he would have taken the action he did in the House or in the party room.

Hon. L. A. Logan: You do not know the story.

Hon. G. FRASER: I do not think I am very far wrong.

Hon. H. Hearn: It is not often you are right, but you are wrong this time.

Hon. G. FRASER: Members have said tonight that two or three men in a union decide on a policy and the others merely dance to their tune. That is not correct because although a certain line of action might be put up to a meeting of unionists, it is the meeting that decides what action will be taken. That has always been the case.

Hon. N. E. Baxter: But in many cases there are not many unionists there.

Hon. G. FRASER: I have a union rule book with me—it is typical of most other rule books—and it says that the final say in all matters is left to the general meeting of members.

Hon. N. E. Baxter: If members go along.

Hon. G. FRASER: It is still left to them whether they go along or not.

Hon. H. S. W. Parker: Of course.

Hon. G. FRASER: If they do not go along, it shows that they agree with the recommendations that have been put up.

Hon. L. A. Logan: But they do not all go to the meetings. How many of them attend these union meetings?

Hon. G. FRASER: They can all go if they want to. They have the final say as to what they shall do.

Hon. L. A. Logan: Only those dealing with the strike are allowed on the floor and the rest are in the gallery.

Hon. G. FRASER: I am talking about arbitration and unions generally. I am not talking about one specific instance. There is nothing in the Bill about the strike although three quarters of the speeches have all been about the dispute. That is not in the Bill. I am talking about the Bill and what effect it will have on the unionists of this country. I am trying to tell members that this measure is not required because the power it seeks to give the court is already in the hands of members of unions.

Dealing with the question of secret ballots, I have never known, in the election of an officer of a union in this State, a

case where a secret ballot has not been held. Hundreds of secret ballots are conducted every year and all union members are entitled to vote. This union rule book does not state that a secret ballot shall be taken before a strike is declared because that is left to union members to decide at a meeting. If the executive or management committee recommends a strike, it is left to the members to decide whether they agree to that recommendation.

Hon. H. Hearn: By a show of hands or by ballot?

Hon. G. FRASER: Whichever way they like. If a majority of the members desire a secret ballot, they have only to move a motion and have it carried.

Hon. H. S. W. Parker: That is the point—"and have it carried."

Hon. N. E. Baxter: And be kicked to death in the process.

Hon. G. FRASER: It is majority rule with everything. That is the democratic way of life.

Hon. L. A. Logan: What about majority rule in the last strike?

Hon. G. FRASER: I do not know why it is that members always get back to the question of the strike. I am trying to tell them that that has nothing to do with the Bill.

Hon. L. A. Logan: That is a new angle!

Hon. G. FRASER: There is nothing in the Bill about that strike. That is only an incidental and we are supposed to briefly discuss incidentals and deal mainly with the subject matter of the legislation before us.

Hon. H. Hearn: Surely you do not think the strike was an incidental.

Hon. G. FRASER: The strike was incidental as far as the Bill is concerned. It was one of the incidentals that led the Government to introduce the measure.

Hon. N. E. Baxter: It was the main one.

Hon. G. FRASER: In the debate it should be used as an incidental only. We should discuss the merits of the Bill and its ramifications. The measure is the most class-conscious legislation that has ever appeared before this Chamber: it deals with one class and one class only from the first to the last page. No hon. member can deny that.

Hon. H. Hearn: I do. We all do.

Hon. H. K. Watson: I deny that.

Hon. G. FRASER: Three-quarters of the Bill deals with the question of secret ballots. Do members agree that it is right to step in and take control of the powers of anybody in this State. Supposing a similar type of legislation were brought forward to authorise the Government to step in and take control of any body.

Hon. N. E. Baxter: This will not do that to the unions.

Hon. G. FRASER: Of course it will.

Hon. N. E. Baxter: It will not.

Hon. G. FRASER: Of course it will; the court can step in and take control, either of its own volition or through someone who is not a member of the union. Someone who is not a member of the union can step in and say, "We will take a ballot", and the union will have to pay for it. Is that fair or just?

Hon. N. E. Baxter: They take a ballot, but do not take control.

Hon. G. FRASER: The court can order a ballot to be taken.

Hon. N. E. Baxter: Who orders an election to be taken in the State on anything? The Government does.

Hon. G. FRASER: No, the Government does not; Parliament does.

Hon. N. E. Baxter: That is much of a muchness.

Hon. G. FRASER: The hon. member tries to tell us that that is not interference with the rights and privileges of union members. The Bill also proposes that a union shall take a ballot for the election of officers because someone lodges a complaint. The court in many instances would not know what conditions were ruling at the time, but there are plenty of confidence men who are capable of putting up a good tale and who could even rope the hon. member in. Then the union is booked up with the cost of holding such an election. There are other features of the Bill, too, which provide that unions shall submit a list of any alteration in the names and addresses of its members. How is it possible for any organisation to supply quarterly a list of the names and addresses of all its members?

Hon. N. E. Baxter: It will give the union secretaries some work to do.

Hon. G. FRASER: Many of the members of those organisations take out a yearly ticket and the union officials have no knowledge of the changes of address or names of members until the following year. Yet a provision is placed in the Bill which makes it something of an offence if an organisation does not supply that quarterly list. It is impossible for unions to comply with such provisions.

Hon. N. E. Baxter: If unions do not know their members' names and addresses, there is something wrong with their organisation.

Hon. G. FRASER: There is nothing wrong with their organisation at all. A member takes out his union ticket and gives his address. The union has no further dealings with the member until the renewal of his yearly ticket.

Hon. N. E. Baxter: In most unions they do.

Hon. G. FRASER: Some of the biggest unions in this State enrol their members on the yearly ticket and are supplied with no other address except the one given by the member at the time of his enrolment.

Hon. C. W. D. Barker: How could a union such as the A.W.U. supply all these addresses?

Hon. G. FRASER: It would be impossible; and yet that is one of the conditions laid down in the Bill and which will become law if such provision is retained in Committee.

Hon. L. C. Diver: Do not union members have to notify the Electoral Department of their change of address?

Hon. G. FRASER: Yes, but they do not have to notify the union.

Hon. L. C. Diver: The union has their names on the roll.

Hon. G. FRASER: It would be impossible. I want members to have another look at the Bill.

Hon. N. E. Baxter: Do not forget that the Bill also provides exemption in that respect.

Hon. G. FRASER: I want members to have a further look at the Bill and realise what monstrous proposals are contained in it. As I said earlier, portions of the Bill lay down what fines are to be imposed for offences, and also a further fine for every day that such offences continue. The Minister for Transport introduced the Bill, but I think it would have been better if the Minister for Agriculture had done so because in the next few years he will have a wonderful crop of people being convicted and fined because the imposing of a major fine and the minor one for each day the offence continues will not stop any strike.

The Minister for Transport: It would have been better if the hon. member had said that it should have been introduced by the Minister for Transport because it will make the wheels of industry go round.

Hon. G. FRASER: No, it would have been more suitably introduced by the Minister for Agriculture because of the wonderful crop of fines that he would be likely to reap after presenting this measure. Men will not be concerned as to the penalties set out; it will be the injustice that is proposed to be imposed upon them that will be considered. It is upon that injustice that the decision will be given. Therefore, we are only going to add to the difficulties that will arise, because men will still meet to discuss whether they will strike or not, and all arbitration laws will be forgotten.

Even in the recent dispute, before the men decided to go back to work they sought some assurance that the penalties

which were proposed, would not be inflicted upon them. If members vote for the Bill, further obstacles will be placed in the way of any strike settlement by the imposition of the fines proposed. It therefore requires the serious consideration of all members. We know through the years it has been legislation of this kind that has caused most of the unrest among the workers. We can go back through history and ask ourselves why communists are in control of Russia. Is it not because of the oppression by the Czars? Was not that the reason why they were overthrown?

The Minister for Transport: Communist oppression is far worse than that under the Czars.

Hon. G. FRASER: If it is worse, it will be found that the same thing will happen to them; the same as has happened throughout history. Mr. Davies has said that this is repressive legislation, but I will go further and say that it is not only repressive but also oppressive. Mr. Hall said it was dynamite. Of course it is dynamite, and it has a fuse attached to it, and when the Bill becomes law it will be the spark that will wreck the whole arbitration system in this State.

Hon. A. R. Jones: Is that a threat?

Hon. G. FRASER: It is not a threat, but an honest opinion, based upon my industrial experience in this State. The Bill is repressive and oppressive.

Hon. N. E. Baxter: It is only the hon. member who is calling it that.

Hon. G. FRASER: The hon. member can call it what he likes. I will call it a good Bill, as the hon. member has done, but call it what one likes, it will not stop strikes. It will only cause a great deal of trouble in this State. Is it worth the candle to sacrifice the system of arbitration for which we have worked so well in Western Australia?

Hon. H. S. W. Parker: It will not stop arbitration.

Hon. G. FRASER: The Bill will. It will undermine the confidence that workers have in the court.

Hon. A. R. Jones: You tell us what you believe, because I want it defined.

Hon. G. FRASER: I have told members. I know that I could talk for 24 hours and give all the reasons in the world, but my view would still not be accepted.

Hon. H. S. W. Parker: Quite right!

Hon. G. FRASER: I do appeal to members before they cast their votes to realise that it is not just a matter of bolstering up the powers of the Arbitration Court in order to prevent strikes because, in my opinion, it will greatly weaken the arbitration structure in this State and will

have the opposite effect to what is anticipated. I say to members: Think seriously before you take action such as this. I oppose the second reading.

As to Tabling Document.

Hon. H. S. W. PARKER: I ask Mr. Fraser if he will place on the Table of the House the opinion from which he quoted during his speech.

The PRESIDENT: Is the hon. member willing to lay the paper on the Table of the House?

Hon. G. FRASER: Yes, I agree to that.

The PRESIDENT: Standing Order No. 342 reads as follows:—

A document quoted from by a member not a Minister of the Crown may be ordered by the Council to be laid on the Table; such order may be made without notice immediately upon the conclusion of the speech of the member who has quoted therefrom.

I suggest that we take a motion of the Council.

Hon. H. S. W. PARKER: I move—

That the document quoted by the Hon. G. Fraser be laid on the Table of the House.

Motion put and passed.

On motion by Hon. H. S. W. Parker, debate adjourned.

House adjourned at 9.41 p.m.