ernment will contribute to this fund, but the Minister did not make it clear why it is necessary to have three of the five members of the board Government officials, one having an additional vote. I repeat that we want a Bill to deal with main roads. I think this Bill contains the groundwork of a good measure, but it will require a lot of consideration to make a good measure of it. I support the second reading and declare my intention to vote for the referring of the Bill to a select committee.

On motion by Hon. G. Potter, debate adjourned.

BILL—LAND TAX AND INCOME TAX ACT AMENDMENT.

In Committee.

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

House adjourned at 8.40 p.m.

Legislative Assembly,

Tuesday, 8th September, 1925.

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

QUESTION—KING EDWARD MEMORIAL HOSPITAL.

Miss HOLMAN asked Hon. S. W. Munsie (Honorary Minister): 1, What was the income of the King Edward Memorial Hospital last year? 2, What was the cost of upkeep? 3, Is the institution self-supporting? 4, What amount has been spent on upkeep and repairs since the inception apart from the £10,000 allocated to the hospital by the British Red Cross? 5, What is the length of the training term? 6, For what hours per day do the nurses sign on? 7, What salary, if any, is received by nurses training in the institution? 8, How many midwifery cases were dealt with during the last year? 9, How many were attended without medical assistance? 10, How many mothers were lost? 11, How many trainees can be accommodated? 12, How does the institution compare in standard of efficiency with others in Australia? 13, Is it a fact that for this most important branch of the nursing profession, *i.e.*, the midwifery branch, trained nurses are required to pay a premium of £15, serve six months, and receive no salary, for the purpose of securing a midwifery certificate?

Hon. S. W. MUNSIE replied: 1, £3,762 11s. 2, £4,742 15s. 7d. 3, No; last year the nett cost to Consolidated Revenue was £980 4s. 7d. 4, £1,832 1s. 3d. 5, In the case of trained general nurses, six months; in the case of other trainees, 12 months. 6, The nursing staff are on duty 10½ hours per day—six days per week. 7, Trainees receive no salary. 8, 900 cases. 9, 861 cases were confined without medical assistance at the time, but the honorary medical staff visit the hospital daily, and see all patients. 10, Only one; this case was admitted in a diseased condition which was responsible for death five hours later, and before parturition. 11, Seventeen. 12, It is considered that the institution compares very favourably with others. 13, Yes; the question of the continuance of these fees is receiving consideration.

LEAVE OF ABSENCE.

On motion by Mr. Wilson, leave of absence for two weeks granted to Mr. Lamond (Pilbara) on the ground of ill-health.

BILL—PRIMARY PRODUCTS MARKETING.

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. M. F. Troy—Mt. Magnet) [4.39] in moving the second reading said: This measure has been the subject of much discussion

and agitation for some time. Quite a number of deputations representing fruit growers and others engaged in primary industries have approached the Government and asked them to introduce legislation which will bring about greater efficiency in the marketing of primary products. The producers further claim that such a measure will give them a living wage, which at present they do not derive from their industries. A somewhat similar measure has operated in Queensland, which may be described as pioneer legislation of this character. It is claimed in Queensland that this legislation, though it has given rise to some objections, has worked most satisfactorily and has secured for the producer a fair return for his labour and industry, while at the same time not unduly operating to the disadvantage of the consumer. The present Bill in many respects follows the principles of the Queensland Act.

Mr. Sampson: That is good news.

The MINISTER FOR AGRICULTURE: This Bill, however, has quite distinct features. Whereas the Queensland measure is, to some extent, associated with Government activity, the present Bill provides that the responsibility for the whole of the administration shall be upon the producers themselves. Undoubtedly some of our primary producers are very much in need of assistance, particularly a section of the fruit growers, and those engaged in the dried fruits industry. Other fruit growers are more happily placed, either because of the efficiency of their methods or the excellence of their climate and soil; and they, naturally, do not want this measure. It is not, however, going to be forced on them. If they come under the operation of legislation of this character, it will be quite a voluntary action on their part. Efforts have been made by sections of the fruit growers who claim that they are handicapped by present marketing conditions to stabilise their industry, but those efforts have been nullified owing to lack of support on the part of other fruit growers, and also, it is stated, by opposition in marketing circles. It appears to me that unless the primary producers are assisted, some of them will have to go out of business. Accordingly the present Bill is introduced, it being thought that under the pooling system means can be devised to place the fruit industry on a sound footing. It is claimed that under a compulsory system of marketing the producer will be benefited, the product will be graded, and greater efficiency in marketing will result, much waste being cut out. I am convinced that the middleman can be cut out, and that as a result the consumer should get his fruit at a reasonable price, while the price realised by the man engaged in the industry would represent a fair livelihood. For some time past requests have been made by the growers of such products as dried fruits, eggs, and fresh fruit for the passing of an Act of Parliament to enable them to market their products. In fact, it has been said that these people cannot live under present conditions. I believe, that to be correct, in at least one case, because the Federal Government and also the State Governments of South Australia and Victoria have been compelled to introduce legislation in order to assist the producers of dried fruits. Representations have been made to the Government of this State that we should adopt legislation of the same kind. In my opinion this Bill will give all the control that is necessary for the people engaged in the industry, and also all the privileges which are enjoyed by the dried fruit producers of South Australia and Victoria. The State Fruit Advisory Board, who claim to represent a large section of the fruit growers of Western Australia, after hearing the views of Mr. McGregor, the Director of Agriculture in Queensland, carried a resolution requesting the introduction of a measure of this character. In Western Australia we are not without experience of pools. We have the practical experience of the wheat pool, which during the earlier years was compulsory. Members will recollect that in 1915, during the war period, a wheat pool was created throughout the Commonwealth. All wheat growers had to forward their wheat to the boards in the various States. A handling charge of 3d. per bushel, plus certain costs, was imposed. The organisation existed in this State from 1915 to 1922. There is no doubt that if the compulsory wheat pool had not been in existence, the position of wheat growers in Western Australia, and in fact throughout the Commonwealth, would have been parlous indeed. Those compulsory pools gave place to voluntary pools because the Government of the day were not willing to bring in a compulsory pool, and it was said that a percentage of the producers was in favour of a voluntary pool.

Mr. Sampson: The advantages of the voluntary pools were undoubted. They did prove very successful.

The MINISTER FOR AGRICULTURE: Yes, but without the compulsory pools there could not have been voluntary pools, for the compulsory pools blazed the track, and provided the system. The voluntary pool could never have had such good results but for the experience acquired during the operation of the compulsory pools. In this State last year the voluntary wheat pool obtained 15,000,000 bushels, and the administration charges worked out at 2½d. per bushel. The quantity of wheat received is evidence that the wheat grower generally realised and appreciated the advantage of having his wheat handled through a pool rather than by selling the product to individual firms. The voluntary pool this year was largely responsible for the higher prices obtained for wheat sold outside the pool. I am not prepared to say that the wheat will bring as much in the pool as it brought in the early harvest months, but had it not been for the pool the price would not have been as satisfactory as it was. I have referred to the position of dried fruit producers in this State. It has been stated that only 20 per cent. of the actual output of Western Australia is consumed locally. As a result a market has to be found, and since it cannot be found in the Commonwealth, we have to go overseas. That means there is necessity for some organisation that will fix the quantity to be exported and that to be consumed locally, and ensure that the quality shall be up to a certain standard. On many occasions there have been gluts of fresh fruit on the market, the consequence being that the fruit brings a very low price, and when the glut is over the price is often raised beyond the reach of the consumer. Under the Bill the market will be so organised that there will be no gluts, but there will be provided for the market fruit at a reasonable price and in reasonable quantities during the whole of the season. Some members have been afraid of the possibility of there being introduced here a measure similar to the Queensland Act. Let me point to the differences between this Bill and the Queensland Act: In Queensland there is a very comprehensive system of agricultural organisation, and the fruit marketing section is only a section of the whole. Legislation under the Primary Producers' Organising Act provides that the whole of the primary products of the State shall be controlled by the Council of Agriculture, which is composed of not more than 25 members. A maximum of one-fourth is appointed by the Government, and the remaining members elected. It is under the presidency of the Minister for Agriculture, with a permanent director appointed by the Governor-in-Council, and the Council has also its own secretary and clerical staff. Under the Fruit Marketing Act the fruit growers are formed into associations that are grouped into electorates. The electors represent growers of bananas, citrus, pineapples, deciduous and other fruits. The growers of the respective classes of fruits annually elect their representatives to what is known as sectional group committees. The sectional group committee elect representatives on the committee of direction. The committee of direction is composed of 10 representatives, two each of bananas, citrus, pineapple and deciduous sections, and one representative of other fruits; also, one representative of the Council of Agriculture. This committee controls the marketing and sale of all fruits, that is to say, banana and pineapple growers sit on a committee that decides which deciduous and other fruits shall be disposed of. The whole control of the product in Queensland is in the hands of the committee of direction, which is associated with the Council of Agriculture. In the Bill before us there is to be no Council of Agriculture, no committee of direction representative of sections, no Government control or interference, except in one respect. The controlled product is to be controlled absolutely by the growers themselves through their boards appointed by them. In order to establish the administration, the growers must be registered, and following on registration if a petition is signed by two-thirds of the growers the Governor may declare any product to be a controlled product. But before this is done a month must be allowed to elapse to permit of a counter petition. If one-quarter of the registered growers sign the counter petition the product does not become a controlled product. An order issued by the Governor-in-Council may be limited to districts or may be rescinded by any subsequent Order in Council. The order shall continue in force for such period not exceeding two years as the Minister may

determine. A poll of registered growers shall be taken in the second year of control to decide whether the district product shall continue as a controlled product or otherwise. If the poll is unfavourable the constituted board shall remain long enough to allow of the business being finalised. At such an election a majority of 66 per cent. of the votes must be recorded in favour of the pool, otherwise the product cannot be controlled.

Mr. Sampson: But the establishment of control will not necessarily mean that there will be a pool?

The MINISTER FOR AGRICULTURE: The Bill provides that the board shall be a body corporate, and shall be paid out of the funds of the board such remuneration as the Minister may determine. Somebody must determine what is fair remuneration; it should not be in the hands of the board, and so the Bill provides that the Minister shall determine. The board will in no sense represent the Crown. The regulations provide the number of persons to compose the board, the method of election, the tenure of office, the method of filling vacancies, the appointment of chairmen, and the general conduct of the board's business. The board will be empowered to sell or arrange the sale of any controlled product. It may appoint agents, servants, and officers. It may impose levies or conditions, and may use the amount so collected in payment of the board's expenses or in any expenditure necessary to the board's operations. It may arrange financial accommodation and may make the necessary proportion of any controlled product available for State consumption. It may provide for export to other countries, it may purchase land or property, provide buildings or plant, sell any property of the board and do anything necessary in the industry, subject to the right of the Minister to veto any action he might consider prejudicial to the public interest. That is the only way in which the Government come into the board's operations. In giving any body of producers power to create a monopoly in their production, power must be taken by some one to control their operations. Under the road boards' administration it has been shown to be necessary for the Minister to veto the action of a road board. Under the Bill in the same way it is provided that the Minister shall have power to veto any action of the board that is not in the public interest. In order that he might be properly advised, the Bill provides for the appointment by the Minister of three advisers to assist him in arriving at a decision.

Mr. Sampson: They will be departmental experts?

The MINISTER FOR AGRICULTURE: Not necessarily. It might be a question of having the consumers represented on such a board. However, the provision is absolutely necessary, for without it Parliament would be handing over to a body of persons the absolute control of their product and the result might be disastrous to the general community.

Mr. Griffiths: Does the Bill provide that the board shall have power to sell the fruit? There has been trouble in Queensland over that, and it has been found necessary to amend the Act there.

The MINISTER FOR AGRICULTURE: We have profited by the experience of Queensland and so far as possible we have provided means to carry out the functions of marketing and organising in the manner desired. The Bill provides that the whole of the controlled product shall be delivered to the board, and any person selling or purchasing outside the board shall incur a penalty not exceeding £500. The penalty is a stiff one, but when we remember that the measure strikes at the interests of a large number of people, it will be realised that a penalty of a few pounds would be of no value. The board will be dealing in commodities of great value, and the penalty must be sufficient to meet the circumstances. The board will have power to declare void any contracts made in contravention of the measure. The board may exempt from the Act certain growers and sales as may be prescribed. If the board decide to exempt from the Act certain growers or sales, their decision shall be final.

Mr. Sampson: That might apply to people operating on kerbstone markets.

The MINISTER FOR AGRICULTURE: That will be entirely in the hands of the board.

Mr. Thomson: How would you deal with the apple industry which has already made provision for its own exports? Will it be exempted?

The MINISTER FOR AGRICULTURE: That would be an entirely different section, and it would not come under the meas-

ure unless on a majority vote of the people engaged in the industry. The Bill also provides that there shall be no prohibition against any person selling or delivering any quantity of a controlled product to another State of the Commonwealth. I think that is where the Queensland measure came into conflict with the Commonwealth law. Here we have provided that the board shall have no power over interstate contracts and sales.

Mr. Sampson: That is a great pity.

The MINISTER FOR AGRICULTURE: We provide that all products shall be delivered to the board in the name of the grower, and that the board may require a certificate of quality from a grading officer. For their own purposes the board may appoint grading officers in order to see that the fruit or other product is graded, and those officers will give a certificate if required by the board.

Mr. Sampson: That alone would justify the passing of the Bill.

The MINISTER FOR AGRICULTURE: Yes. There is also a provision that the board shall accept any controlled product if it conforms to the standard of quality required, and the grower shall be paid an amount equal to that paid for the same standard sold by the board during that season. This is an essential feature of pooling. If a product goes into a pool, the growers share equally in the results of the pool. If the fruit of certain growers is of a high grade and that grade brings a certain price, the growers supplying that particular grade must receive the same price. One grower cannot be treated differently from another. If the fruit supplied is of an inferior quality, a grower will be paid the same price that growers of other inferior fruit receive.

Mr. Sampson: The Queensland Act does not make provision for pools.

The MINISTER FOR AGRICULTURE: If this measure is going to be of any benefit, the growers must organise efficiently and they will also have to standardise. They will have to organise the business so that there will be a demand for their produce not only here but elsewhere. Otherwise, it would not be worth while to give the powers contained in this Bill. All products damaged during transit to the board, through no fault of the grower, will be paid for. That obtains in the wheat pool to-day. A grower sends his wheat to a siding; it is there accepted by the pool, the grower receives a certificate and his responsibility ceases. That is the principle which will operate under this measure. As soon as produce is received, a certificate of receipt will be issued, but the board may withhold the receipt if they have received notice of any lien or mortgage over the produce. The Bill also provides that certificates shall be issued to share farmers if the circumstances warrant it. The board may make advances, as is done by the wheat pool, on the product delivered. The board may declare contracts void if they are not bona-fide interstate contracts.

Hon. Sir James Mitchell: Do you mean existing contracts?

The MINISTER FOR AGRICULTURE: No; if contracts are made after the board come into operation, the board may declare them void. Otherwise the board would not be able to function, because people would be able to make contracts and set them up as a reason why the products should not be taken by the board. The Commissioner of Railways or other carrier may refuse to carry controlled products, if requested by the board, without incurrring liability. Growers will be required to furnish returns showing the quantity of a controlled product held at any specified time. Every person holding an encumbrance on a product must give notice to the board, failing which he will not be entitled to take action against the board or claim damages. The issuing of certificates by the board to any person will discharge the board from all liability to other persons. All payments made in good faith by the board to the holder of a certificate shall discharge the board from all claims, excepting those of which the board have received written notice prior to the issue of certificates. Any person entitled to an encumbrance shall not have any rights under the measure of which a grower would be unable to avail himself. In the event of a dispute as to any encumbrance, the board may withhold payment until the matter is determined by law. The measure will give the board full responsibility. All claims against the board and all expenditure by the board will be a charge upon the proceeds of the marketed product, and the expense entailed by the election of members, etc., will be payable out of the board's funds.

Mr. Sampson: Those expenses should be very limited.

The MINISTER FOR AGRICULTURE: This is entirely a matter for the board. This is a distinct feature of the Bill as compared with the Queensland Act. In Queensland the Government have, to a great extent, undertaken the responsibility of financing the activities of the committee of direction.

Mr. Sampson: I am advised that the Government found not a penny piece.

The MINISTER FOR AGRICULTURE: I do not think the hon. member has been correctly advised. I am advised that the cost to the Queensland Government in the first year was £30,000, and that last year £20,000 was put on the Estimates for this purpose. My advice comes from a quarter that must be respected. Under this measure it is proposed that the Government shall have no responsibility whatever. Producers in the past have objected to the Government interfering in their activities, and of this Bill it cannot be said that the Government will interfere in any way, apart from the exercise of the ministerial veto where necessary. The Bill will confer powers entirely upon the board elected by the producers themselves, and the board will be responsible for the whole of the organising, marketing and financing. The Bill provides that if any part of this measure is found to be inconsistent with the Commonwealth Constitution, such part shall be severable from the rest of the Act.

Hon. Sir James Mitchell: Will this Bill cover all the produce of primary producers?

The MINISTER FOR AGRICULTURE: Yes, except jam, which of course is a manufactured product.

Hon. Sir James Mitchell: Will it cover wheat?

The MINISTER FOR AGRICULTURE: Yes, any primary product, the growers of which may desire to organise.

Hon. Sir James Mitchell: Will it cover meat?

The MINISTER FOR AGRICULTURE: No; only essentially primary products. The measure is fairly comprehensive, and there is no suspicion of compulsion by the Government. The matter will be one entirely for the producers themselves. If the producers do not want to organise their industry, they will not be compelled to do so. If they wish to organise, the measure will give them the fullest possible power. No exception can be taken to the Minister having the right of veto, because no legislation could be successful without such a provision. The people engaged in primary industry would be well advised to accept the Bill as it stands, because by so doing they will have conferred upon them privileges and opportunities which they hitherto have not enjoyed. I move—

That the Bill be now read a second time.

On motion by Hon. Sir James Mitchell, debate adjourned.

BILL—ROMAN CATHOLIC, GERALDTON, CHURCH PROPERTY.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. J. C. Willcock—Geraldton) [5.15] in moving the second reading said: The object of this Bill is to confer upon the Roman Catholic Bishop of Geraldton powers similar to those held by the Roman Catholic Archbishop of Perth. There is an Act controlling the property of the Roman Catholic community, and this has been amended as the exigencies of the situation demanded. An Act was passed in 1895, and there have been four or five amendments since then. In 1911 it became necessary to appoint the Archbishop of Perth as a corporation sole. This enabled the individual to become a corporation. One kind of corporation is the corporation aggregate, and another is the corporation sole.

The Premier: And there are some corporations without souls!

The MINISTER FOR JUSTICE: A corporation sole is one comprised of an individual. The Act of 1911 dealt only with Perth. It is now desired by this Bill to vest a similar power in the Bishop of Geraldton. Corporations are created by Royal Charter or by Act, and they remain in existence until they are cancelled. In connection with the Roman Catholic Church at Geraldton, it is necessary to have an Act of Parliament in order to create this corporation. The Bill gives the occupant of the position of Bishop of Geraldton the right to exercise authority in connection with all property that belongs to the diocese of Geraldton. The need for the Bill was emphasised by the death of Bishop Kelly. As he was not a corporation sole the land was registered in

his name. Some of the land was registered under the name of William Kelly, Bishop of Geraldton, some under that of William Kelly, and some was his own property, and some was that of the diocese. The property of the diocese has now been the subject of a declaration by the executor of the late bishop, and that which was the late bishop's own property has been excluded from the provisions of this Bill. The necessity for an institution of this description becoming a corporation sole is that very often there are changes in the occupants of the position of bishop, for the occupant may be transferred, or he may die, or some other event may occur. Whenever a change is made it is at present necessary to go to the trouble of transferring the titles of the properties, and this trouble will be obviated in the case of Geraldton by the passage of this Bill. The Solicitor General states—

> 1, The bishop is incorporated so that church lands may vest in his successor in office; otherwise the land would devolve on his executor on death and transfers would be necessary. 2, See No. 34 of 1918 for the incorporation of diocesan trustees of the Church of England; No. 25 of 1921 as to Jews; No. 4 of 1916, Roman Catholic archdiocese of Perth. 3, The provisions of this Bill are similar to previous Acts relating to religious bodies.

I have referred to a declaration made by the executor of the estate of the late Bishop Kelly as to what lands belonged to the late bishop in his private capacity. The declaration reads—

> I, John Joseph Graber, executor of the estate of the late William Bernard Kelly, Roman Catholic Bishop of Geraldton, do hereby solemnly and sincerely declare:—1. That the only land owned by the late William Bernard Kelly in his private capacity was Lot 8 of 122 and 123 Railway-parade, West Leederville, being all the land comprised in the certificate of title, vol. 81, folio 23. 2, That all other land registered in the name of William Bernard Kelly is the property of the Roman Catholic Church, Geraldton diocese. And I make this solemn declaration by virtue of Section 106 of the Evidence Act, 1906. Declared at Geraldton this 13th day of September, 1924. John J. Graber.

The interests of the executors of the late bishop, and of his heirs, are preserved by this Bill. In its provisions it is the same as that which was passed in connection with similar religious institutions in the State.

Hon. Sir James Mitchell: Is it the same Bill?

The MINISTER FOR JUSTICE: It is practically the same as that which was passed in connection with the Roman Catholic Archbishop of Perth and the Jewish Church. There are some minor alterations, but the principle remains the same.

Hon. G. Taylor: The alterations are merely to suit the particular locality.

The MINISTER FOR JUSTICE: Yes. I move—

That the Bill be now read a second time.

On motion by Hon. Sir James Mitchell, debate adjourned.

BILL—PLANT DISEASES ACT AMENDMENT.

Returned from the Council without amendment.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

In Committee.

Resumed from the 3rd September. Mr. Lutey in the Chair; the Minister for Works in charge of the Bill.

Clause 2—Amendment of Section 4 of Principal Act:

Hon. Sir JAMES MITCHELL: We are dealing with paragraph 4 (i.). This contains the following words:—"What is fair and right in relation to any industrial matter, having regard to the interests of the persons immediately concerned, and of the community as a whole." If we could have a court to carry out the principles of this paragraph, we should have all that is necessary. I should like to hear the Minister for Works in explanation of these words.

The MINISTER FOR WORKS: The paragraph is taken verbatim from the Commonwealth Act. It is designed to widen the scope of the court, and to prevent as far as possible the issue being clouded by technicalities. It is often doubtful as to what industrial matters really are.

Hon. Sir James Mitchell: You go further than the Federal Act.

The MINISTER FOR WORKS: It is the same as that Act. There is nothing in the paragraph to which anyone can take exception. I agree that if we could have a court that would live up to the principles contained in this paragraph, we should be doing some-

thing that was greatly to the advantage of the community. Unfortunately, the laws that we pass get into the hands of men who apply their intellects for the purpose of limiting the provisions of those measures. It is intended that the court should be able to deal with any application that is submitted to it for adjustment.

Hon. Sir JAMES MITCHELL: The Bill undoubtedly goes further than the Commonwealth Act. It will enable the court to interfere in any dispute, whether people are working under an award or not. I do not know how it affects the individual, but it is possible that the Minister for Works may be constantly brought before the court.

The Minister for Works: It may be used for the settlement of arguments between the two sides in this Chamber.

Hon. Sir JAMES MITCHELL: A fair court would undoubtedly send Ministers over to this side. If the Minister wants a good court, as little restricted as possible by any Act, let us provide for such a court and leave it at that. But the Minister has told us we cannot alter any part of this Bill. In the circumstances, therefore, I will withdraw my opposition to the paragraph.

Mr. DAVY: I move an amendment—

That in Subclause (6) the first two paragraphs, beginning "By omitting" down to "the following words," and beginning "The term includes" down to "similar reward," be struck out.

We have stated on this side of the Chamber why we do not believe that persons engaged in domestic service should be included in the Bill. We say that there can be no industrial dispute between housewives and domestics and, secondly, that it means an intrusion on the part of a union official into the privacy of one's home. Last session I said that under another clause it was provided that the authorised union official would have power of entry into the house of any person employing a domestic.

Mr. Thomson: The Minister for Works says that that is not so.

Mr. DAVY: Perhaps I asserted that too dogmatically. But this session the Honorary Minister for Health said that it had been wickedly and fraudulently asserted in another place to create antagonism against the Bill.

Hon. S. W. Munsie: Why pick me? I have not spoken to the Bill.

Mr. DAVY: I accept the Minister's assurance. At any rate that statement was made. Last session the statement was apparently accepted by members sitting on the Government side of the House as they were prepared to justify it. Under the Bill, however, while there may be some doubt as to whether a union official will have the power of entry, it is clear that someone will have the authority to go to one's house and make exhaustive inquiries. The official probably will enter upon the premises to see whether the proper conditions obtain. We say that is not right. Then we claim that insurance canvassers should not be included, because there is not the same relationship between them and the companies that exists between masters and servants. There is no control over their work which is really private contracting. Frequently people already in business engage in industrial insurance canvassing as a side line.

Mr. SAMPSON: The reason that existed last session for the inclusion of "any person working with or without reward or remuneration for the purposes of acquiring a knowledge of a trade or industry, or a branch of a trade or industry," does not now exist. This provision covered motor schools. I am advised that the Perth Motor School and others do not accept work from the public, but carry out repairs required to their own cars only. Thus they are not competing with others in the motor industry, and exist merely for the purpose of giving tuition to those attending the schools. In these circumstances I claim there is no justification for the inclusion of students attending those schools within the interpretation of "workers."

The MINISTER FOR WORKS: All that I have to say was said last session, and anything I say in answer to the arguments must necessarily be reiteration.

Mr. Sampson: But the position has altered regarding the motor business.

The MINISTER FOR WORKS: Yes, for the moment. Last year, the schools were doing a lot of repairs for people and were getting it done for nothing. The fact that this work is not done now does not say that it will not be done next week.

Mr. Sampson: I do not think they did much harm to the industry because two of the schools have closed down.

The MINISTER FOR WORKS: They did a lot of harm, because other motor shops complained.

Mr. Sampson: Two of the firms went through the Bankruptcy Court.

The MINISTER FOR WORKS: I am told that their bankruptcies were due to horse racing and not to motor cars.

Mr. Davy: But what if a man desires to learn all about his motor car thoroughly in the interests of the safety of the public? What if he wants to learn all about motor repairs? How can he do so?

The MINISTER FOR WORKS: He can go to the Technical School; this does not interfere with the students attending that institution.

Mr. Sampson: Has the Technical School cars that can be taken out on the road?

The MINISTER FOR WORKS: Yes, and so has the University; the Government gave them some old cars.

Mr. Davy: But a man may prefer to learn from the people who sold him his car.

The MINISTER FOR WORKS: I have dealt with the position as it was before us last year, and while for the moment the position may not apply, there is no question that the same circumstances may arise in the future. Then it is said that difficulties will arise regarding domestic servants, who are a poorly paid and over-worked section of the community.

Hon. Sir James Mitchell: You can say that about anyone, even members of Parliament.

The MINISTER FOR WORKS: Yes, particularly Ministers. However, I believe that there is no section more poorly paid or more overworked than the domestics. Some are getting 10s. a week and some 12s. 6d.

Mr. Thomson: Not at all.

The MINISTER FOR WORKS: Yes, many of them.

Mr. Marshall: And they work for the "guinea-pigs."

Mr. Thomson: The great majority get 25s. a week.

The MINISTER FOR WORKS: I know that some receive that payment, but a great many receive much less. As to the inclusion of insurance canvassers, the difficulties that have been referred to were not found insurmountable in Queensland and in the Eastern States where they were dealt with by the Commonwealth Arbitration Court.

Mr. Richardson: What was the award in Queensland?

The MINISTER FOR WORKS: I cannot say offhand. A wage was not fixed, but merely the rate of commission.

Mr. Richardson: Was there not some allowance that would bring the minimum wage up to £3 a week or so?

The MINISTER FOR WORKS: I believe that is right. Canvassers here, I understand, are given a book that means £2 or £3 a week to them. That has been the custom of the trade. Only this morning I received a letter from the secretary of the Federal organisation of insurance agents urging that the Government should take action to bring insurance canvassers under the provisions of the State Arbitration Act. It is not suggested that a weekly, daily, or hourly wage shall be fixed, but merely the rate of commission. When the strike occurred some time ago, there was no suggestion of an hourly or weekly wage, but merely the rate of commission. It is admitted that it is difficult to fix any hours of work because the men do not start early in the morning, when it is inconvenient for them to call at houses, while they also have to call at night for the convenience of many clients. The insurance canvassers are working for poor wages, although some are fortunate enough to secure a good round and, being specially adapted for the work, they make good wages.

Mr. Mann: Is that not really the difficulty? Some are adapted to the work and some are not.

The MINISTER FOR WORKS: That applies in other avenues, and applies even to members of Parliament. Some do well, while others are failures. So far as the insurance canvassers are concerned, there is no serious objection to bringing them under the Bill. Of course there are companies that object; that is only natural; they want to be able to pay just what they like.

Mr. Thomson: There is a standard commission for canvassers.

The MINISTER FOR WORKS: There is not. I found that out when I met some of the companies on behalf of the men. There are barely two companies whose rates compare. The commissions paid are all on a different basis. Canvassers should have the opportunity of applying to the court, and there is no logical reason why the court

should be debarred from dealing with their cases.

Mr. SAMPSON: I understood the Minister to say that the technical school and the university obtained old motor cars and that these were used when students were being taught motor mechanics. In the motor schools conducted privately, nothing but up to date cars are used. It is of little value to teach anyone with cars the engines of which are obsolete.

Mr. RICHARDSON: The Minister has certainly not convinced me that any court would give an award which would be satisfactory either to the agents or to the general public. An award was given in Queensland some little time back, and I have been assured on good authority, so far as insurance canvassers are concerned, that whilst the award fixed the commission rate, it likewise fixed the minimum weekly wage, with the result that it was found, at the end of the week that quite a number of agents had not made the minimum wage. I have in mind one insurance company, and if the Minister cares to have the name I will supply it privately. The company in question has a branch in Western Australia and I have been told that they had to bring about a reduction of their canvassers by no less than two-thirds, that is to say, that since the award they have only one-third of the original number working for them in Queensland. The company had to cover themselves on account of the minimum wage that had been fixed. If that be correct, it must be working against the best interests of the canvassers. The Minister drew a comparison between sleeper cutters and insurance canvassers. I cannot see any analogy between the two for the reason that in the ordinary way the sleeper hewer knows exactly what he is able to do, provided the timber is there. He is practically employed on piece work, which is entirely different from commission work. Commission agents may for weeks go without earning anything, whilst the hewer is cutting sleepers and earning a certain amount each week. The Minister said it is not intended that the commission agent should go to the court and get an award in regard to hours. But if the court is to be of any value to insurance officers and general commission agents, it must lay down something whereby the minimum wage is set out. I cannot see how any court can fix a minimum wage for a commission agent of any description, and the Minister in making provision for this is overloading the Bill.

The Minister for Lands: Where can you find in the Bill a reference to a commission agent of any description?

Mr. RICHARDSON: The clause says, "and also includes any other employee (including insurance canvassers) under a contract or whose duties imply a contract for service remunerated wholly or partly by commission or similar reward."

The Minister for Lands: That refers to permanent employment.

Mr. RICHARDSON: It sets out not only insurance canvassers but all others. A man may be working on commission for half a dozen different people, and if he does not earn the minimum wage, who is to carry the blame? If the Minister can convince me that agents can go before the court and get an award that will be satisfactory I shall be prepared to support him.

Mr. THOMSON: I strongly object to the inclusion of domestic servants in the Bill, not that I am opposed to domestics getting reasonable conditions. We know the difficulty that is being experienced in getting domestic help, and if the Minister has his way the position will become ever more difficult. I will support the Minister's proposal if we can be assured that the effect will be to increase the number available for employment. I am afraid, however, that the proposal will have a detrimental effect. Last year when this matter was under discussion I moved an amendment that the clause should not include any person engaged in domestic service. The Minister then told the House—

> If a home cannot pay a girl decent wages and give her proper working conditions it should not have the right to employ one. I do not know what some members imagine will happen if a union secretary enters their homes. Let them remember that all sorts of people such as butchers and bakers, plumbers and grocers and telephone examiners now enter the home.

Then I interjected "By request, which makes a great difference."

The Minister for Lands: The Minister for Works was merely replying to what you said.

Mr. THOMSON: That does not appear to be so. At all events, if we pass this clause, then automatically the union secretary will have power to enter the home.

The Minister for Lands: No.

Mr. THOMSON: Yes. The union secretary will have the right to walk into the kitchen and sit down there and discuss matters with the girl. That occurred time and again during the last trouble.

The Premier: Nonsense! That was the tearooms.

Mr. THOMSON: The Premier was not here. According to Press reports, Miss Shelley and Mr. Ryce went right through the hotels, to see whether any workers were there. I would vote for the provision if I thought it would mean better conditions and more employment for servants. Already, however, it is extremely difficult to get domestic servants in country districts, and the passing of this provision will make it still harder. If the provision is carried, I shall move an amendment to the effect that it shall not apply to domestic dwellings. As regards canvassers or commission agents, I can also see great difficulties. In Queensland the effect of a similar provision was to limit the employment of agents. An agent might go for a week or even a fortnight without writing any business, and in the third week might write as much as would compensate him for the period that gave no results. A timber hewer is on an entirely different footing from an agent. The hewer's output depends solely on the man's industry, because he has the raw material to work on. An insurance canvasser, however, may call on a hundred persons in one day and find all of them either already insured, or else without any desire to insure. So the canvasser would be working without any result to the insurance company. If he were on a minimum wage, the cost of obtaining new business would be too high, and thus there would be the undesirable result of insurance of that nature being restricted to two or three large companies.

The MINISTER FOR LANDS: The previous speaker is denser than I thought he was. He should have taken the opportunity to look up this matter after the debate of the other evening. The argument he has put up is based on the fact that last session the Minister for Works asked the question, "What is wrong?" with regard to some statements that were made here. The Factories and Shops Act, 1920, provides—

> But the term "factory" does not include . . . . (f) any building, premises, or place in which any person, not being of the Chinese or other Asiatic race, is engaged in any trade, operation or process mentioned in paragraphs (1) to (8), inclusive, of this definition at home, that is to say, in private premises used as a dwelling or in any adjacent building or structure appropriated to the use of the household . . . .

Is not that plain enough?

Mr. Thomson: Quite plain, but it did not stop the union secretary from going into houses during the tearoom strike.

The MINISTER FOR LANDS: It is quite true, as stated by the member for West Perth, that under the Industrial Arbitration Act a person can enter premises to ask certain questions and to require the production of books; but the right of entry is only under the Factories and Shops Act, which precludes entering into a dwelling-house. As regards the point raised by the member for Subiaco, this clause would not apply to a commission agent. A commission agent might be working for hundreds of people; he might earn a dozen commissions in a day. Most commission agents follow that avocation together with a house and land agency. This provision of the Bill applies only to a person permanently employed, without wages, solely on a commission. What is wrong with giving the Arbitration Court the right, after hearing both sides, to say what is just to the man working solely on commission and to the man so employing him? But assuredly the provision does not apply to a general commission agent.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. Sir JAMES MITCHELL: Under this clause "industry" means any business, trade, manufacture, handicraft or undertaking. Even a man in a private garden being taught to grow cabbages could be brought under the clause. So, too, if one took a man out fishing, that man could be brought under the clause. All persons could be brought under this clause, notwithstanding that their services were of no advantage whatever to the one instructing them. Anybody trying to help another could be brought under the clause. In last year's Bill this was taken as dealing only with motor schools. It is difficult to regulate by arbitration the work done in a private house. There is no apprenticeship to domestic service, and so in the early years of her training a maid cannot be very useful to her em-

ployer. Under this provision it would be quite possible to make it difficult for inexperienced girls to get employment at all. Yet, as we know, every married woman must need help at some time or other, and probably very frequently. I have no objection to the desire of the Minister that the maids should have good wages and good working conditions. That is a laudable idea. But to have it fixed by arbitration is quite impossible. Nor do I think there has been any demand by the maids that they should be brought under the Arbitration Act. Arbitration is a very desirable thing in any organised industry, but we are going too far with this proposal. The Bill contains altogether too much. Every member has some pet idea that he wants to introduce, and nobody has a greater crop of them than has the Minister himself. Because of his intimate knowledge of the subject, and his personal experiences of arbitration, he is really most unfitted to draft a measure such as this.

Hon. G. Taylor: He has put everything into it.

Hon. Sir JAMES MITCHELL: He is an autocrat and if we put into the Bill all that he would like to see there, it would give him, if he were still an industrial leader, absolute control not only over the workers but over the employers as well.

The Minister for Works: Things would be all right then.

Hon. Sir JAMES MITCHELL: It is an impossibility to ask any Arbitration Court to deal with this matter. Take even the book proposed to be signed and kept. How could any mistress always see to it that the book was signed, not only when the maid came on duty in the morning and when she left at night, but every time she went off for an hour?

Mr. Marshall: At what time of the day would she go off to play tennis?

Hon. Sir JAMES MITCHELL: Whenever she was inclined to go. It is certain that she would have more freedom than the mistress, who has so many duties to perform for her family. In any case, I do not think we need worry very much about the maids, for they all go off and get married.

Mr. Thomson: The better the servant, the sooner you lose her.

Hon. Sir JAMES MITCHELL: That is so. There are in this country some 20,000 fewer women than men, and all the young girls go and get married. In the Old Country there are factories for the young girls to go into and so, when eventually they come out here, they have their domestic duties to learn.

The Minister for Lands: We cannot get them to come out now.

Hon. Sir JAMES MITCHELL: Probably they know you are in office. However, as I say, everybody would be brought under this clause, and I do not think it at all advisable to stand in the way of those young people who desire to acquire some special knowledge as, for instance, of motor car engines.

The Minister for Works: Not even if they are competing with others earning a living?

Hon. Sir JAMES MITCHELL: I do not see how they could do that. I do not know who would allow a number of young students to repair a motor car about to go on the road. If they are doing useful work in the school that is one thing, but if they are being taught to repair cars belonging to other people it is very dangerous.

Mr. Thomson: Probably they are under a competent instructor.

Hon. Sir JAMES MITCHELL: Even then they should not be allowed to work on motor cars that are going on the roads. People who work on commission generally undertake other business as well, and I do not see how the court could provide for them. Their success depends upon their energy and their fitness for that special work.

Mr. SLEEMAN: I cannot understand why there should be such opposition to the subclause. One of the main reasons why domestic servants are not procurable is because of the long hours required of them and the low wages paid to them. Some employers grant fair conditions, but provision should be made to protect domestics against unscrupulous employers. I know of young girls who have just left school being paid 5s. a week ostensibly to look after children, but their duties include half the work of the house. Insurance canvassers are almost unanimous in the opinion that they should be brought under the Act. These men had to take direct action some time ago, and though members of the Opposition do not believe in direct action, they will not support this provision. I hope that members of the Opposition who spoke so feelingly the other night about the long hours worked by women, will support this proposal.

Hon. G. TAYLOR: I favour relief being granted to domestic servants, but I doubt whether it can be accomplished under this provision. This section of workers has not received sufficient protection from Parliament, but it is difficult to provide an effective method to deal with them. Perhaps domestic servants could be provided for on the basis of the number of persons in the family or the number of rooms in the house. I should like the three sections of the subclause to be dealt with separately.

Mr. DAVY: I ask leave to withdraw my amendment in order that I might move it in three sections, so that members may vote on each according to their views.

Amendment, by leave, withdrawn.

Mr. DAVY: I move an amendment—

That in Subclause (6) the following words be deleted—"By omitting the words 'but shall not include any person engaged in domestic service,' in the interpretation of 'worker,' and."

The MINISTER FOR WORKS: This amendment will give a clear vote on the inclusion or otherwise of domestic servants. I cannot subscribe to the proposal to deal specially with domestics by legislation, because the circumstances would require careful investigation that we could not undertake. The best course would be for the court to avail itself of the procedure to appoint a board to investigate the whole matter of domestic service.

Hon. G. Taylor: I mentioned that only to show how far I was prepared to go.

The MINISTER FOR WORKS: Quite so. I recognise that some members opposite consider there is room for improvement in the conditions governing the employment of domestics. I am sure the reason why there is such a dearth of girls offering for this class of employment is the unattractive nature of the work, and the wages and conditions surrounding the employment. If there were a better atmosphere connected with the work, and better remuneration and conditions offering, people would get a better type of domestic employee, and a bigger number to select from. Now that the conditions of work for barmaids are so improved, there is a much better type of woman offering for those positions. It is impossible to do anything for domestic employees whilst the present conditions exist.

Mr. DAVY: It is not the desire to improve the conditions of domestic workers that I object to, nor do I say that in many instances the conditions do not require to be improved. I object to the intrusion into the private home, and the attempt to make rigid conditions of employment when they cannot be made rigid. I object to the relationship between employer and employee being dealt with in the way proposed. If this provision is included in the Bill it will lead to the abandonment by many people of any attempt to employ domestic servants. The housewife has enough obligations cast upon her without keeping books and records, and answering questions put to her by union officials. Better wages and conditions are being fixed for all other classes of labour, and domestic servants can well be left alone, because their positions will be balanced by the positions of the other workers.

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

Ayes	16
Noes	23
Majority against ..	7

AYES.

Mr. Angelo	Mr. Sampson
Mr. Davy	Mr. J. H. Smith
Mr. Denton	Mr. J. M. Smith
Mr. E. B. Johnston	Mr. Stubbs
Mr. Latham	Mr. Teesdale
Mr. Lindsay	Mr. Thomson
Mr. Mann	Mr. C. P. Wansbrough
Sir James Mitchell	Mr. Richardson
	(*Teller.*)

NOES.

Mr. Angwin	Mr. McCallum
Mr. Brown	Mr. Millington
Mr. Chesson	Mr. Munsie
Mr. Collier	Mr. North
Mr. Corboy	Mr. Panton
Mr. Coverley	Mr. Sleeman
Mr. Cunningham	Mr. Taylor
Mr. Heron	Mr. Troy
Mr. Kennedy	Mr. A. Wansbrough
Mr. Lambert	Mr. Willcock
Mr. Lamond	Mr. Wilson
Mr. Marshall	(*Teller.*)

PAIRS.

AYES.	NOES.
Mr. Maley	Miss Holman
Mr. George	Mr. W. D. Johnson
Mr. Barnard	Mr. Clydesdale

Amendment thus negatived.

Mr DAVY: I move an amendment—

That the following words be struck out:—"The term includes any person working with or without reward or remuneration for the

purpose of acquiring a knowledge of a trade or industry, otherwise than as a student attending a technical school certified as such by the Minister; and.''

The MINISTER FOR WORKS: I agree to the first part of this paragraph being struck out, as the occasion for it no longer exists.

Amendment put and passed.

Mr. DAVY: I move an amendment—

That the words ''also includes any other employee (including insurance canvassers) under a contract or whose duties imply a contract for service remunerated wholly or partly by commission or similar reward,'' be struck out.

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

Ayes	18
Noes	22
Majority against ..	4

AYES.

Mr. Angelo	Mr. North
Mr. Brown	Mr. Sampson
Mr. Davy	Mr. J. H. Smith
Mr. Denton	Mr. Stubbs
Mr. E. B. Johnston	Mr. Taylor
Mr. Latham	Mr. Teesdale
Mr. Lindsay	Mr. Thomson
Mr. Mann	Mr. C. P. Wansbrough
Sir James Mitchell	Mr. Richardson
	(*Teller.*)

NOES.

Mr. Angwin	Mr. Marshall
Mr. Chesson	Mr. McCallum
Mr. Collier	Mr. Millington
Mr. Corboy	Mr. Munsie
Mr. Coverley	Mr. Panton
Mr. Cunningham	Mr. Sleeman
Mr. Heron	Mr. J. M. Smith
Mr. Hughes	Mr. Troy
Mr. Kennedy	Mr. A. Wansbrough
Mr. Lambert	Mr. Willcock
Mr. Lamond	Mr. Wilson
	(*Teller.*)

PAIRS.

AYES.	NOES.
Mr. Maley	Miss Holman
Mr. Barnard	Mr. Clydesdale
Mr. George	Mr. W. D. Johnson
Mr. Griffiths	Mr. Withers

Amendment thus negatived.

Clause, as amended, agreed to.

Clause 3—Amendment of Section 6:

Hon. Sir JAMES MITCHELL: Will the Minister explain the necessity for the amendment?

The MINISTER FOR WORKS: The amendment deals with one of the most intricate points that has to be discussed regarding the registration of a union and the application of awards. I have not yet heard anyone define a "specified industry." Some industries are so intricate and their ramifications are so wide that it is almost impossible to say where they begin and end. A navvy, for instance, may be working on railway construction to-day and then he may go from that to water conservation works, to road building, to helping on bridges and so on. What industry or industries does his occupation come under?

Hon. Sir James Mitchell: What will happen under this clause?

The MINISTER FOR WORKS: The necessity for indicating the "specified" industry will be eliminated. The A.W.U., the largest and most powerful industrial organisation in Australia, cannot secure registration because its ranks include the unskilled workers who are scattered over all sections of industry. It is impossible to provide a constitution indicating any specified industry for those men, and in the circumstances the organisation cannot register. In view of the doubt that exists even under the Bill as framed now, I will move an amendment later on to make absolutely sure that nothing in the Bill will prevent the registration of the A.W.U. That organisation has spent a lot of money in compiling rules and consulting counsel with a view to securing registration, but it has been of no avail.

Mr. Davy: Sections of the union can secure registration.

The MINISTER FOR WORKS: Yes, branches that can be separated into specified industries such as the mining branch and perhaps the shearers, too, might be able to secure registration. The Leader of the Opposition was anxious to secure the registration of the A.W.U. and it was largely on the representations of Sir James Mitchell that the organisation made a definite application to the court for registration. However, the union was advised that it could not be registered. Every man who desires industrial peace would like to see the A.W.U. registered. It has always stood by the principle of arbitration and Federal judges have more than once complimented the organisation on its stand. The inclusion of the words referring to specified industries serves no useful purpose and merely creates fur-

ther scope for argument and litigation. I want to make the Bill so elastic and easy to work under, that we will do away with the restrictions and irritants that the law contains at present.

Hon. Sir JAMES MITCHELL: The Minister has explained very clearly what he wishes to secure. The A.W.U. cannot be registered under our State laws, but the organisation has a Federal award and that has caused confusion. During the engineers' strike we had one section working under the State award and another under the Federal award and the conflict between the awards led to much of the trouble. We should pause before going too far. The trouble is that the men go to both courts and when finished with one, they go to the other, and take the award that suits them best. The clause paves the way for the formation of one big union.

Mr. Richardson: It may act in the reverse way, the formation of smaller unions.

Hon. Sir JAMES MITCHELL: We shall find the A.W.U. working here approaching our court, whilst the A.W.U. all over Australia will apply to the Federal Court. The Minister proposes an amendment to Section 19 of the principal Act, which will read, "Registrars shall refuse to register any society, trade union or company as an industrial union if in the same locality there exists an industrial union to which the members or the bulk of the members of such society, trade union or company can conveniently belong." Of course we shall not allow the Minister to make any such alteration when we come to it. We do not want to compel men to join one big union which, apparently, is in the Minister's mind. I suggest that people working in the State should form unions that can approach our court. We must not assist in the formation of one big union.

Mr. Panton: I wish that were possible.

Mr. Hughes: Don't you think it would be better to have one big union? Would there not be a considerable saving in administration costs and time?

Hon. Sir JAMES MITCHELL: I do not think that the court could then do justice to all the people working in the various industries. We have had confusion, but that has not been because of the numerous small trade unions, but because of the big unions. All sorts of people may join together under this clause.

Hon. G. TAYLOR: I do not know whether the clause will go as far as the Leader of the Opposition anticipates in the direction of forming one big union, but it will certainly give the right to the A.W.U. to register as an industrial organisation. The A.W.U. covers practically all forms of labour outside the trades. It possesses in its organisation many callings, and it is necessary that each one should be able to cite a case before the Arbitration Court. The present position is unsatisfactory to the workers and the State in general. I have no objection to the A.W.U. becoming a registered body.

Clause put and passed.

Clause 4—agreed to.

Clause 5—Amendment of Section 19:

Hon. Sir JAMES MITCHELL: The Committee should not pass this clause, which makes it mandatory upon the Registrar to refuse to register a union. This question should be left to his discretion.

The MINISTER FOR WORKS: It is because of the discretion that has been used that I want this amendment made. Our industries cannot work smoothly if we have two unions connected with the same industry. There are two societies of engineers, the Amalgamated Society and the Australian Society, and each outbids the other for membership and in the matter of conditions. We also have two sets of engine drivers' unions and two miners' unions. This position has led to discontent. In the case of the mining industry strife has been created throughout the districts, and homes have been divided. I do not want this sort of thing to be extended, though I do not suggest de-registering any of the unions now registered. The employers would welcome this amendment to the Act, for they say it is preferable to have to deal with one union in a given industry than with several.

Hon. G. TAYLOR: If we pass this clause we prevent any union from being formed, because we prevent its registration. On the one hand we say we are prepared to give the court wide powers.

The Minister for Works: This is not the court, but the Registrar.

Hon. G. TAYLOR: And on the other hand, we restrict the powers of the court or registrar. I hope the Minister will reconsider the power, which seems rather dangerous.

Hon. Sir JAMES MITCHELL: I move an amendment—

That the words "by substituting the word 'shall' for the word 'may,' in the first line thereof," be struck out.

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

Ayes	19
Noes	21
Majority against ..	2

AYES.

Mr. Angelo	Mr. Sampson
Mr. Brown	Mr. J. H. Smith
Mr. Davy	Mr. J. M. Smith
Mr. Denton	Mr. Stubbs
Mr. E. B. Johnston	Mr. Taylor
Mr. Latham	Mr. Teesdale
Mr. Lindsay	Mr. Thomson
Mr. Mann	Mr. C. P. Wansbrough
Sir James Mitchell	Mr. Richardson
Mr. North	(*Teller.*)

NOES.

Mr. Angwin	Mr. Marshall
Mr. Chesson	Mr. McCallum
Mr. Collier	Mr. Millington
Mr. Corboy	Mr. Munsie
Mr. Coverley	Mr. Panton
Mr. Cunningham	Mr. Sleeman
Mr. Heron	Mr. Troy
Mr. Hughes	Mr. A. Wansbrough
Mr. Kennedy	Mr. Willcock
Mr. Lambert	Mr. Wilson
Mr. Lamond	(*Teller.*)

PAIRS.

AYES.	NOES.
Mr. Maley	Miss Holman
Mr. Barnard	Mr. Clydesdale
Mr. George	Mr. W. D. Johnson
Mr. Griffiths	Mr. Withers

Amendment thus negatived.

The MINISTER FOR WORKS: I move an amendment—

That the following be added to the clause: —"but this section shall not be so applied as to prevent the registration of the Western Australian branch of the Australian Workers' Union."

Hon. G. Taylor: Pretty definite!

Hon. Sir JAMES MITCHELL: What has prompted this further amendment?

The Minister for Works: Another union is named in the existing Act.

Hon. Sir JAMES MITCHELL: The 1902 Act was amended in 1912 by a Government in which the present Speaker was Attorney General. I object to the inclusion of words dealing with only one union. We forget that it may not suit some men to be associated with other large bodies of men. Unions, while they say much about profiteering, themselves impose high fees. Men might prefer to form a union which would do the same work at a fraction of the cost.

The Premier: The cost is only 6d. a week.

Hon. Sir JAMES MITCHELL: But then there are the special levies. The unionist pays pretty dearly one way and another. We are making it possible for the unions to charge far more than they should charge. The great majority of the unionists have no hand in the appointment of officials and take no part in the conduct of affairs. I believe they are not always notified when meetings are to be held.

Mr. Sleeman: Where do you get your information from?

Hon. Sir JAMES MITCHELL: If my amendment had been carried, the time of the Chamber would not now be wasted.

Mr. TEESDALE: The amendment should not be pressed. It is the most partial thing I have ever known to be advanced here. The Government can bludgeon anything through with their majority, but I would ask the Minister to think twice about this.

The MINISTER FOR WORKS: Subsection 5 of Section 6 of the existing Act names a particular union, the Metropolitan Shop Assistants' and Warehousemen's Industrial Union of Workers. That Act was passed in 1912. The reason was the very same as exists for the moving of the present amendment. It took the union in question 18 months' fighting in the courts even to get a footing. At that time legal proceedings were pending regarding the registration. After having been thrown out of court half a dozen times in 18 months, the union found its registration attacked. We were told there were so many loopholes that the best way to get over the difficulty was to name the union in the Act.

Hon. Sir James Mitchell: But you wipe all that out by the amendment.

The MINISTER FOR WORKS: Yes, because we are not confining it to any specified industry. It was only to-day that the doubt was raised by the Crown Law authorities as to whether even under the Bill as it stands, the A.W.U. could be registered. It would be a thousand pities if the Bill were passed and the largest organisation in the State still found it impossible to be registered.

Hon. Sir James Mitchell: You are merely making assurance doubly sure.

The MINISTER FOR WORKS: That is so. The A.W.U. has done everything possible to secure registration, and has had to fight in the law courts. I cannot understand the opposition to the amendment.

Hon. G. Taylor: Why not trust the Registrar to use his common sense?

The MINISTER FOR WORKS: The amendment is moved only because of the advice given by the Crown Law authorities this morning.

The Premier: And the Registrar has to go on the wording of the Act.

Mr. Davy: If you had used the word "may" instead of "shall' in the clause you would not require this amendment.

The MINISTER FOR WORKS: That is not so, because the previous clause deals with the constitution of unions, which must follow along specified lines. Even with the precautions the doubt still exists as to whether the A.W.U. can be registered.

[*Mr. Lambert took the Chair.*]

Hon. Sir James Mitchell: But there will be no doubt now.

Mr. Teesdale: It would be better not to name the union specifically. The Shop Assistants' Union was in a different position from this sprawling organisation.

The MINISTER FOR WORKS: That interjection takes me back to the old days when I had to argue on behalf of the shop assistants. The argument then was that I should split the Shop Assistants' Union into 20 or more separate organisations.

Mr. Panton: There would have been 42 in Boans' alone.

Mr. Teesdale: That was a ridiculous argument to put up.

The MINISTER FOR WORKS: But that is the type of argument regarding the A.W.U. now. Not one of the employers today would ask for the shop assistants' organisation to be split into a number of smaller organisations.

Mr. Thomson: Is it your idea that the wages will be made a common rule all through?

The MINISTER FOR WORKS: No, we have agreements in the Public Works Department setting out different rates of wages for different work.

Hon. G. TAYLOR: I cannot follow the Minister in his comparison between the Shop Assistants' Union and the A.W.U. The former relates mostly to the metropolitan area and the goldfields, whilst the A.W.U. embraces workers from Wyndham to Eucla. There is no similarity between the two organisations. To say definitely that the Registrar shall register the union is going too far. That action by Parliament will narrow rather than widen the legislation.

The Minister for Works: The amendment does not say the Registrar "shall" register the organisation; it says that the registration of the union shall not be prevented.

Hon. G. TAYLOR: In effect it tells the Registrar that he must register the organisation.

Mr. COVERLEY: I hope the amendment will be agreed to. Considering that the member for Roebourne and the member for Mt. Margaret represent country constituencies, their opposition to the amendment surprises me. Unless the amendment be agreed to the A.W.U. will have a repetition of its experiences in court. The Western Australian branch of the A.W.U. has appealed on more than one occasion to the Federal Arbitration Court for the registration of some of its branches. It has cost the union thousands of pounds, and on three occasions the union was beaten on technicalities. To obviate the pleading of technicalities, the amendment is a good one. There is nothing drastic about it, and hope the Committee will agree to it.

Mr. PANTON: Mr. Justice Burnside, when president of the Arbitration Court, frequently told advocates that if Parliament had intended certain things they would have said so. That is what the Minister is aiming at in his amendment. Without it we shall find the president of the Arbitration Court saying that if Parliament meant that the W.A. branch of the A.W.U. should be registered, Parliament would have said so. It was found necessary to place the name of the Shop Assistants' Union in the Act of 1912. Even then, when Mr. Justice Rooth decided that the shop assistants constituted an industry, the employers took us to the Full Court, where the point was argued for a couple of days. However, we won, and since then the shop assistants have never had to go to the court for an award. There is a similar fight going on to prevent the registration of the A.W.U. One of the disabilities suffered by the members of that union is that they are continually travelling

around on what might be termed casual work.

Hon. Sir James Mitchell: Then there is no need for them to join a union.

Mr. PANTON: Yes, there is, and there is no other union catering for them. If they were a registered organisation they could go to the court and secure an award for, say, navvying anywhere within 25 miles of the Perth post office. To-day they have to secure a separate agreement for each job they take, and their agreements cannot be registered since their union is not registered under the Arbitration Act. If they were a registered organisation, they could get one comprehensive agreement and have it registered.

Mr. DAVY: I have no hostility to the A.W.U. becoming registered under the Act. What I object to is that if it be done under the proposed amendment, probably they will be the last union to come in. The doubt as to whether they can get in has arisen over the substitution of "shall" for "may" in Clause 5. The Minister has made it compulsory on the Registrar to refuse to register a union if there be another union to which the members of the applicant union might reasonably belong. So, if we carry the Minister's proposed amendment and the A.W.U. comes in by specific mention, it may be the last union that will be able to come in; because the A.W.U. embraces virtually every calling in Australia, and so would be a convenient union for subsequent applicants for registration to join.

Mr. Panton: Oh, rubbish!

Mr. DAVY: I understand that the A.W.U. embraces very many callings, and in its constitution does not recognise any limitation to those callings. So after that union secures registration, it might very well be that no other union will be allowed to register. It appears to me that is the danger.

Mr. C. P. WANSBROUGH: The danger of the amendment lies in the fact that the A.W.U. embraces so many occupations. What comparison is there between, say, a miner, a navvy and a farm worker?

Mr. Sleeman: The farm worker might as well be in the A.W.U. as in any other union.

Mr. C. P. WANSBROUGH: If the Minister would define the industries that could be embraced by the A.W.U., I might support the amendment.

Mr. THOMSON: I will oppose the amendment. I can see the danger pointed out by the member for West Perth (Mr. Davy). If the A.W.U. is registered it is quite possible that no other unions will be permitted to register. At some future time the rural workers might decide to form a union of their own.

Mr. Sleeman: It would be a good thing if they did.

Mr. THOMSON: Yet if this amendment be carried they will be debarred, because the A.W.U. will say, "We are already in existence and it is convenient for you to join us." If it is right that we should have one big general union such as the A.W.U., we should have only one big union in the building trades. Of course, having their numbers, the Government will carry the amendment, but I strongly object to any union being named in the Bill. The Shop Assistants' Union already alluded to is limited to the metropolitan area. Any agreement outside the metropolitan area is arranged for privately.

Mr. Panton: Each of the country branches is a registered organisation.

Mr. THOMSON: The position of the A.W.U. is quite different. If that organisation is brought under the Bill it will be able to stifle the growth of all smaller unions.

Hon. G. Taylor: There will be no small unions.

Mr. THOMSON: That is so. I hope the Minister will withdraw his amendment.

Mr. PANTON: The member for Katanning does not know anything about the A.W.U. or the shop assistants. The ramifications of the Shop Assistants' Union have been extended to embrace practically the whole State, but these organisations are registered separately for the purpose of arbitration. The A.W.U. has a pastoral section, which elects its own officers and appoints its own representatives to the central executive. It is the same with the mining section and the general workers' section.

Mr. THOMSON: The member for Menzies has not explained anything.

The CHAIRMAN: I must ask members to confine themselves to the amendment.

Mr. THOMSON: The shop assistants are different from the A.W.U. The former were first brought under the Act at the time when there was only a metropolitan organisation, but since then it has been extended to country districts. If we are going to have arbi-

tration the door should be left wide open so that any section of the community may form itself into a union. No section should be debarred by the A.W.U.

Mr. Sleeman: The country branches of the Shop Assistants' Union have no say in the metropolitan agreement.

The PREMIER: The objection to the amendment is that it is wrong to name a specific union that should be registered. In order to show that this is not a new thing the Minister for Works quoted a section of the 1912 Act relating to shop assistants. That union was formed because of the difficulty in securing its registration unless it was named. The amendment is desired because the Minister fears there will be a similar difficulty about securing the registration of the A.W.U. The member for Katanning thinks he has discovered a great objection, because the 1912 Act is confined to a union which has its operations within the metropolitan area. It is the principle, and not the geographical boundaries, that matters in this case. The principle is identical in each case. The argument of the member for Katanning is stupid. The member for Mt. Margaret was extremely inconsistent. Earlier in the evening he supported a proposal that the A.W.U. should be registered. Immediately an amendment with that object is moved by the Minister for Works, the member for Mt. Margaret faces right about and opposes it.

Hon. G. Taylor: Certainly.

The PREMIER: The hon. member should welcome the amendment. He cannot have followed its wording. The A.W.U. have more right to be named in an Act of Parliament than any other union. The matter of their registration should be placed beyond all doubt.

Mr. MANN: The Premier has evaded the point raised by the member for West Perth, that the carrying of the previous amendment made it mandatory to refuse a union registration if a corresponding union was already in existence. The carrying of the amendment would make the A.W.U. an all-absorbing union, and no other union could be registered. At Geraldton a number of men were employed on the harbour works, as members of another union, under an award, and the representative of the A.W.U. said the men had no right to be under that union or to be controlled by the award, but would have to come under the A.W.U.

The Minister for Works: No such thing ever happened. You must be dreaming.

Mr. MANN: I saw it reported in the "West Australian."

The Minister for Works: It must have been in a special copy of the "West Australian." No such thing ever occurred.

Mr. MANN: It did occur. There is a case in point of a big union absorbing a small union.

The Minister for Works: Not a line of such a case was ever printed.

Mr. MANN: Similarly, the Harbour and River Employees' Union was taken into the Seamen's Union, as the Minister will remember. The amendment carries with it a similar danger.

Hon. G. TAYLOR: I was prepared to go so far as to say that Section 19 of the principal Act should be amended, but the Minister wishes to add to this clause words declaring that it shall not apply to the A.W.U. I was prepared to remove an obstacle by substituting "shall" for "may." I am not prepared, however, to tell the Registrar, "You shall register the A.W.U., and you shall register no more unions." That will be the position if we carry the amendment. I do not desire to give a monopoly to one section of the community, or to render it possible for one union to browbeat others. All the side-tracking and cunning of the Premier cannot alter that position.

The Minister for Works: You voted against the provision.

Hon. G. TAYLOR: There was no vote on it. The vote was on the previous provision. I was a founder of the A.W.U. as far back as 1889, and I am not deserting them now.

Mr. DAVY: There is no inconsistency in holding that it would be good to have the A.W.U. registered and opposing this clause, because since we were faced with the amendment which would admit the A.W.U. the position has changed. The difficulty as regards registering the A.W.U. occurs in Section 6 of the principal Act. In Section 19 the word "may" has been altered to "shall," making it obligatory on the Registrar to decline the registration of any union if there is already in existence a union to which members may conveniently belong. Then if the A.W.U. came along for registration, they might be met by the answer, "Miners can belong to the miners' union, and navvies to a manual labourers' union," and so on. The last amendment may let in the A.W.U. and close the books. That seems to me the danger.

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

Ayes	22
Noes	20
Majority for ..	2

AYES.

Mr. Angwin	Mr. Marshall
Mr. Chesson	Mr. McCallum
Mr. Clydesdale	Mr. Millington
Mr. Collier	Mr. Munsie
Mr. Corboy	Mr. Panton
Mr. Coverley	Mr. Sleeman
Mr. Cunningham	Mr. Troy
Mr. Heron	Mr. A. Wansbrough
Mr. Hughes	Mr. Willcock
Mr. Kennedy	Mr. Wilson
Mr. Lamond	(*Teller.*)
Mr. Lutey	

NOES.

Mr. Angelo	Mr. Sampson
Mr. Barnard	Mr. J. H. Smith
Mr. Brown	Mr. J. M. Smith
Mr. Davy	Mr. Stubbs
Mr. Denton	Mr. Taylor
Mr. E. B. Johnston	Mr. Teesdale
Mr. Latham	Mr. Thomson
Mr. Lindsay	Mr. C. P. Wansbrough
Mr. Mann	Mr. Richardson
Sir James Mitchell	(*Teller.*)
Mr. North	

PAIRS.

AYES.	NOES.
Miss Holman	Mr. Maley
Mr. W. D. Johnson	Mr. George
Mr. Withers	Mr. Griffiths

Amendment thus passed; the clause, as amended, agreed to.

Clause 6—Variation of agreement to conform with commonw rule:

Mr. DAVY: I have an amendment on the Notice Paper that does not affect the principle embodied in the clause but deals more fully with what is referred to. I do not know whether the Minister will accept it.

The MINISTER FOR WORKS: The main difference between the two is that the clause provides that "the court may order" the variation of an industrial agreement, which infers that an application must be made to the court first, whereas the hon. member's suggested amendment provides that "the court may on its own motion amend or vary any industrial agreement," where it is inconsistent with any award. I am not opposed to the latter part of the amendment, which sets out that any "such agreement shall be deemed to be amended or varied, as the case may be and take effect accordingly." That would mean that a special application to that end would not be necessary. I do not think it would be wise to say that the court should act on its own motion if two parties were in agreement.

Mr. Davy: Except that there may be a conflict with an existing common rule, in which circumstances the agreement should be brought into conformity.

The MINISTER FOR WORKS: It would not be wise to interfere if parties were working amicably together.

Mr. Davy: But the common rule would be the law and such an action might mean contracting out of that common rule.

The MINISTER FOR WORKS: It would be preferable to retain the clause, with the addition of the latter part of the proposed amendment.

[*Mr. Lutey resumed the Chair.*]

Mr. DAVY: I move an amendment—

That the following words be added to the subclause:—"and such agreement shall be deemed to be amended or varied as the case may be and take effect accordingly."

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

Clause 7—Amendment of Section 42, Members of the court:

Mr. DAVY: This is one of the most important clauses in the Bill and is one with which we disagree on principle most strongly. It provides that the court shall consist of three members. That cannot be a mater of vital principle, although we think the court would be more effective if the two lay members were abolished. That opinion is shared by the most experienced industrialists in the State. Although originally the two lay members were intended to act as judges and deal impartially with applications before them—that being their oath—in practice they have not dealt with matters impartially, but have appeared candidly and without any disguise as partisans. Recently, when the court was dealing with alleged offences against awards, one lay member secured the adjournment of the court because the other lay member was absent. Thus, it is clear that the lay members have abandoned the idea of dealing with applications impartially and, therefore, the court would be better without them. The greatest principle involved, however, relates to the president of the court, who he shall be and what tenure of office shall be

given him. In the clause and the subsequent clauses dealing with it, it is provided that the president may be a judge of the Supreme Court. If he be a judge, then the tenure is all right, but if he is not, the president is to be appointed for seven years. Such a proposal is wrong. For the president of a court dealing in matters having such huge results and carrying such responsibilities, there should be appointed a man having the same tenure of office and the same independence as a judge of the Supreme Court. I move an amendment—

That all the words after "of," in the third line, to "forty-four," in the tenth line, be struck out, and the following words inserted in lieu:—"a president who shall be appointed by the Governor from among persons having in every respect the same qualifications as judges of the Supreme Court, and when appointed he shall in every respect hold office for the same period and at the same salary, terms and conditions as judges of the Supreme Court."

The amendment will wipe out the two lay members, make the Arbitration Court a one-man court, provide that the president shall be a lawyer of some years' experience, and will give him the independent tenure that is so vital for a man performing such important functions. If it were agreed to appoint a judge or a lawyer having the tenure and independence of a judge, we would not object to the lay members. I would be inclined to make a bargain with the Minister if he would agree along those lines. A man having the ordinary type of mind, if placed in an independent position, will automatically endeavour to do what is right, whereas the finest mind tends to be influenced if his position is not independent. That is the most important defect in the clause. The second defect is that the president need not be a lawyer. The special functions required by the court should be performed by a man trained in the weighing of evidence, the considering of facts and the judging of the value of evidence.

Mr. Mann: Would you accept an experienced clerk of courts?

Mr. DAVY: No, because I do not think he would have the training that suits him for a judicial position. A judge has to be born, not made. He has to possess the judicial mind and have the necessary training.

The MINISTER FOR WORKS: The constitution of the court is, of course, the foundation of the whole machinery. It has been widely discussed by the unions, the overwhelming majority of whom have agreed that the court should consist of three members. I have stood for that ever since the inception of arbitration, and have never favoured the idea of one man determining such important issues as come before that court.

Hon. G. Taylor: Yet he really does so when the other two do not agree.

The MINISTER FOR WORKS: He is then deciding an issue with the knowledge and information that the other two can give him.

Mr. Mann: That should come from the evidence.

The MINISTER FOR WORKS: I disagree with that. The decisions of that court have to be arrived at, not on evidence, but on equity and good conscience. It is entirely different from the Supreme Court. Members of the Arbitration Court inform their own minds by every means at their disposal. They visit works, go down mines and pass in and out of factories. I disagree with tying down such a court to evidence given in the witness box. No other court tries such important issues. It may actually decide whether an industry is to carry on or not, and it establishes the standard of living for the whole community. I can never agree that such issues should be left to any one man. There is no better system than to have three members of the court, two representing the parties and one exercising a judicial mind.

Mr. Thomson: Would it not be all right if the president were permanently appointed?

The MINISTER FOR WORKS: I canvassed that idea for a considerable time, and I want to see permanency as far as it is safe.

Mr. Davy: Can it be safe not to give permanency?

The MINISTER FOR WORKS: If the right man could be discovered for the post I should be with you. No Arbitration Act in the Commonwealth appoints the president for life.

Mr. Davy: What about Queensland?

The MINISTER FOR WORKS: There he is appointed for three years or five years, I forget which.

Mr. Davy: But he is a judge of the Supreme Court, and so has permanency.

The MINISTER FOR WORKS: He is not permanently appointed president of the court. I have taken seven years, which is the Commonwealth court period, and the longest in Australia.

Mr. Davy: But all the presidents are judges, and so they get their independence.

The MINISTER FOR WORKS: The last two deputy presidents appointed to the Commonwealth court are not judges. They are appointed for seven years.

Hon. G. Taylor: The president of that court is a judge.

The MINISTER FOR WORKS: But he has no permanency under the Arbitration Act.

Mr. Davy: As a judge he has an independent position for life.

The MINISTER FOR WORKS: But he will not be there for life.

Mr. Davy: If he goes from there he will not be worse off. That is the important point.

The MINISTER FOR WORKS: It is the opinion both of the Employers' Federation and of the industrial unions of workers that whoever is appointed president of the court should give his whole time to the work. If we were to make the appointment for life, and got a wrong man, we should not be able to shift him, except by vote of both Houses of Parliament. I cannot agree that lawyers are better fitted to weigh evidence than are men belonging to other sections of the community. Every decision that a commercial man comes to is arrived at on the weight of evidence. It is wrong to confine the choice of the Government to men who are trained in one particular line. The success of the measure will depend upon the man who is appointed to the position of president.

Mr. Mann: Will it be necessary to go outside the State?

The MINISTER FOR WORKS: The Government cannot be expected to answer a question like that. The question has been carefully gone into, and this is our view.

Progress reported.

BILL—JURY ACT AMENDMENT.

Message from the Governor received and read recommending appropriation for the purposes of this Bill.

House adjourned at 10.48 p.m.

Legislative Council,

Wednesday, 9th September, 1925.

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

PRIVILEGE—ALLEGED INTIMIDATION.

Hon. J. Duffell and Minister for Works.

HON. J. DUFFELL (Metropolitan-Suburban) [4.34]: On a question of privilege based on the Parliamentary Privileges Act, Section 8, I desire to bring under your notice, Sir, a matter of rather serious importance that occurred about one o'clock this afternoon. At that hour I was sitting in an adjacent room with Mr. Hamersley and Mr. Rose when the Minister for Works, Mr. A. McCallum, M.L.A., came along and called me out of the room into the corridor. He was apparently very much excited, and he charged me with having made a statement last evening that was a reflection on his character. Assuming a menacing attitude, he said that unless I withdrew that statement this afternoon, and apologised, he would deal with me in more ways than one. I said I had not wittingly made any statement reflecting on his character. I had the "Hansard" report of my speech in my hand at the moment, and I added that if I had made any remark reflecting on his character I would lose no opportunity to fall in with his request. He then said, "Unless you do, I will deal with you. I will put you in your place and deal with you as you deserve to be dealt with." For language of that nature the Parliamentary Privileges Act provides a penalty. The section of the Act enumerating punishable offences reads as follows:—

> The assaulting, obstructing, or insulting any member in his coming to or going from the House, or on account of his behaviour in Parliament, or endeavouring to compel any member by force, insult or menace to declare