

Legislative Council.

Thursday, 16th September, 1937.

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

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. W. J. MANN (South-West) [4.35]: The Chief Secretary in the course of his speech introducing this Bill said that it had been brought down in an endeavour to establish more equitable trading conditions as between occupiers of industrial establishments, to rectify certain existing anomalies in respect to the wages and working conditions of employees engaged in factories, shops and warehouses, and to improve the machinery provisions of the principal Act. These are three laudable reasons, which in themselves could scarcely engender serious opposition. My reading of the Bill, however, and comparisons with the principal Act, lead me to the conclusion that there is much more in it than is covered by the Minister's claims. Very definitely, in my opinion, the Bill interferes with the rights of the citizen to earn his living in a lawful way, and in a manner restricts his choice of employment by the exercise of his talents according to his desires. It is one of the inconsistencies of the party represented by the Government, that while it vehemently opposes conscription of man-power for national defence, it is unfiring and unrelenting in its determination to conscript men and women into its industrial army. The Bill is another stage in that direction. It unduly interferes with the individual and plans to subordinate him further to the industrial machine. I recollect years ago being taught that among the greatest mistakes in life were the tendency to worry about things that cannot be changed or corrected, and insisting that a thing is impossible because we ourselves cannot accomplish it, and also attempting to compel other persons to believe, act and live as we do. The last-

mentioned is what the Labour Party seeks in this Bill. I believe in true trade unionism—men and women of every calling banded together to improve technique and the status of their avocations; to ensure fair and adequate remuneration, comfortable and hygienic working conditions, and reasonable hours of employment. All other things being equal, I would always give preference to the unionist of that type. I have done that through a long period of years. Men are, however, not all constituted alike; and just as we claim freedom of action for ourselves, so we must be prepared to concede the same for others. It is there that I disagree with the Minister's party. They demand the right to please themselves, and deny it to others. I do not at this stage propose to make specific references to clauses in the Bill; rather do I intend to offer some opinions, and to conclude with a further reference to the Chief Secretary's just claim mentioned in my opening remarks. The Bill, in my opinion, goes much further than dealing with the employee in the shop, factory or warehouse. It seeks to govern and penalise the employer, and interferes with the privileges of the person who is neither employee nor employer, and who is best described in the broad sense as a producer. It usurps the functions of the Arbitration Act and Court by laying down hours and conditions of employment, and even rates of payment for certain employees. These things are the very fundamentals for which the Arbitration Court was created and still exists. Provision is made for increased holidays and the payment by the employer for time, for which he receives no return or equivalent. The measure seeks to take away the unquestionable liberty of the majority of people in a given area to regulate their trading hours within the limits of the law. It ignores the fact that business exists for the convenience and accommodation of customers. Those are, briefly, some of my objections. Regarding the Minister's other claims, namely, those of correcting existing anomalies and improvement of necessary machinery provisions, as long as I consider him justified I will support him. Returning again to the first reason advanced by the Chief Secretary, that of creating more equitable trading conditions as between occupiers of industrial establishments, it appears to me that this is the time and the place to make reference to a matter which is

engaging the attention of Governments elsewhere, and which the Government of this State, if it earnestly desires to do as the Minister indicates, should not neglect. I refer to the increase in what are described as chain stores. I am rather sorry that I am speaking on this matter to-day, because this day happens to be the opening date of a new store in Perth. There is no association between my remarks and that auspicious occasion. Let me say right here that I recognise this matter as one around which quite a lot of controversy can centre. At the same time, I desire to make it perfectly clear that I bring no charge against those companies operating here. They are backed, I am informed—and at any rate sincerely hope—by good English or Australian capital, are good employers, and are efficient and enterprising. But there are two very great dangers I see in these concerns. The first is that they are definitely bringing about to an alarming degree the elimination of adult male labour in other large emporiums by their policy of employing young female assistants almost exclusively. Slowly, but very surely, other reputable concerns, which down a long period of years employed quite a large percentage of well-paid male citizens, are being forced to dispense with those men. These firms, or most of them, have grown up with Western Australia and have energetically adapted themselves to the State's needs from time to time. They are generally locally owned and controlled, their executives are amongst our most progressive and generous citizens, and their profits are circulated in this country. They are entitled to any protection the State can give them. The displaced men, desirable citizens, often heads of households and always good taxpayers, with years of service to their credit, can find no other avenues of employment. They are being thrown into the discard, and go to swell the ranks of the unemployed. If such a menace is permitted to grow, it will not be long before adult male labour in many of our big establishments will be rare, and a problem of major dimensions will remain to be solved. Similarly, by the spread of these Eastern States chain stores throughout the country, scores of smaller traders will be forced out of business and the development of our rural centres retarded. The business men are usually those who shoulder all the more serious duties of citizenship in provincial centres. They are the leaders in civic achievement and perform valuable service in countless ways. Elim-

inate any section of them, and the work of rural development becomes disrupted and further men are without employment. Older countries which have permitted this type of business to become firmly established are bemoaning the effect. In some countries there are many separate organisations operating. One controls 1400 large establishments throughout Canada and the United States, and is reputed to hold a controlling interest in the largest chain store organisation in Great Britain, thus forming an international combine. No fewer than 17 States in America have passed legislation dealing with chain stores. New Zealand last year had the Industries and Commerce Committee of its House of Representatives dealing with a threatened invasion by an overseas chain store organisation into the Dominion. The Industrial Commission of New South Wales, presided over by Mr. Justice Brown, is, or was last month, hearing evidence with regard to the effect of chain stores upon the trading community in that State. In both Queensland and South Australia, I am informed, the same problem has been mentioned in Parliament; so that there is a general recognition of the serious position that may arise throughout the Commonwealth. One could pursue this question much further, but sufficient has been said to call the attention of the Government to it. The interests of the employers, many male members of the Shop Assistants' Union, and, in a broader way, of the public, are concerned, and the matter calls for immediate consideration. I suggest to the Chief Secretary that there is ample time in connection with the Bill wherein the Government can consider, and give effect to, one of the questions now raised—that of providing at least a measure of protection to male employees wherever possible in retail industrial establishments. That could be enforced by laying down the principle that a percentage of adult males and a percentage of junior males shall be employed. If that is done, then it will, I feel sure, have the fullest support of the Legislative Council. Failing action by the Government, then I suggest the proposed select committee deal with the matter and make recommendations for consideration in Committee. This is a matter of considerable importance, even apart from the broader question of the effect of chain stores on in-

dustry. I support the second reading of the Bill, reserving to myself the right to oppose any clauses which I do not think are in the best interests of the State.

HON. J. CORNELL (South) [4.45]: My remarks on this Bill will be brief, because it appears from the speeches that have been made that the second reading will be agreed to, and that after the second reading a move will be made to refer the Bill to a select committee. It is on account of the suggestion to submit the Bill to a select committee that I have risen to offer a few remarks. I will support both the second reading and the proposal for a select committee, on the condition that the select committee or members of it visit different parts of the State to take evidence on the spot from people likely to be effected by the Bill. I suggest that visits be paid to Narrogin, Geraldton, Northam and Kalgoorlie, and perhaps Bunbury. We would then obtain a proper consensus of opinion as to the effect of the applications of the provisions of the Bill. It is idle for any hon. member to argue that conditions which are applicable to the metropolitan area will always suit other parts of the State. Therefore I think that the select committee could well devote some of its time to hearing the views of men in other localities. I recollect that some years ago there was a select committee, and I was deputed to hear a certain witness at Kalgoorlie who desired to express an opinion. No expense was involved other than that which was entailed in getting the present editor of the "Kalgoorlie Miner," who was then a reporter, to take a shorthand note of the proceedings. There was no other expense. If we are going to make a good job of amending the Factories and Shops Act, which is due for an overhaul, this will be the only way to do it. It is no good our sitting here and listening to people in Perth. Another phase of the subject with which I want to deal, but which does not come within the scope of the Bill, is that pertaining to chain stores, to which Mr. Mann referred. I think that matter could be very well inquired into by a select committee with the view probably of some provision being included in the Bill. My experience is that rather than being a blessing the chain stores are liable to develop more or less into a curse on the community. They are a snare and a delusion because lots of well-intentioned housewives and other

people buy stuff they do not want, and it is cheap and rubbishy. Money can be spent just as disadvantageously at chain stores in the purchase of things that are not wanted as it can be spent at the trots or at a race meeting, and as much is obtained for the expenditure—nothing at all. Certainly the chain stores may employ a lot of people.

Hon. W. J. Mann: All females.

Hon. J. CORNELL: But they sell a lot of rubbish that is not wanted. I much regret that some of the older departmental stores are forced to develop along the same lines of iniquity and to come down to the same level as the chain stores, with the result that before long we shall no longer be able to point with pride to the big stores like Boans, Foy's and Bon Marche, which made names for themselves in the past. I will support the second reading of the Bill and the appointment of a select committee, conditionally upon the committee being given a wide scope for its inquiry.

Hon. W. J. Mann: Boans employ 1,200 people, and only 50 per cent. are males.

Hon. J. CORNELL: They are well within the law in respect of the number of males they employ as against the number of women. I have had one or two altercations with one firm with which I have dealt for a quarter of a century. There was a time when one had no difficulty in finding a man to listen to one's grievances concerning the manner of delivering orders. Now one has to talk with boys or flappers. That is the result of encouraging a line of industry that we can well do without. Reputable traders of days gone by are forced to getting down to the level of chain stores. Anyone who went to Canada and the United States years ago must have been struck by the fundamental difference between the chain stores in Australia and those in Canada and the United States. In those countries they did confine themselves to five or ten cents, but here the stores are confined to nothing at all. But the most regrettable feature of all is that 75 per cent. of what they sell is of foreign manufacture. It comes from Japan, Czechoslovakia or Germany. I do not mind Fritz's products, because they are of good manufacture, but the point is 75 per cent. of the goods sold are of foreign manufacture.

HON. H. TUCKEY (South - West) [4.55]: When the Minister introduced the Bill he said it was unnecessary to speak at

length, as most of the clauses had been fully dealt with on a previous occasion, and that no doubt some of the supporters of the Bill would add to what he had said. Although we have listened to over a dozen speakers not one of those supporters has so far assisted in the debate. One would have expected that far more support would have been forthcoming on a Bill of this kind that is said to be so vital to the people it concerns. I am aware that several of the proposed amendments are desirable, but one would be optimistic to say that the Government would agree to nearly 50 per cent. of the clauses being either amended or deleted. The Minister complained that on a previous occasion when the Bill was before the House, although he gave a correct interpretation of it, members preferred to accept the advice of Mr. Baxter. That goes a long way to show that these are matters that should be dealt with by the Arbitration Court. I am sorry something has not been done to do away with certain sections in the Act. There is no doubt that when the Factories and Shops Act was first framed it served a useful purpose, but after the passing of our industrial laws much of what appears in the Act should have been repealed. I have been trying to find out just where the agitation has come from for this new legislation. After listening to the remarks of Mr. Elliott I would say there has not been any agitation on the goldfields, and I do not remember any request from the South-West Province which I represent. It seems therefore that the move has come from the metropolitan area. Broadly speaking the Bill would be against the best interests of the country districts, particularly the clauses dealing with the Saturday half holiday, and the one-man factory. I am in accord with the views of previous speakers, and I cannot see that any good purpose will be served by further repetition. At the same time I will not decide how I shall vote until I have heard the views of the Minister when he replies to the debate.

The Chief Secretary: I do not think that will make any difference either.

HON. G. FRASER (West) [5.0]: During the debate the statement has been made by various members that I used threats to members of the Council when speaking on the motion for the adoption of the Address-in-reply. I wish members to understand

that on that occasion my language was very mild, and was far from being a threat. I was merely conveying to them an idea of the unrest that exists amongst the workers because of the fact that so little is being done, not only by this Parliament but by various Parliaments in Australia, particularly second Chambers, to improve conditions.

Hon. W. J. Mann: Are you their official mouthpiece?

Hon. G. FRASER: At no time have I pretended that I was. I merely stated that I was conveying to members some idea of the unrest existing amongst the workers because so little had been done to improve their conditions.

Hon. V. Hamersley: Is that anything new?

Hon. G. FRASER: Unfortunately, it is nothing new, but it is about time that the Parliaments in Australia did something to improve the conditions of the workers.

Hon. J. Cornell: By giving them some more work.

Hon. G. FRASER: This unrest has been particularly keen during recent years, and can anybody wonder that such societies as Communists and Douglas Creditites are springing up? The inaction of various Parliaments is resulting in the workers losing faith in the Parliamentary system. When we consider the number of years that Parliaments have been in existence and the little progress that has been made, we cannot wonder at the unrest.

Hon. G. B. Wood: Communists are not workers.

Hon. G. FRASER: If the hon. member had employed them, he would know that the majority are as good workers as other men. Owing to the inaction of Parliament, or perhaps I should not say inaction, because when any measure is brought down to improve the conditions of the workers the second Chamber generally gives it the boot—

Hon. J. Nicholson: I do not think that is fair. Mr. President, the hon. member is doing an injustice to members of this Chamber by suggesting that we usually give legislation the boot, meaning, presumably, scant treatment, or refusing it the consideration it deserves. I contend—

The **PRESIDENT**: Is the hon. member raising a point of order?

Hon. J. Nicholson: Yes. The point of order is that the remarks of the hon. member are a reflection on members of this House.

Hon. V. Hamersley: Hear, hear!

Hon. J. Nicholson: And a very serious reflection.

The PRESIDENT: Will the hon. member resume his seat. I am sure that Mr. Fraser has no wish to infringe the Standing Orders, but I point out to him that it is contrary to the Standing Orders to cast any reflection upon members of either House.

Hon. G. FRASER: I did not in any shape or form cast a reflection upon members. I was summing up the treatment of industrial legislation by this Chamber.

Hon. G. W. Miles: We passed an Industrial Arbitration Bill and a Workers' Compensation Bill which, according to your own authorities, were the best in the world.

Hon. G. FRASER: I am merely stating the fact that industrial legislation has generally been given the boot or, to use another term, has generally been defeated.

Hon. G. W. Miles: That is not what your leaders say.

Hon. G. FRASER: I am speaking for myself, and I am explaining what I had in mind when I spoke on the Address-in-reply. The fact cannot be disputed that industrial legislation has been defeated in this Chamber, and only on rare occasions have industrial measures been passed.

Hon. J. Nicholson: That is not fair.

Hon. G. FRASER: I am summing up the actions of this Chamber in years gone by. Admittedly, one or two industrial measures have been passed, but the majority have been defeated in this Chamber.

Hon. J. J. Holmes: They were put up to be defeated.

Hon. G. FRASER: As the workers cannot obtain any redress through legislative action, there is growing unrest and growing dissatisfaction with the Parliamentary system.

Hon. J. Cornell: Why does your party boot the Communist?

Hon. G. FRASER: In very few Parliaments in Australia have measures to improve the lot of the workers been passed. Very few States have an Act providing for child endowment. Another question agitating the minds of the workers is that of national insurance. Dealing with industrial measures that have become law, let

me mention the Arbitration Act, which provides for a family consisting of a man, his wife and two children. Then we have people throughout Australia wondering why there has been a decline in the population. It is only natural that the workers should have adopted the attitude, because so little provision is made for families, of going on strike, if I may use the term.

Hon. H. Tuckey: Do you say that Parliament should fix hours and rates of pay?

Hon. G. FRASER: In a number of instances, yes. I was saying that in the Arbitration Act, provision is made for a family consisting of a man, his wife and two children.

Hon. J. Cornell: Who was responsible for that?

Hon. G. FRASER: For a larger family, there is no provision in the shape of child endowment.

Hon. J. Cornell: Which party was responsible for that?

Hon. G. W. Miles: You want to give the married man more than the single man receives.

Hon. G. FRASER: Mr. Miles is asking me to do something that he usually contends should be left to the Arbitration Court.

Hon. G. W. Miles: You are putting up the argument.

Hon. G. FRASER: The Act says the standard shall be a man, his wife and two children, and because there is no supplementary legislation in the form of child endowment, the workers are not prepared to have larger families. No other legislation that would assist to place the worker in a better position than he occupies to-day has received the support of this House.

Hon. J. Cornell: Has your party ever brought down a proposal for child endowment?

Hon. G. FRASER: Can we wonder that unrest exists? If we examine the position, we find that there is no room for wonder. When industrial measures are introduced, many members go to extreme limits in order to defeat it. While I would not expect members to agree to everything contained in an industrial measure, such a Bill must contain at least something that could be accepted. Yet on this occasion, as on previous occasions, some members are adopting the attitude of voting against the second reading. Mr. Holmes suggested that, when I spoke on a previous occasion, I forgot that I was speaking in the Legislative Council.

Hon. G. W. Miles: You said he was the brains of the North-West.

Hon. G. FRASER: I suggest that when the hon. member was speaking on this Bill, he also forgot that he was speaking in this Chamber.

Hon. J. J. Holmes: Because I saw you here.

Hon. G. FRASER: I will be charitable to the hon. member by saying that he must have thought he was addressing a lot of niggers on an outback station when he put up the ridiculous piffle to which he gave utterance.

Hon. G. W. Miles: Are you referring to me or to Mr. Holmes?

Hon. G. FRASER: To Mr. Holmes.

Hon. J. Cornell: You are fifty-fifty now.

Hon. G. FRASER: The idea of putting up such trash!

The PRESIDENT: Order! That is not Parliamentary language. The hon. member, when criticising the speech of another hon. member, must not use such strong language.

Hon. G. FRASER: Then I shall say that Mr. Holmes used extravagant language in trying to belittle various clauses of the Bill. He even went to the extent of suggesting that a coffee-grinder in a home would constitute a factory.

The Chief Secretary: And a mincer.

Hon. G. FRASER: Yes.

Hon. J. J. Holmes: I said a coffee-grinder; someone else said a mincer.

Hon. G. FRASER: That shows to what lengths members will go to find arguments to defeat a measure. One clause of the Bill that has aroused considerable discussion is that relating to the Saturday half-holiday. Every argument advanced here was used in the metropolitan area years ago when the effort was made to get Saturday afternoon closing there.

Hon. W. J. Mann: It was not. The same conditions did not apply.

Hon. G. FRASER: Exactly the same arguments were used.

Hon. W. J. Mann: They could not have been used.

Hon. G. FRASER: But they were. Nothing new has been advanced; they are exactly the same old arguments to defeat that particular move.

Hon. H. Tuckey: Why force something on the people of the country that they do not want?

Hon. G. FRASER: Improvements are often unacceptable at the outset, but after experience, people would not revert to the old conditions on any account. It has been

suggested that a local option poll should be taken.

Hon. J. Cornell: Not a local option.

Hon. G. FRASER: Well, that a vote be taken in each district to ascertain whether the people were in favour of closing on Saturday afternoon. Such an arrangement would not be suitable.

Hon. J. J. Holmes: Too democratic.

Hon. G. FRASER: It would result in one district getting an advantage over another district. If such a vote were taken, it should be State-wide.

Hon. J. Cornell: That is the method by which members are elected to this House.

Hon. G. FRASER: But some districts in which shops were not closed would gain an advantage over others where Saturday afternoon closing was observed. An association of traders, not of workers, in the South-West has asked members to do everything possible to secure Saturday afternoon closing.

Hon. W. J. Mann: How many?

Hon. G. FRASER: A trading association. I know of only one, though there may be others. Members of that association are prepared to adopt Saturday afternoon closing. Last year letters were read from a lot of other country centres.

Hon. G. B. Wood: In favour of Saturday afternoon closing?

Hon. G. Fraser: Yes.

Hon. G. B. Wood: From which districts?

Hon. G. FRASER: The letters were quoted in the House last year. The hon. member received some.

Hon. G. B. Wood: And only one in favour of Saturday closing.

Hon. G. FRASER: Those letters came from country centres where, we are told, Saturday closing will operate harshly. Even now there are some traders who are prepared to accept Saturday afternoon closing.

Hon. H. Tuckey: Not 5 per cent. of them.

Hon. G. FRASER: If members were prepared to give Saturday closing a trial, I feel sure that the people in the country districts would never wish to revert to the old order.

Hon. G. B. Wood: And those members would not be returned here.

Hon. G. FRASER: Another debatable provision in the Bill is that providing for a 44-hour week. Members have argued that, by including such a provision, we shall be taking from the Arbitration Court functions

that rightly belong to it. The Bill seeks to cover a number of people who do not come under the Arbitration Act.

Hon. H. Tuckey: Why not bring them under that Act?

Hon. G. FRASER: It is impossible.

Hon. H. Tuckey: Why?

Hon. G. FRASER: Because they are not organised and have no unions to help them. Another reason is that the employers will not permit organisers to enter their premises.

Members: Rot!

Hon. G. FRASER: There is a place not a quarter of a mile distant from this House that employs a large number of people. It is one of the largest factories in this State, and it is a factory also that has no opposition in the same line of business, and into that factory no union organiser will be permitted to go.

Hon. J. Cornell: I organised a union on the goldfields many years ago by calling public meetings.

Hon. G. FRASER: The employees in the factory to which I have referred have been informed that if an attempt is made to form an organisation, they will get the sack.

Hon. H. V. Piesse: The average business man welcomes organisation.

Hon. G. FRASER: It is because of what I have just related that we find the provisions that are set out in the Bill before us. Furthermore, quite a number of organisations are already enjoying a 44-hour week because it has been awarded by the Arbitration Court. We are not concerned so much about that, however; we are concerned with the conditions under which those who are not fortunate enough to be organised shall work. During the course of the debate on the Bill there has been quite a lot of opposition to the question of granting a holiday where persons are completing their work, and while Mr. Piesse was speaking I interjected—

Hon. H. V. Piesse: You are always disorderly.

Hon. G. FRASER: I follow the hon. member's example. I interjected that there had been instances where individuals had been dismissed from their employment on the Thursday before the Easter holidays and had been re-engaged on the Tuesday following.

Hon. G. W. Miles: Where did that happen; in the West Province?

Hon. G. FRASER: I admit that that practice is not so prevalent to-day, but the fact remains that it was the practice until quite recently, and there are still instances of its being done. I do not think any member will stand for that kind of thing. Therefore, it is necessary that there should be legislation to stop the practice. When we are aware that this kind of thing is happening, is it not right that we should endeavour to pass legislation to prevent its being continued? Mr. Bolton told us that it was not done. If that be the case, no harm will result from passing legislation to prevent its happening. All the same, there is evidence that it is being done, and because of that the clauses to prevent it have been included in the Bill. I know from the tone of the debate that the Bill will pass the second reading, and whilst I would prefer to see it go straight through to the Committee stage, rather than have it referred to a select committee, I am aware that those members who will constitute the committee will get a lot of valuable information which will no doubt astound them. I shall support the second reading.

HON. G. B. WOOD (East) [5.21]:

Until I heard the extravagant language by Mr. Fraser I did not intend to speak on the second reading of the Bill, but I shall now offer a few remarks. The hon. member referred to communists. I can assure him that I have employed more people than he has, and I have never yet found a communist to be much good. I have the greatest respect for the labouring man who does real work, but I have no time for agitators or communists, who are out to stir up strife. We know that this has occurred in shearing sheds and on chaffcutting jobs.

Hon. G. Fraser: I did not say I had any time for them.

Hon. G. B. WOOD: The hon. member implied that there was no legislation on the statute-book in the working man's favour.

Hon. G. Fraser: I did not say that, either.

Hon. G. B. WOOD: What we are dealing with now is an amending Bill. Mr. Hamersley has just handed me a list of Acts that are intended to benefit the working man. There must be quite a dozen; for instance, the Employers' Liability Act, the Workers' Compensation Act and many others, all intended to assist the worker.

Hon. G. Fraser: How long is it since the particular Act we are discussing was amended? It has operated for 17 years.

Hon. G. B. WOOD: But the hon. member implied that there was nothing on the statute-book for the working man.

Hon. G. Fraser: I did not.

Hon. G. B. WOOD: Many people went away from the opening of Parliament under the impression that the workers of this State were badly treated, and that this House was in the habit of throwing out everything put before it that was intended to assist the worker. The Bill we are discussing was given a lot of consideration last session, although I did not do more than briefly deal with it. I am sorry the Minister has not deleted more undesirable clauses. He must know that the Bill as it stands has very little chance of going through Committee. I may refer to the Saturday half-holiday particularly. I have been very busy in the country districts trying to find out who wants the Saturday half-holiday.

The Honorary Minister: The shop assistants want it.

Hon. G. B. WOOD: They are only a small section of the community. I have spoken to prominent Labour men in the Northam district and they all have expressed themselves against it. All the people I interviewed in Northam were 100 per cent. against Saturday closing, and particularly are the workers against it.

The Chief Secretary: The majority of the traders at Northam want it.

Hon. G. B. WOOD: They do not. There may be certain managers of firms, such as Ezywalkin, who want Saturday closing so that they may participate in sport, or go to the races; there may be a few of that type. The general community, however, farmers and others in the country districts, are against it. In every other town in the East Province the people are 100 per cent. against it. Merredin is against it.

The Honorary Minister: Not 100 per cent.

Hon. G. B. WOOD: Well, nearly. No doubt I will be called inconsistent on account of the attitude I adopted last year. I admit that some amendments to the Act are desirable and that the Minister is really conscientious in trying to get the Bill through. At the risk of being called

inconsistent, it is my intention to vote for the second reading.

On motion by the Honorary Minister, debate adjourned.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. V. HAMERSLEY (East) [5.27]: I approach this Bill with a great deal of disappointment. My mind goes back over a number of years during which we have looked forward to that era of prosperity and peace that was prophesied in the early days by those who originally introduced this type of legislation and who urged Parliament to pass it. In those days employers of labour looked askance at industrial legislation under which rules and regulations were laid down for governing industries. It was ably argued by those who were in favour of this legislation that there were just as honourable men amongst the employees as were to be found amongst the employers.

The Honorary Minister: You would not deny that.

Hon. V. HAMERSLEY: No, I do not deny it. For a series of years I approached measures of this description with caution because I did not think they would help towards the establishment of that peace in industry which we always hoped for. My mind also goes back to my boyhood days when trouble arose in the Old Country, where there were several large ship-building concerns, one employing over 5,000 hands and where there were so many disputes and so much strife that they were eventually compelled to close down and move out of England.

The Honorary Minister: What works were they?

Hon. V. HAMERSLEY: I have forgotten the name, but the hon. member can refer back to the period if he likes. Full publicity was given to it in the newspapers and although I was only a lad at the time the whole thing was most interesting to me because people were asking, as they are asking to-day, what they were to do with their boys. It is all wrapped up in the struggle with regard to our arbitration laws. Ever since we have been passing laws to bring

about industrial peace, it has been apparent that the further we go the more trouble arises.

Hon. G. Fraser: You do not suggest that there were arbitration laws in England at the time you speak of.

Hon. V. HAMERSLEY: They had some form of arbitration. There have been more dissensions and struggles in the industrial world since our arbitration legislation was passed than ever before. It has merely served to add to the worries of those concerned.

The Honorary Minister: That is not borne out by the statistics.

Hon. V. HAMERSLEY: At any rate, that is my impression and statistics can sometimes be misleading. It depends upon how the statistics are framed and by whom they are put up. I view this Bill with a great deal of fear. We should encourage people to embark upon industry.

Hon. G. W. Miles: And there is a bit of dynamite in this Bill.

Hon. V. HAMERSLEY: Undoubtedly there is. I have come to the conclusion that some of the clauses will have a detrimental effect upon industry. One important matter, respecting which I feel very strongly, is that which adds to the risk of those who engage workers. Individuals who desire to establish a business must secure workers. Under the Bill, the Government are endeavouring to set up a condition of affairs that will lead to the State becoming the principal employment broker for the whole community. I am opposed to anything of that description. I believe in private enterprise and I claim that the private employment brokers are rendering fine service to the community. They are interested in building up their own businesses and their clientele extends throughout the city and country areas. I do not mind admitting that they have their black list just the same as the A.W.U. or the Labour Party generally have their black list of employers. It is just as necessary for those who employ labour to have their black list. If a man is found to be unsatisfactory at his work, we put a score against his name, and when that individual applies for another job he does not get it. When inquiries are made about that man, a quiet note is returned advising the prospective employer what sort of an individual the man is. On the other hand, if an employer goes to the State

Labour Bureau he cannot count on any black list there; he has to take whoever may be sent along to work for him. I am satisfied we do not get as efficient service under those conditions as we do from the private employment brokers. The Bill is aimed adversely to affect the latter section. That is quite wrong and it amounts to interference with the liberty of the subject. The provisions of the Bill will practically wipe those people out of business. Every time I see anything of that sort included in a measure, it is to me like a red rag to a bull. There are other clauses the effect of which I am not so well acquainted with respecting the avenues they will affect, and they may be equally detrimental to business as the others. Running throughout all the arbitration laws we have there are great powers vested in the hands of inspectors. If we agree to this Bill, we will have inspectors poking their noses into more phases of business and upsetting the hands employed by firms.

Hon. H. V. Piesse: And what about the employers?

Hon. V. HAMERSLEY: The activities of the inspectors will also affect them, but the main trouble is that it will create a sense of irritation as between employer and employee.

The Honorary Minister: Have you had experience of that?

Hon. V. HAMERSLEY: I have. Whenever inspectors come round, one can expect trouble to start. In fact, I am expecting some further experience along those lines. An inspector camped in our shearing shed the other day. I have not heard anything yet, but I am quite expecting to hear that we have broken all sorts of rules and regulations. That sort of irritation gives rise to trouble. Not only are the people in the country districts affected, but those operating in the city as well. This interference has even occurred in private homes. In these days the bugbear confronting anyone who endeavours to run a business is to know exactly what is his position. I have had extraordinary experiences with some of these people, and others have been similarly situated. I do not know that legislation of this description will make the position any better.

The Chief Secretary: Some people may have had extraordinary experiences with you.

Hon. V. HAMERSLEY: Possibly.

Hon. H. V. Piessé: The position regarding the big factories is all right, but there are the small men.

Hon. V. HAMERSLEY: Under the Bill employers may be fined up to £50, but I cannot see any clause that will compel the worker to comply with conditions involving any such penalty. The Bill is one-sided.

Hon. J. J. Holmes: Even if you fine the worker, he does not pay up.

Hon. V. HAMERSLEY: I believe upwards of 200 Collie miners were charged before the court and fined, and up to the present I have not heard of those fines having been paid. On the other hand, I do not think there is any instance of an employer being fined and yet allowed to evade payment. The Bill subjects the employer, but not the employee, to the possibility of fines from time to time. It is not always merely the matter of a fine. Certain clauses may be the means of sending an employer to prison. It may have the effect of bringing foremen and others in their position under the definition of "employer" because they happen to control a certain number of men. Some of the amendments in the Bill are too far-reaching, and they are altogether too serious to be agreed to. Under the definition of "worker," a contractor may be included. All over the State share farming is indulged in. I may enter into an arrangement with a man to farm one of my properties on a share basis and the arrangement may be that he is to return to me one bag per acre. If he takes off a six-bag crop, he gets the major portion of the return, but should he meet with an accident, I take it I will be responsible for his insurance because, under the Bill, he will be regarded as an employee. Or on the other hand, having leased the property to that man under some such arrangement, should I meet with an accident, am I to be regarded as an employee and will the other party be responsible for insuring me?

Hon. G. B. Wood: Would he not be a partner?

Hon. V. HAMERSLEY: And under the Bill the partner with the smaller share is to be regarded as a worker. The Bill is likely to give rise to trouble as to who should be insured and by whom.

Hon. G. Fraser: If you are share farming, do both parties work the property?

Hon. V. HAMERSLEY: One man is responsible for paying the taxes on the property. He has put all his capital into it, although he does not actually plough the ground.

Hon. G. Fraser: How could the man who put his cash into the business meet with an accident?

Hon. V. HAMERSLEY: Quite readily. Perhaps he might be going round the property looking after his share.

The Chief Secretary: In any event, which clause of the Bill deals with that matter?

Hon. V. HAMERSLEY: It is there, quite definitely. I have not put the number of the clause against my notes.

The Honorary Minister: Perhaps you are dealing with the wrong Bill.

Hon. V. HAMERSLEY: No. The number of the clause is somewhere in the vicinity of Clause 9, because the next clause I have mentioned in my notes is Clause 10 and I have the word "dangerous" against that. That has reference to the common rule.

The Chief Secretary: That provision is in the Bill all right.

Hon. V. HAMERSLEY: That is the provision under which a worker and an employer, for example, may be brought within the ambit of the sawmillers' award. There are hundreds of farmers in the South-West Land Division who may be affected by that clause.

The Chief Secretary: Which clause do you refer to?

Hon. V. HAMERSLEY: Clause 10. Hundreds of men in the South-West Land Division would be employed on farms. They are not entitled to the basic wage, because they are not governed by awards. This clause would raise an impossible position, because some men are doing something in the nature of sawmilling such as horse driving, or the handling of timber or some other works such as is done by men working under the sawmillers' award. Under the Bill such a man would claim the hours and conditions applying to that award, because the common rule would embrace them all. I can see an impossible position arising between those workers and their employers. So I feel we are not establishing any improvement, but are making the opportunity wider for more quarrelling instead of the peace in industry that we desire. The more irritation that is created, the worse it is for

both employer and employee. Clause 11 interferes with the right of the employer to employ whom he thinks fit. I have been associated with companies whose only benefit was reaped by the employees. In the past the employers have been able largely to pick and choose and employ whom they think the more likely to give them good service. But I have been a shareholder in a concern that on starting work thoughtlessly put in some men who were getting on in years, and as the years have gone by those men have grown older until they are not much use; but they cannot be displaced by younger men. A lot of the work is done by contract, and the men when they do their job are paid a higher rate than they would receive if they were on day work. But Clause 11 makes it imperative to go on employing men even though they be vagabonds. I am sure the Honorary Minister must know of many cases in industry where men have repeatedly been given workers' compensation under a measure closely allied with the Industrial Arbitration Act, and then have been restored to their jobs. No matter how often an accident happens resulting in compensation the so-called victim must be given preference for his old job. And such men are not very long back in their jobs when they sustain another accident.

The Honorary Minister: In which industry does that apply?

Hon. V. HAMERSLEY: In the mining industry. It is well known that this does occur, and also that these men are aided and abetted in their practice of keeping on having accidents and getting on to workers' compensation and then getting back to their jobs. They are not doing a tap of work, but are living comfortable days. This clause before us will only make it easier for those men to go slow and so make it more costly for industry to be carried on. And invariably the Government are behind those men. We saw the same thing on the goldfields when that big strike occurred and the Government practically got in behind the strikers. It is serious to think that we should be passing clauses that will serve to encourage men to dodge responsibility in the way they have been doing in some of these industries, instead of our having clauses that would foster fairplay. I do not wish to detain members any longer. I have always felt that we should have in such a Bill clauses to encourage fair play and conciliation, but the more we study the clauses before us the more clearly do we see that they will not be

of any benefit to industry. I am very much concerned about the industries in this country. We have to import a large number of our commodities from the Eastern States. We are challenged with the gibe that we should produce them ourselves and do more in this State. Where we have factories I do not wish to see the Government putting any difficulties in their way. Neither do I wish to see the Government accepting tenders from the Eastern States when they do not put upon those tenderers the conditions that they impose on local tenderers. One question I have not referred to is that of the employment of domestics in private homes. To-day I am told, in fact we see it on all hands, that people are giving up their own homes and living in flats. Whole streets are being reconstructed into flats, because people find it impossible to get domestic servants that will enable them to use a whole house as a home. I do not think we can bring in migrants that would give us those services. It is hopeless that we should allow them to be brought into this State to come under such a measure as this. It is entirely wrong that any officials should be allowed to enter into private homes where there are one or two maids employed, and put up all sorts of ridiculous industrial propositions to them in order to create dissatisfaction in those employed—who, in my opinion, have a pretty good time. Their wages are pretty good, better than those in factories, and are always paid to the very day. Then they have a good home, and so there is not the same encouragement for them to be spending their money at picture shows or racecourses. They have opportunity for good training, but most of them do not want to learn, ignorant though they may be of their duties. My goodness! members should hear the housewives talking of those girls and the house work that they cannot do. I will oppose the second reading.

On motion by Hon. H. Tuekey, debate adjourned.

BILL—JURY ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [5.58] in moving the second reading said: The purpose of this one-clause Bill is to amend the law relating to the drawing of names of common jurors

at the trials. The relevant section (No. 23) of the Jury Act, 1898, reads as follows:—

“23. At the sitting of any court for the trial of any issue the name of each juror summoned as aforesaid shall be written or produced on a separate piece of paper or parchment, and put into a box, and when such issue is called on to be tried the ministerial officer of the court shall in open court draw therefrom until the names of a full jury appear who are not open to a challenge, and after the trial such names shall be returned to the box to be kept with the other undrawn names, and, toties quoties, as long as any issue shall remain to be tried.”

Under Section 4 of the Act, a jury required for the trial of a person on an indictable offence must consist of 12 persons. At the usual monthly sittings of the Criminal Court, the panel of jurors to try cases consists of 40 persons, and these jurors are required to attend at such sittings for not more than five days continuously. If, however, a jury of twelve is empanelled to hear a particular case, the period of attendance is dependent upon the time taken to complete the trial. In practice, the procedure adopted in drawing a jury from the persons empanelled does not, apparently, conform in all particulars with the requirements of Section 23. The names of the 40 jurors are set out on separate pieces of paper, and placed in a box. The officer of the court then subsequently draws from the box until the full panel of 12 jurors is obtained. As members are aware, challenges may be exercised by either party to the extent of six for the purpose of securing an acceptable jury. I am informed that, possibly, as a result of an oversight in the drafting of the Act, a strict interpretation of Section 23 might require that in no circumstances would the jury be drawn from less than the full 40 persons empanelled. That is to say, if a jury retired on a particular case that engaged them for some considerable time, the court could not proceed with any other of the cases listed until the jury dealing with the first case returned their verdict and joined up with the first panel.

Hon. G. W. Miles: Has that been going on?

The HONORARY MINISTER: No. Actually, in practice, a second jury is drawn from the 28 names remaining in the box after the first jury has retired. Because of a doubt that exists regarding the strict legality of this procedure, and in order to

remove any possibility of appeals being made on these grounds with a view to disturbing a verdict, the Bill proposes that, after the first jury is drawn from an empanelment, it will be lawful to draw a subsequent jury from the names remaining in the box. I move—

That the Bill be now read a second time.

On motion by Hon. J. Nicholson, debate adjourned.

House adjourned at 6.4 p.m.

Legislative Assembly.

Thursday, 16th September, 1937.

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

QUESTION—ELECTRICITY, COLLIE POWER SCHEME.

Mr. WILSON asked the Premier: 1, As the establishment of a national power scheme at Collie was a subject brought before the then Acting Premier, Hon. M. F. Troy, in Perth on the 8th July, 1937, by a deputation from Collie, and was afterwards referred to Cabinet for their consideration and decision, will he inform the House if a decision has been arrived at in that connection? 2, What is the purport of such decision? 3, If favourable, what is the name and qualifications of the appointed Commissioner? 4, When will the Commission commence its sittings?