that line of business. When an inquiry is held consequent upon a fatal accident, a representative of the employers and of the workers' union will have the right to appear, and call, examine, and cross-examine all witnesses. This provision is made to give all interested in the particular industry some say in the inquiry, and to insure that justice is done to both sides. It will, of course, be prohibitive to contract out of the Act. Most of the provisions of the Bill will be left to regulation. It is impossible in an Act to lay down all the details regarding scaffolding. Permission is given for this to be done by regulation, as is done in the other States. All details as to the size of scaffolding, all particulars as to gear and appliances, and all those things connected with the erection of the gear, will be dealt with by regulation. Authority is given to inspectors to enter upon all buildings being erected, and penalties are prescribed for obstructing an officer in the performance of his duty. The manner in which scaffolding will be set up will also be left to regulations. I have never been keen on leaving so much to regulations, but it is almost impossible to deal in such detail as is required except by regulation. It will frequently happen that certain regulations may have to be altered to meet existing conditions. If to bring this about the Act had to be amended every time, it would be too cumbersome a method, and involve too much work.

Hon. Sir James Mitchell: You should not do too much by regulation.

The MINISTER FOR WORKS: This is done throughout the States by regulation except in South Australia, where the regulations have recently been embodied as a schedule to the Act. The Bill provides that the provisions of the Act shall be affixed to, and maintained by the owner of the scaffolding, and also lays down penalties for this not being done. The Bill is a simple one, with nothing intricate in it. It merely gives greater protection to the men who risk their lives daily in earning their living.

Mr. Sampson: Where would the abstract from the Act be shown.

The MINISTER FOR WORKS: It would be affixed to the structure so that it would be in the full view of the men engaged on the job. Such a provision exists in the Acts of the other States. I have not embodied in this Bill anything that does not exist in some part of Australia. We are very much behind in this matter. In the Eastern States they have had their laws for many years, though Victoria was the last to come into line. In that State the union and the employers drew up their own regulations by arrangement amongst themselves. Those regulations operated for many years, but quite recently an Act was passed bringing the State into line with the rest of Australia.

Mr. Sampson: Will the notice be affixed to one of the scaffolding poles?

The MINISTER FOR WORKS: The inspector will decide that point. It must be open to the view and examination of the men engaged on the job. The Bill is essentially one for Committee stage and not for second reading speeches. I move—

That the Bill be now read a second time.

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

House adjourned at 9·56 p.m.

Legislative Assembly,

Tuesday, 26th August, 1924.

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

SWEARING IN OF MEMBER.

Mr. Teesdale (Roebourne) took and subscribed the oath and signed the roll.

ADDRESS-IN-REPLY—PRESENTATION.

Mr. SPEAKER [4.32]: I desire to inform the House that I have received the following message from His Excellency the Lieutenant Governor:—

> Mr. Speaker and members of the Legislative Assembly: I thank you for your Address-in-reply to my Speech with which I opened Parliament, and for your expressions of loyalty to our Most Gracious Sovereign. (Signed) R. F. McMillan, Lieutenant Governor, Administrator.

I may say that, accompanied by the mover and the seconder of the Address-in-reply and other hon. members, I waited on His Excellency for the purpose of presenting the Address, and that this is His Excellency's reply.

BILL—ROAD DISTRICTS RATES.

Second Reading.

The MINISTER FOR WORKS (Hon. A. McCallum—South Fremantle [4.36] in moving the second reading said: This is a short Bill to overcome a legal diffi-

culty that now exists where land is sold under a warrant of execution or under an order for sale for default in payment of rates. Where land is sold under a warrant of execution, or under an order for sale for default in payment of rates, it is necessary that the sale should be completed within the period of the currency of the warrant or order, namely 12 months. In the case of land under the Transfer of Land Act, however, a transfer pursuant to a sale is not completed until registered at the Titles Office. Cases have arisen, and continue to arise, where land is duly sold within the currency of the warrant or order, the purchase money paid, and a transfer is duly executed by the clerk of the local court—who is authorised by the Local Government Act to execute the transfer—and is handed to the purchaser, but where the purchaser has neglected to register his transfer or delayed to register until after the 12 months have expired. The effect is that the purchaser is unable to complete his title. Where, however, the land was in fact sold, the purchase money paid, and a transfer signed, it is desired to provide by this Bill that, so long as there have been no subsequent dealings with the land by the registered proprietor for whose default in payment of rates the land was sold, the purchaser may register his transfer notwithstanding the expiration of the 12 months from the date when the order for sale was made.

Hon. Sir James Mitchell: The Bill protects everybody except the original owner.

The MINISTER FOR WORKS: Yes, provided there has been no further trafficking in the land. It is only reasonable that where the defaulting ratepayer continues to be the registered owner, he should not be allowed to set up his title as against a bona-fide purchaser who may have by oversight neglected to register his transfer; but of course any such purchaser must take the consequences of his neglect if there have been any registered dealings after his purchase and before he registers his own transfer. I move—

That the Bill be now read a second time.

On motion by Mr. George debate adjourned.

BILL—PRIVATE SAVINGS BANK.

Second Reading.

The PREMIER (Hon. P. Collier—Boulder) [4.41] in moving the second reading said: This Bill has a twofold purpose—to protect the savings of the people, and to preserve to the use of the State, as far as is possible and reasonable, the accumulations of those savings. A similar law is in operation in the State of Queensland. It may interest hon. members to know that our Government Savings Bank, which is of course controlled and guaranteed by the State, was established in 1863. On the 30th June last its operations were being carried on at 17 fully equipped branches, at 255 ordinary agencies, and at 627 schools—in this last section where the pennies and other small coins of the children were being collected. The bank has rendered efficient service to its customers, and the facilities provided may be classed as excellent. This bank was, I believe, the first in Australia to allow depositors to withdraw any part or the whole of their deposits on demand at book-keeping branches, and certainly it was the first to make, without notice, payment at agencies. A depositor whose account may be at Wyndham or at Albany can step into any branch or agency in the State with his pass-book and obtain any sum up to £10 on demand—of course he needs to be identified to the satisfaction of the agent—and, subject to the same conditions, on application at any branch or agency in Victoria, South Australia, and New South Wales, and at Hobart and Launceston in Tasmania, and at the Queensland National Bank, may withdraw any sum up to £10 every three days. On the 30th June last the balance to the credit of depositors in the Government Savings Bank was £5,920,120, the accumulated savings of 196,881 depositors, including the 43,749 youthful depositors in the school savings bank section, with their deposits totalling £72,662. Interest amounting to £189,282 was credited to depositors during the year, interest being allowed on every complete £1 remaining on deposit throughout a calendar month. This illustrates the benefit accruing to depositors. The funds deposited by the public in the Government Savings Bank were invested as follows: £33,163 in mortgages on freehold securities; £35,680 in municipal debentures; £508,207 in metropolitan water works and goldfields water supply debentures; £240,954 in debentures under the Agricultural Lands Purchase Act: £71,557 in water board debentures; £3,123,303 in local inscribed stock certificates; £8,304 in Land Drainage Act debentures; £14,994 in road board debentures; £746,113 in Treasury bills; £631,360 in Treasury bonds; £6,210 in Western Australian Government debentures, and £66,667 on fixed deposits. During the last financial year, £10,500 was transferred from the bank's profit and loss account to Consolidated Revenue, and now £34,006 remains to the credit of the profit and loss account and is available for transfer to the Consolidated Revenue Fund this year. It is desired to preserve these benefits as fully as possible to the people and to the State. The Bill makes provision for the regulation of the carrying on of savings bank business by private persons, for the licensing of private savings banks and prohibits the carrying on of savings bank

business within the State by private persons except under the authority of a license granted by the Governor. It is proposed that applications for licenses shall be accompanied by certain information and evidence of the stability and bona fides of the applicant, and that there shall be deposited with the Minister the sum of £10,000 to be invested by him in debentures, Treasury bills or other securities of the State Government, or other such securities of the value of £10,000. It is also proposed that the licensee of a savings bank shall be entitled to receive the income derived from the investment of moneys deposited with the Minister and from the securities deposited with him.

Mr. Mann: Will this Bill interfere with the operations of the Primary Producers' Bank?

The PREMIER: I am not sure. The hon. member should not be inquisitive. The Bill will not interfere with that institution provided it complies with the provisions of the Bill. It may be that the Bill will not permit the Primary Producers' Bank to continue operations under existing conditions.

Mr. Mann: Is that the object of the Bill?

The PREMIER: Not entirely. It may, however, cover the position referred to by the hon. member.

Hon. W. D. Johnson: The Bill extends private banking!

The PREMIER: I do not know that it does.

Mr. Latham: It sounds like it.

The PREMIER: The Bill merely seeks to regulate private savings banks. The Bill sets out the conditions under which private savings bank business will be allowed to be carried on in future.

Mr. Mann: In the Eastern States the Primary Producers' Bank has followed the lines of the savings banks.

Mr. Angelo: That is, one branch only.

The PREMIER: That is so.

Mr. Mann: You will prevent that under the Bill.

The PREMIER: Unless the Bank complies with certain conditions set out in the Bill. Unless the Bank puts up a deposit of £10,000 with the Minister or securities to that value, it will be prevented from continuing operations. Of course, having complied with those conditions, the Primary Producers' Bank would receive interest accruing from the money so deposited, equalling 1 per cent. in excess of the interest paid by the bank. The State is justified in taking precautions regarding savings bank operations. So far as I know—I may be mistaken on the point—Queensland is the only State where private savings bank business has been carried on in recent years. I am not sure whether there is any private savings bank business carried on in New South Wales.

Mr. Angelo: It is now.

The PREMIER: I do not know whether that has been since the Primary Producers' Bank was established.

Mr. Angelo: It is throughout all the States.

The PREMIER: The Bill is on similar lines to the Queensland Act. I do not know whether that Act was introduced and passed because of the operations carried on by the Primary Producers' Bank.

Mr. Mann: This is a word in season.

Mr. Angelo: The introduction of the measure followed the establishment of the Primary Producers' Bank. That may have been only a coincidence.

The PREMIER: Maybe so. The Bill provides that each private savings bank shall invest with the Minister during the months of January, April, July, and October in each year, a sum of 70 per cent. of the excess of the total deposits made in such savings bank, over the total withdrawals from that bank during the last preceding quarter. It is further provided that the sum so invested shall bear interest payable to the bank at the rate of 1 per cent. per annum higher than the rate per cent. which the bank has allowed during such last preceding quarter, by way of interest on savings bank deposits.

Mr. Thomson: I hope this will apply to the Commonwealth Savings Bank as well.

Opposition Members: No, it will not.

The PREMIER: The Commonwealth Savings Bank is not a private bank.

Mr. Angelo: It is in opposition to the State Savings Bank.

The PREMIER: It is, but I do not know how far the State has power to legislate against the Commonwealth Bank. I am afraid we have no such power whatever.

Mr. Davy: Try it.

Hon. W. D. Johnson: Why extend the rights of private banks when you cannot take action against the Commonwealth Bank?

The PREMIER: The hon. member is wrong. The Bill does not extend the rights of private banks; it limits them and restricts the right of private individuals to engage in private savings banking business.

Mr. Sampson: It sounds rather drastic.

The PREMIER: If during any quarter the withdrawals from a bank exceed the deposits it is provided that the Minister shall refund to the bank concerned a sum equal to 70 per cent. of the amount of the excess of withdrawals over deposits during that quarter.

Mr. George: Surely it would be necessary to do something like that if there were a sudden run on the bank without necessitating a wait of three months.

The PREMIER: It is further provided that the Governor may exempt any bank from complying with the provisions set out for a period and that by a similar order the Governor may for a period reduce, in favour

of any bank, the percentage of excess deposits that the bank is required to invest with the Minister. Provision is also made for the protection of the customers of a private bank. The Bill sets out that all moneys and securities invested or deposited with the Minister by a bank shall be charged with the payment and satisfaction of all final judgments against that bank in respect of deposits with it in this State, which are not otherwise satisfied. A private savings bank that transacts other than savings bank business is required to keep a separate account of all moneys received on account of savings bank customers and to establish a separate fund to the credit of which all moneys so received shall be absolutely the security of the savings bank depositors. That is a reasonable provision. Then again, every private bank is required to have a registered office in the State, such office to be in charge of one or more of the principals of the bank or of its principal attorney in the State. A private bank on ceasing to carry on savings bank business in the State will have the right to receive from the Minister any deposits or securities held by the Minister on such bank's account after it has satisfied the Minister that it is able to discharge all liabilities arising under its savings bank business in the State. These are the main provisions of the Bill and they are similar to those it was found advisable to enact in Queenslaud. I say frankly that because of the operations of a new banking institution established in Western Australia during the last year or two and keeping in view the functions of the Government Savings Bank, together with the possibility of the former bank operating to the detriment of our State institution, we consider it advisable to introduce a Bill of this description.

Mr. Thomson: Was it found in Queensland that the Government Savings Bank operations were affected very seriously?

The PREMIER: Yes, and I can give one instance where it seriously interfered with the State Savings Bank here. At the town whose district is represented by the hon. member himself, £1,000 was withdrawn from the Government Savings Bank and was taken straight across the street, or next door, as the case may be, to be deposited with the other bank. That bank brought the £1,000 back to re-deposit it with the State Savings Bank. There is an instance in which the State Savings Bank was affected to the extent of £1,000 in one day. This shows that there is a possibility of the operations of the Government Savings Bank being seriously affected.

Mr. Angelo: Do not forget that the whole of the resources of the Primary Producers' Bank are utilised for the advancement of primary production in Western Australia.

The PREMIER: I am not questioning at all the object and purpose of the institution referred to by the hon. member. I understand that its funds are used for investment only in primary industries. To that extent there may be a useful sphere ahead of the institution in Western Australia, provided that the bank complies with certain conditions. I consider we are quite in order in protecting the savings of people who may have invested their funds with the bank as a sound business concern. In saying that I do not mean to reflect at all upon the soundness of the bank referred to. I move—

That the Bill be now read a second time.

On motion by Hon. Sir James Mitchell debate adjourned.

BILL—JURY ACT AMENDMENT.

Second Reading.

The MINISTER FOR RAILWAYS AND JUSTICE (Hon. J. C. Willcock—Geraldton) [5.0] in moving the second reading said: The principal objects of the Bill are to abolish special juries, to ensure secrecy in regard to the jurors selected for the trial of any case, and to provide for the placing of women on jury lists on their own application, so that they can at their option assume or avoid the liability to serve on juries. Then there is a provision for exempting justices of the peace from service on juries, and a further provision respecting the payment of jurors.

Hon. Sir James Mitchell: It will be worth ten guineas to be a justice of the peace, since it will carry exemption from juries.

The MINISTER FOR JUSTICE: Perhaps it will. Under the existing Act jurors are paid 10s. per day. To a salaried man paid by the month or by the year, whose salary is not in any way affected by his attendance at the court, 10s. a day represents nothing more nor less than pocket money. But when a wages man is called upon to serve on the jury, he loses a day's pay, and so the 10s. fee set down in the existing Act is quite inadequate to recoup him. During the past two or three years it has been the practice in big cases to pay a juror as much as 10s. per day over and above the fee prescribed by statute. Under the Bill, the existing scale of fees for the payment of juries is abolished, and power is taken for the Governor to prescribe a scale. So the fees will be set out by regulation instead of by statute. Controversy has arisen elsewhere over the provision for placing women on jury lists.

Mr. Mann: Would you like to be tried by a jury of women?

The MINISTER FOR JUSTICE: It would depend on the charge. I have not got on too badly with women. We have already passed an Act affording women the same civic status as men, and it is questionable whether that Act does not make it mandatory that women should be placed on

jury lists. I should say it is not desired by more than 20 per cent. of the women of the State that they should be placed on jury lists. However, we merely provide that if they so desire they must make application.

Mr. Chesson: There will be plenty making applications.

The MINISTER FOR JUSTICE: I have not heard many women express a desire to serve on a jury. However, those who do so desire will be considered.

Hon. Sir James Mitchell: If a man had to get on the list by the same process, none would serve.

The MINISTER FOR JUSTICE: Still, we do not wish to deny women the right to serve on juries if they so desire. It is provided that any woman who wants to serve on juries must make specific application.

Hon. Sir James Mitchell: You ought to provide that it be by personal application to the Minister for Justice.

The MINISTER FOR JUSTICE: No, I have enough to do without being interviewed on that point. However, that is just a precaution we are taking. From time to time it has been seen to be advisable that more secrecy should be observed in respect of jury lists, and so the provisions of the Victorian Act are incorporated in the Bill. Under those provisions, instead of the alphabetic order being retained, each name will be numbered, and corresponding numbers will be drawn from the box. Under the existing system it is possible to ascertain within a few names who will be on the jury, because the lists are drawn alphabetically and so the panel can be traced. Anything in the nature of jury rigging is not likely to be successful under this system of numbers. The system will be carried out by the sheriff's officer together with another person appointed by the judge. I suppose that will be the judge's associate. It has not been necessary here to introduce such a provision, but in other States it has been found quite necessary, so that the jurors' names may not be known beforehand. Then we have another provision exempting from jury service persons living more than five miles from a made road. Take Wanneroo: Although within 36 miles of Perth, the place is served by a very bad road. It means that jurors coming from Wanneroo have to leave their wives and children in the bush and stop in town overnight. The Bill provides that where a juror has not reasonable convenience of transport to attend the jury, he may be excused from the list.

Mr. Latham: You will require a very big list to allow for that.

The MINISTER FOR JUSTICE: Everybody liable to service on the jury is on the list.

Mr. Latham: But when making a selection you will require to have a big margin.

The MINISTER FOR JUSTICE: No. Such men will not appear on the list at all.

Mr. Latham: At all events, it will mean a lot of trouble in keeping the list up to date.

The MINISTER FOR JUSTICE: Then there is a provision exempting justices of the peace from service on juries. Already they are exempted from service on special juries, and under the Bill they are not required to serve on any jury. This is very necessary, not so much in Perth as in court of sessions districts where, in some instances, in the absence of a judge the chairman has to take a case, supported by two justices of the peace. Moreover, it will be a recognition of public duties performed by justices that they are not required to serve on the jury as well.

Hon. Sir James Mitchell: Will they not regard it as a slight?

The MINISTER FOR JUSTICE: No. If any of them desires to go on the list, no doubt his name will be added.

Hon. Sir James Mitchell: I do not think anybody wants to be on the list.

The MINISTER FOR JUSTICE: Some people desire to exhibit a public spirit and serve the country in every possible way. I now come to the main point in the Bill, namely, the abolition of special juries. The special jury is a relic of bygone days. I do not want to deliver a homily on the historic records of the inauguration of juries, how they were brought into existence, but I may say that in the first instance a man had the right to be tried by men in his own station of life, aristocrats by aristocrats, and so on. No man could be tried by his inferior. A man in a superior social station could demand to be tried by people of his own circumstances. In other words, a man had to be tried by his peers.

Mr. George: Wouldn't you sooner be tried by a jury of railway men than by one of outsiders?

The MINISTER FOR JUSTICE: It would depend on the case. In these democratic days, if the jury principle is sound, a haphazard selection of jurors is preferable to having on the panel men who may be prejudiced.

Hon. Sir James Mitchell: But there is nothing democratic about a jury.

The MINISTER FOR JUSTICE: Perhaps not, but in these democratic days, when one man is as good as another and, as the Irishman said, a jolly sight better——

Mr. Davy: Special juries do not try criminal cases. You have been talking criminal cases.

The MINISTER FOR JUSTICE: There are important cases for which special juries are likely to be empanelled.

The Minister for Works: They are generally used when Labour men are before the court.

The MINISTER FOR JUSTICE: I do not even say that, but I say that under the existing Act a special jury can be

empanelled for the hearing of a case in which they are interested. There may have been justification for special juries in earlier times, when the possession of wealth generally meant the possession also of a superior standard of education. In olden times a farm labourer mixed with nobody outside his class, and probably with only three or four within it. Such a man would not be in a position to decide a question involving huge sums of money and technical breaches of the law. In those circumstances it was thought necessary that people of special training or education or knowledge, or who were men of the world able to decide questions as they cropped up from day to day, were in a better position to judge a case than was, say, the farm labourer. We have compulsory education and endeavour to sharpen the intelligence of all our people. We have manhood suffrage, and everyone is supposed to know something about politics and civic responsibilities. The people having reached that stage are quite competent to try any case that may come on for hearing. Of course provision is made in other legislation that where special technical knowledge may be required to investigate the circumstances attending a fatality, a special jury may be empanelled.

Hon. Sir James Mitchell: A special case might require special knowledge.

The MINISTER FOR JUSTICE: No one is anxious to serve as a juryman, special or otherwise, but it is a duty of citizenship, and when a man is called upon to serve, we expect him to give a just decision on the merits of the case That is all the law should provide. At present the sole qualification to serve on a special jury is not that a man is possessed of special knowledge or experience, but that he possesses a certain amount of wealth or follows a certain occupation, and people are apt to conclude that such a juryman might be prejudiced in favour of an individual of his own social status, or in his own line of business. This has been the experience in many cases during recent years. People tried by special juries have expressed the opinion before the case was half way through that they were not likely to get an impartial decision.

Hon. Sir James Mitchell: If that is so, it would be better not to have juries at all.

The MINISTER FOR JUSTICE: We want to uphold the jury system, but a haphazard selection should be made of ordinary men likely to return a verdict on the facts adduced in evidence. No one would contend that only a certain class of people possess brains and judgment, and I do not see why any particular individual, because he occupies a certain position or is blessed with a certain amount of this world's goods, should be the only one capable of giving a just decision. Whatever a man's worldly possessions may be, we should not expect more of him than of an ordinary man. Where conspiracy cases have arisen from industrial disturbances and special juries have been empanelled, these men, by reason of their calling or their financial position, have proved to be quite out of sympathy with the aspirations and ideas of industrialists, who have felt that their case in the hands of a special jury was prejudiced. That feeling of doubt destroys the fundamental principle of British justice that rich and poor should be treated alike. We should remove the impression that a man who can afford to pay for a special jury may have whatever jury he likes.

Mr. Holman: If he wins the case the other fellow has to pay.

The MINISTER FOR JUSTICE: But when a man goes to court, he does not know whether he will win or lose.

Mr. Mann: He always loses.

The MINISTER FOR JUSTICE: The adage says that the winner of a lawsuit always loses. The principle has been that if a man has sufficient wealth and is able to pay, he may have a special jury to try a special case. That destroys the fundamental idea that, regardless of a man's circumstances, he has the same rights before the law as any other man. Last session a Bill was introduced that aimed at the abolition of special juries. It was passed by the Assembly, but in another place a decision was not reached. So far as I can ascertain from the "Hansard" reports, no particular objection was raised against it in either House. The measure reached the Council on the last day of the session, and there was not time to consider it thoroughly. I hope this Bill will be passed, because I am convinced that special juries are unnecessary and that they have a tendency to destroy the confidence of the great bulk of the people in our judicial system. I move—

That the Bill be now read a second time.

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

BILL—CLOSER SETTLEMENT.

Second Reading.

Debate resumed from the 21st August.

Hon. Sir JAMES MITCHELL (Northam) [5.24]: The Minister for Lands, in moving the second reading, rightly said that a somewhat similar Bill was brought down a year or two ago, and because the measure was passed in this Chamber, he considered it unnecessary to use much argument in explanation of the present Bill. It

is true that there are one or two innovations in this Bill, and I intend to vote for the second reading, but in Committee I hope we shall be able to restore some of the provisions of previous measures that have been dropped on this occasion. The desire behind the Bill, of course, is to bring land into use, and everybody wishes to achieve this without interfering unnecessarily with owners and certainly without interfering unnecessarily with the security in land. The Minister told us that the total area of land held in fee simple is 10,500,000 acres, and that 17,822,000 acres is held under conditional purchase provisions. It must be remembered that conditional purchase leases do not comprise entirely first class land. The Minister also told us that grazing leases represent 8,000,000 acres, but these do not consist of cultivable land. Small patches may be cultivable but, as the name implies, they are really grazing lands.

The Minister for Lands: A lot of those areas were granted years ago.

Hon. Sir JAMES MITCHELL: Of course hundreds of thousands of acres were granted before responsible government, but a great deal of the timber leases and of the Midland land is not first class agricultural land. I suppose almost all the land leased for a few years has been fenced and is used for stock, but that was not shown in the Minister's figures. There are no means of ascertaining what that figure is, but the 9,000,000 acres cleared or partially cleared do not represent the only areas that are being used. We must not run away with the idea that the people who own the other 19½ million acres are not doing anything with their land. In almost every case the land is being used.

The Minister for Lands: I said it was being used principally for sheep.

Hon. Sir JAMES MITCHELL: It may be that second class land is not being put to its best use, but I want the Minister to understand that this land is not altogether idle. We must remember that a great deal of improvement has been made in comparatively recent years. To improve land is a very expensive business and people have done their best. If any people have worked well, they are certainly the men on the land. It has been said that the Government have advanced almost all the money spent to improve the land. That is wrong and should not be allowed to go uncontradicted. I suppose the stocking, fencing, clearing, buildings, and other improvements are worth something like forty million pounds, and of that the Government have advanced ten million pounds. One of the new provisions of the Bill is that conditional purchase leases are to be brought under the Act. Other leases such as special, and timber leases are all, with the exception of pastoral leases, to be included. I hardly think it is right for us to do this. The holder of a conditional purchase lease accepts it subject to certain payments, and to certain improvements being made. This amounts to a contract between the lessee and the Government. If the lessee effects his improvements in accordance with the Act and makes his payments, I do not think he should be disturbed, and we should not expect any more of him. If a greater amount of money is required to be spent on the holding the Land Act should be amended, but it cannot be made restrospective. It will be said that conditional purchase land and freehold land are much the same, but though the land may be the same the title is not. It will also be said that when the lessee has completed his improvements and made all his payments for 20 years he gets the freehold. There is no refuting that argument. My only reason for objecting to this position is that there is a contract which ought to be observed. Conditional purchase leases are also limited in area. I hope in Committee to have this particular provision amended for the reasons I have set out. Another provision in the Bill is that no time is given to the owner to improve his holding. He should be given time subject to a penalty in the shape of a higher tax. It would be wise to retain the provision in the Bill of last year dealing with this question. If land is subject to a mortgage the man to whom the money is owed might also elect to effect the improvements. The Minister might get over the difficulty by limiting the time during which the Act would operate. It would certainly be wise to give the owner or mortgagee time in which to make improvements. The Minister has fallen into an error concerning the Avon Valley. He imagines that it is an extensive valley, containing millions of acres. As a fact it extends from a little west of Toodyay to Beverley. It is about 70 miles wide, and if one takes a trip through it of 25 miles one takes in a little over a million acres. The Minister says there are two million acres of unimproved land, but evidently bases that estimate on Mr. Lefroy's report, which includes land that is far further afield than the Avon Valley.

The Minister for Lands: It is within seven miles of a railway.

Hon. Sir JAMES MITCHELL: Of some railway, but it is not adjacent to the Avon Valley.

The Minister for Lands: The report mentions the Avon Valley.

Hon. Sir JAMES MITCHELL: It is wrong. The Avon Valley is known to be good land, but land 12 miles from it is not all good. I object to the figures of the Minister going forth uncontradicted. I have no objection to the Minister referring to land between Dowerin and Pingelly as being adjacent to railways, because there is a tremendous area within those towns that has not yet been brought into use. But much of the unimproved land is poor. In the Avon Valley there is very little unimproved land. We are all anxious to increase production, and to increase our exports and reduce our

imports. We can readily market our wheat, wool and timber, for the world's markets are at our disposal for these products. If we had them we could also export butter and bacon, but as our own requirements are not being met we import about two million pounds worth of food products. With the exception of fruit our marketing is not a difficult matter. I hope the Minister will find some means of overcoming that trouble. We have something like 25,000 acres under fruit, but if this fruit growing could be concentrated, a good many of our difficulties would be removed. Seeing that it is all scattered over about ten million acres of country, we cannot expect to get our fruit to market in a reasonable condition. We have oranges at Gosnells, apples at Bridgetown and Mt. Barker, and other fruits at Geraldton. Under these conditions we cannot hope to bring all this fruit to central factories. I hope we shall be able to concentrate on fruit production, by growing apricots, for instance, at Maida Vale, and peaches in the electorate of the Minister for Works. If we could centralise our fruit growing, the fruit would be more valuable. Marketing is difficult, because we cannot get the fruit to the factories in good order. Under vines we have about 3,000 acres in bearing, and about 5,000 acres altogether. We import a tremendous quantity of wine. From the Eastern States we import about £120,000 worth, and of liquor generally we import £295,322 worth. A great proportion of the imported wines, at all events, should be locally made. We import £573,000 worth of tobacco, but I believe every ounce of that could be grown in Western Australia. Tea, coffee, and cocoa drinkers consume more than the liquor drinkers, for the importations of these three products are valued at £314,000. We also import dried fruits to the value of £43,000 and jams, etc., to the value of £180,000. All of these things should be grown here. I hope the Minister will take up this question of the concentration of our fruit industry. I support the second reading of the Bill, and believe that in Committee the Minister will listen to reason and amend it in some small details.

Mr. THOMSON (Katanning) [5.40]: On each occasion that a Bill of this character has been before the House I have supported it, with the reservation that we should amend it in Committee. I do not see the need for the Bill. The Minister says we have 19½ million acres of unimproved land, or land that is used for sheep. In the Bill we are confronted with a clause that gives the board authority to say for what purpose land is suitable. Clause 3 says that the board may inquire into the suitability for closer settlement of any unutilised or unproductive land. I am in accord with that. Subclause 2, however, says that land shall be deemed to be unutilised and unreproductive within the meaning of the Act, notwithstanding that such land is partly used or productive, if in the opinion of the board it is not put to a reasonable use, and its retention by the owner is a hindrance to closer settlement. There may be isolated instances where a man holds an area of land that might be suitable for closer settlement, and is not putting it to proper use. During the past three years large areas of land along the Great Southern were offered by interested parties to the State with a desire to assist the Government in their group settlement scheme. The ex-Premier stated it was his intention to plant 10,000 acres in vines.

Hon. Sir James Mitchell: I did not say that.

The Minister for Lands: Seeing the present position of the fruit market it was a good thing he did not.

Mr. THOMSON: Various committees on the Great Southern line from Katanning, Wagin, Narrogin and Pingelly secured options over areas of land at reasonable prices. The matter was submitted to the Government but nothing was done. This land could be acquired to-day at reasonable prices without any such Bill as this. The Bill places in the hands of the board power to say whether land is being properly utilised or not. I claim that is too much power to place in the board's hands. One member of the board will represent the Agricultural Bank, another the Lands Department, and the other will be a man with local knowledge. The Minister said many people would wonder why it was necessary to introduce a Bill for the resumption of land; under compulsory resumption a fair price is fixed by arbitration, whereas if the resumption were not compulsory the Government would have to pay a higher price for the land. I hope the Bill will not be put into operation with the idea of taking people's land at less than reasonable prices. I know that is not the intention of the Minister. The Act states that a land owner shall, on resumption, receive a sum equal to 10 per cent. on his taxation assessment. If a man assesses his land at say £1 an acre, the Government have the right to take it at that valuation, plus, of course, the value of the improvements, and in addition, 10 per cent. The point to which I wish to draw attention is this: A man may have been working his land for a number of years to the best of his ability and with the finances at his command. Then after those years of experience he has become convinced that the most profitable return he can get from that land is to utilise it in a different direction, say sheep.

Hon. Sir James Mitchell: There is nothing wrong with that.

Mr. THOMSON: No, but what I want to draw attention to is the fact that we are to leave everything to the board. It is to be "in the opinion of the board."

The Minister for Lands: Someone must have authority.

Mr. THOMSON: I recognise that, but let me draw attention to the position as it exists in my district. When I first went there 20 years ago, the one subject farmers were discussing was the growing of wheat. Experience has taught them that it is much more profitable to go in for mixed farming. We have a magnificent flour mill at Katanning, but in the districts surrounding the mill there is not sufficient wheat grown to keep the mill going all the year round, because it is more profitable to produce wool and wheat than wheat alone.

Mr. Maley: But an owner must utilise his land and must produce something.

Mr. THOMSON: I am showing that people are utilising their land. The Minister told us that there were 19½ million acres of land that were unimproved, or that were used principally for sheep. A man may, as the result of experience, be convinced that sheep are more profitable than anything else.

The Minister for Railways: But it may be possible to produce a great deal more from that land.

Mr. THOMSON: I have quoted the experience in my district where, 20 years ago, people were talking wheat and growing wheat, and where at the present time the same percentage are engaged in mixed farming.

Mr. Maley: Probably the whole of that land could be used for profitably growing wheat.

The Minister for Railways. We are not considering the profit of the individual; we are considering production generally.

Mr. THOMSON: After a man has held his property for 15 or 20 years, it is quite possible that he may have only a thousand acres that he is utilising to the fullest extent, that it may be giving him an adequate return, that he has complied with the law in every way, has cleared the property, fenced it, constructed dams, etc.——

Mr. Taylor: Then that man would be quite safe.

Mr. THOMSON: I am putting the position as I see it, and I fear that difficulties will arise. I know of land in my district that was offered to the Government at a reasonable price and that land to-day is of considerably greater value because of what has been done with it. I know, of course, when I quote this illustration, my friends will possibly use it against me and as an argument in favour of the Bill. A certain area was offered to the Government for closer settlement at £2 17s. per acre. The Government took no action.

Hon. Sir James Mitchell: It was not the Government's affair. There was a statutory board in existence.

Mr. THOMSON: But the Government never even examined the property. Two young fellows purchased 100 acres of the area and planted vines on it. The land immediately increased in value to £7, £8, and £9 per acre. This was simply because the young fellows who had taken up the 100 acres demonstrated what it was capable of growing.

Hon. Sir James Mitchell: The vines are not bearing yet?

Mr. THOMSON: Whether the vines are bearing or not I have given the facts. Probably some members will say that I am using an argument in favour of the introduction of the Closer Settlement Bill. My contention is that 10 per cent. on the assessable value of the land is not reasonable.

The Minister for Lands: But many people do not do anything to improve the value of their land.

Mr. THOMSON: When a man submits his return to the Taxation Department he is allowed to strike off 10 per cent. for depreciation. As a man who is in business has what is known as goodwill which comes from the building up of that business, so should the holder of a successful farming proposition have a goodwill. Under the Bill before the House any land may be taken.

Hon. Sir James Mitchell: Nothing of the sort.

Mr. THOMSON: I do not think I am wrong because it is proposed to place in the hands of the board the power to determine whether the land is being properly utilised. Say a man has a thousand acres and that it is taken from him at the valuation of £3. To that amount 10 per cent. is added and we compel him to walk off his property, which perhaps he has occupied for many years. And we give him £300 plus the value of his improvements and the value of the land! Is that sufficient compensation? I declare it is not. The Bill does not say that the land shall be of a certain area or above a certain value as was provided in the previous measures that were before the House. The Bill now before us means that the Government can take 500 acres or a thousand acres in the manner that I have indicated. I do not intend to oppose the second reading; I am just giving my views of some of the difficulties that I see. Of course it can be argued that there is land that is not properly utilised.

Mr. Maley: Many thousands of acres.

Mr. THOMSON: I do not believe it to be the intention of the Government to confiscate that which belongs to a section of the people; I believe the Government intend to do justice by all and I am hopeful that one or two amendments that I propose to submit when the Bill is in Committee will receive favourable consideration. What I wish to do is to safeguard the rights of

those who have complied with all the conditions, and who are doing their duty to the State.

Hon. W. D. JOHNSON (Guildford) [6.0]: One is at a disadvantage in discussing a Bill of this description, remembering that two somewhat similar Bills were presented in previous sessions. It is difficult, therefore, for a new member to talk as freely as he would wish on the Bill now before the House. To my mind the introduction of the Bill might, with advantage, have been delayed until after the introduction of the Bill which will have for its object the taxation of unimproved land values. I presume that the Government have introduced the Bill for the purpose of acquiring more land for those people who are disappointed day after day by the Lands Department. No doubt the Minister has become concerned at the number of disappointed persons leaving the Lands Department day after day, and in his anxiety to overcome that disability he has reached the conclusion that the nearest cut to reform is the introduction of a measure such as this. I differ from the Minister in that regard, and do not think this measure will give him what he anticipates getting. To my mind this is not a Closer Settlement Bill at all, but really a Bill to expedite the utilisation of lands. The measure contains many provisions which give the owner of land the opportunity to delay the operations of the board to be appointed for the purpose of acquiring land. Later on, even after the board have done a great deal in the way of investigation, the owner can step in and give notice that he intends to use the land himself, even although he has injured the State for perhaps 20 years by holding the land to the detriment of the general prosperity. A Bill embodying so many means of delay in acquiring land cannot possibly be called a Closer Settlement Bill. Ultimately, perhaps it may serve some of the purposes for which it has been introduced. Our need, as I understand it, is immediate relief by the provision of land for disappointed applicants. I contend this measure will not achieve that end. The debate we have heard on the measure so far, of course a very brief debate, will be repeated upon the introduction of the Government's proposed tax on the value of unimproved lands. It is to that future Bill the remarks of the Opposition Leader and those of the member for Katanning (Mr. Thomson) are pertinently applicable; but they do not apply to the present measure. This is not a Bill which will take land, but one which says that land may be taken under special conditions unless the owner elects to utilise it in the meantime, in some cases land which, as I have said, he has already held unused for 20 years. Let us see to what extent the Minister can operate under the measure. After he has got the Bill through, he has to appoint a board; and the members of the board are to be specially appointed for the administration of this measure for closer settlement. Judging by the experience we have had up to date, it will take three months to constitute the board. Indeed, the operations generally of government, so far as I know them, are such that it requires three months after the passage of a measure such as this to establish it in a way such a measure as this needs to be established in order that its functions may operate. After three months' delay, possibly, we get the board, and then the board start to inquire. We know what it means to get boards starting to inquire. In my estimation that process will occupy at least three months. Ours is a State of huge distances. There will be the difficulty of deciding where the board shall start their inquiries. After the board have reviewed the State and made up their minds where to start operations, they will begin to make investigations regarding particular lands which they propose to bring under the provisions of this measure. There is another three months gone. At the expiration of six months, therefore, we arrive at the inquiries. Eventually the board will be ready to report to the Minister. Before they report to the Minister, however, they have to notify all persons interested. This will be a fairly extensive operation, because they have to notify not only those whom a search at the Land Titles Office discloses as having an interest in the land under review, but also all persons who appear to have any interest in the land. The process of inquiry will therefore be extremely wide, and the board have to make the notifications referred to, before they can submit their report to the Minister. The giving of these notices will consume another three months.

The Minister for Lands: The board can find out at the Land Titles Office the persons to be notified.

Hon. W. D. JOHNSON: No; it is not limited to the Land Titles Office. The Bill requires that all those who appear to have any interest in the land shall be notified; and even though the Land Titles Office be searched, the investigations cannot be restricted to that quarter.

The Minister for Lands: The Bill lays down very clearly what is to be done in that respect.

Hon. W. D. JOHNSON: The Bill directs the board to notify all those who appear to have any interest in the land. Thereupon the board report to the Minister, and after they have reported the Minister is to give the matter consideration, which means that another month will pass before anything is done. After consideration has been given by the Minister to the subject, the land may be declared land coming under the provisions of the measure. Then notice to that effect will have to be published in the "Government Gazette." This last step, getting the notice prepared and so forth, will mean another month. After the Min-

ister has given his declaration, the owners and persons interested are again notified of that declaration. The sending out of these further notices will mean another two months' work. After all these things have been done, the owner may checkmate all the operations of the board up to date by notifying the board, within three months of his having received the notice, that it is his intention to subdivide the land. He has three months' grace before he is bound actually to serve this notice. After having given notice to the Government that he intends to do that which the Government up to this period had intended to do themselves, he submits a scheme for subdivision —yet anther month. The board, after the lapse of three months, receive notice that the owner himself is going to subdivide; and then, after the notice of intended subdivision has been given, the owner is called upon to submit to the board his scheme of subdivision. If he fails to submit such a scheme to the board, he is notified by the board that he is in default. Upon getting that notice of default, he has the right of appeal to a judge against such notice. That, again, will take a few months.

Mr. Thomson: Where does he get the right of appeal to a judge?

Hon. W. D. JOHNSON: In Clause 8. For my own information I have totalled up these various periods; and although I do not claim to be an exact judge of time in this regard, still, as far as I can gauge the position in the light of my experience of Government procedure in matters of this description, 23 months will be spent before the position is reached when the board have the land and can start to subdivide.

The Minister for Lands: You might have added another month and made the period two years.

Hon. W. D. JOHNSON: I have tried to estimate correctly the time which the process will take. I should like the Minister to explain to me how he is going to acquire land for closer settlement under this Bill without greater delay than this country can stand. The trouble we are labouring under to-day, as the Minister has said over and over again, is that we have not enough land available for settlement. If that is so, surely the postion is extremely serious, especially seeing that in addition to the numerous people we have here desirous of taking up land, there are the immigrants to be considered. Quite a number of Western Australian residents are anxious to take up land because of the growth of their families. Every member of the House must have a constituent or two who, after working for years in a factory or a metropolitan industry, has reared his family and wants to take up land in order that he may keep his family together. The boys have begun to grow up, reaching the age of 13, 14, 15, or 16. The father then realises that the one possibility of keeping his family together in this State is to get them on the land. There are no secondary industries here to absorb the boys. The father has just one opportunity of maintaining his home circle, and that is to utilise his boys on a farm. In addition we have the fact that we are spending huge sums of money in bringing people from oversea to this State for the purpose, the only purpose, of settling them on the land. Since we find that we have not now land enough for own own, while actually inviting others to come and share our land, surely we want some other method than this Bill provides to get the land made available that should be made available, the land that has been held for years and years to the prevention of progress in Western Australia. There is only one practical way of achieving closer settlement. We shall not accomplish closer settlement by means of this Bill. The only means of attaining that end, and attaining it quickly, is to place a tax upon the unimproved value of land. If we attempt to do that by this measure, no doubt we shall be told, as we shall also be told when a measure for that special purpose is introduced, that there is no need for a tax on unimproved land values. From the Opposition Leader's speech, and especially from the speech of the member for Katanning, we can infer that those gentlemen are opposed to any tax upon unimproved land values.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. W. D. JOHNSON: Prior to the tea adjournment I was expressing the view that the speeches of hon. members sitting on the Opposition side of the House savoured of a protest against any action being taken to force those holding unused land to make their land available to the individual either by means of their own subdivisions or by the State acquiring the land for the purpose of subdivision. I have already stated that this Bill will not do that which the Minister desires, nor will it do what he seeks to achieve in the time he would like. The Bill can be divided into three sections that are vital. One section refers to the appointment of the board; another gives the board the right to take land that is unutilised and unproductive, and the third section deals with the payment of compensation. Clause 3, which gives the board power to take land that is unutilised and unproductive, is so surrounded by conditions that, in my opinion, it will take 23 months from the time the Act is passed until the board can secure land for subdivison. Then again the definition setting out what is unutilised and unproductive land makes the measure unduly limited. If it is to be a closer settlement measure, it does not matter whether the land is supposed to be utilised or productive. The question is as to whether one individual can utilise his land and produce from it the maximum the land can produce, or use the land to the maxi-

mum of its capabilities. It is not a question whether the land is utilised or is productive. The aspect that should be the determining factor is whether the land should be taken for closer settlement. The question, too, is whether land could be better used by subdivision. Therefore, if the board be satisfied that land can be put to better use from the point of view of the State, by being subdivided and placed under the control of a number of people, instead of being monopolised by an individual, the board should have the right to take the land. Furthermore, in addition to the other limitations, the board is restricted in the exercise of its functions. The Bill does not say to what extent the land must be utilised and be productive. Finally, the question of compensation is too much surrounded by provisions. We should say definitely that the unimproved value that has to be paid for the land shall be the value placed upon it by the owner in his taxation returns. Upon that, I would be willing to pay the extra 10 per cent. for compulsory acquirement. Speaking from a layman's point of view, it seems to me that the wording of the clause, setting out how the unimproved value of the land is to be arrived at, leaves room for argument as to whether or not the value placed upon the property by the owner in his taxation return shall be taken as the value. In conclusion, I wish to emphasise that I am disappointed with the Bill. It will not work fast enough. Seeing that time is the essence of the contract, we must get land and get it immediately. We will not get it under the Bill. In fairness to Western Australia, we should get it by imposing a tax based upon the unimproved value. A measure to gain that end has been long delayed, and that delay has done an enormous amount of harm to the State. Had we passed a measure of that description 15 or 20 years ago, the settlement of our land would have been on a totally different basis. The absence of such a taxation measure represents a considerable loss to Western Australia. We do not want to delay the matter longer. I look upon such a measure as of paramount importance from a land settlement and development point of view. Such a measure should have preceded the one now before us, for that would represent the practical way of getting at what the Minister wants. The Bill represents a roundabout way of doing it. In my opinion the measure will prove so slow that injury will be done to the country because of the introduction of the Bill rather than the taxation measure I refer to.

Mr. SAMPSON (Swan) [7.37]: I congratulate the Minister for Lands upon introducing the Bill at this early stage of the session. I have always felt that the individual who holds a large area of unutilised land is not acting in the best interests of the State. The Bill seems to afford some solution of the problem with which we are faced. We know that the railways are in grave difficulties because of the necessity to ensure sufficient revenue to make the department pay. The effect of the Bill must be to increase production and consequently railway transport work must increase too. Too often have we seen in Western Australia and in other States very fine land utilised merely as a sheep walk. The time has come in Western Australia when the interests of the people as a whole should be considered, and when those who are holding up huge territories of unutilised lands should be compelled to release them and so permit others willing to utilise them to enter into occupation. About two years ago a friend of mine was desirous of taking up land. He went to the eastern wheat belt and had to go 14 miles from a railway before he could get land. When journeying through the country, one can see from the windows of railway carriages thousands of acres of unutilised land. Western Australia cannot enter into a full measure of prosperity while the present conditions continue. I recall that when in the Wyalcatchem district a few years ago I noticed some unutilised land and questioned a friend of mine about it. He told me that of the 5,000 acres in the block referred to, only 1,000 acres were being used. The remaining 4,000 acres constituted a burden on the State. The non-utilisation of that land for wheat production meant so much lost work for the railways and so much lost prosperity for Western Australia. The embodying of the suggestion contained in the New Zealand measure, whereby the valuation placed on the land by the owner, plus 10 per cent., shall be the accepted value, seems to be a reasonable proposition.

The Minister for Lands: That is the unimproved value.

Mr. Thomson: Would you like to take 10 per cent. on the goodwill of your business?

Mr. SAMPSON: I do not know that there is any goodwill in property that is not utilised. If the land is only partially utilised the 10 per cent. on the unimproved value is an acknowledgment that it is in excess of the value the owner himself has stated to be a fair value for the land.

Mr. Thomson: You would not like to take it if it was your property.

Mr. J. H. Smith: How do you arrive at the value?

Mr. SAMPSON: It would be arrived at by the owner himself, as disclosed in his taxation returns. As to the board to be set up, there may be continual changes in the personnel. When it comes to dealing with land it seems to me that the two departmental officers and the local man, should be able to arrive at reasonable solutions of the difficulties that will arise regarding improvements and other matters that require to be dealt with.

Mr. Thomson: I do not know that you would be keen on three men coming into your business premises to arrive at such determinations.

Mr. SAMPSON: I do not know that I would object. If three men gave me 10 per cent. on the full value of my business, I would be willing to step out and find something else to do. The position to-day is that something must be done to make land available. I congratulate the Minister because this is a serious attempt to solve a difficult problem. I acknowledge that the previous Government introduced two Bills very much along these lines. The Bill has gone further in that leases are to be dealt with. I do not know that many will find fault with that. The member for Guildford (Hon. W. D. Johnson) drew attention to the long time that will apparently elapse before the land required will be resumed. I find it difficult to decide whether the member for Guildford is in favour of the Bill or opposed to it.

Hon. W. D. Johnson: I think there is a better way of doing it.

Mr. SAMPSON: Perhaps in Committee the hon. member will be able to move amendments to expedite the work of resumption.

Hon. W. D. Johnson: I would do it by way of taxation.

Mr. SAMPSON: We should have taxation as well. There is plenty of land in the State that would never be disposed of if an additional tax alone were to be applied. It would be insufficient to bring about the desired result. The Bill takes the matter out of the hands of those who refuse to properly utilise their lands. The unimproved land values tax will do some good, but the Bill also will do good. We should have both. The member for Guildford (Hon. W. D. Johnson) says the unimproved land values taxation is the only way. I acknowledge that his years are very much greater than are mine, but I disagree with him on this point.

Hon. W. D. Johnson: I should be sorry to be as old as you.

Mr. SAMPSON: I have always supported the spirit of this measure, and because of that I sympathise to some extent with the member for Katanning (Mr. Thomson) who, I understand, is not in favour of the Bill. I know there is a divided opinion among primary producers in respect of closer settlement. That was shown on both occasions when previously the Bill was before the House. But the hon. member helped the Minister when he referred to the planting of vines as proving that certain land that had not been used was valuable for closer settlement.

Mr. Thomson: It is being fully used to-day.

Mr. SAMPSON: I am in sympathy with the hon. member who, I know, is anxious to do what is right. But opinion is divided. His own arguments show that, although speaking against the measure, he brought forward a splendid argument in favour of it. The question to be considered is, not the owner of the unutilised land, but the effect on the State of the holding up of that land. The State cannot afford that good land should be held unutilised while there is so urgent a demand for land. So the question to be decided is, can the land be put to a better use in the interests of the State? There are thousands and thousands of acres that can be put to better use than that to which they are being put to-day. While I reserve the right to consider amendments, I am entirely in accord with the principle of the measure.

On motion by Mr. Davy, debate adjourned.

BILL—ARBITRATION ACT AMENDMENT.

Message.

Message from the Administrator received and read recommending the Bill.

Second Reading.

The MINISTER FOR WORKS (Hon. A. McCallum—South Fremantle) [7.51] in moving the second reading said: I am fully seized with the importance of this measure to the community as a whole. The Court of Arbitration practically decides the main activities of trade and commerce in all their ramifications. It takes out of the hands of the employer the right to say what wages he shall pay, and the industrial conditions his employees shall enjoy. Those are controlled by the court and affect all branches of trade and industry from one end of the continent to the other. The court's decisions also enter into practically every home in the State. The court affects family life and enters into the social existence of our people as no other court does. It establishes directly or indirectly the standard of living of the great bulk of the people in the State. It either deals with them directly by awards or agreements, or else its decisions are taken as a standard governing and fixing the wages and salaries of those who are not directly under its jurisdiction. Admittedly, there is grave need for an amendment of the law as it stands. This was recognised by the previous Government, and they appointed a Royal Commission to inquire into the operations of similar laws throughout the continent and in other parts of the world, and to recommend amendments. They did me the honour of appointing me a member of that Commission. But the political atmosphere at the time was not settled, and at least two members of the Commission were interested in the elections. As a result of those elections, I was called upon to occupy the position I now have the honour to hold, and the Commission was dissolved on the recommendation of the Commission itself. But this Government have taken the stand that they belong to a movement, or were given birth by a movement, that understands where it wants to go in arbitration. We have made a study of the system, and we have our own policy in respect of it.

We have decided to accept the responsibility of submitting to Parliament the policy the Government stand for irrespective of the report of any Commission. That is the stand we are taking, and the Bill represents the matured consideration and judgment of those who have had many years of close association with the working of the system of arbitration. I have had prepared the memorandum on the front page of the Bill. It will give to hon. members an idea of the salient features of the amendments proposed. There has been considerable criticism of the operations of compulsory arbitration. It has been subjected to more unfair criticism than has any other law on our statute-book. Because arbitration has not prevented all strikes and all industrial stoppages, people are apt to forget just what the position was prior to the introduction of arbitration. I do not know why it is, but arbitration has been singled out for special attack, and the faults and failures in different aspects of its operations have been enlarged when similar faults in other laws have passed unnoticed. I do not know why there should be a cry for the abolition and repeal of the system of arbitration simply on the score that it has not effected all that was hoped of it, has not succeeded in preventing all industrial stoppages. That attitude is not adopted towards any other law on our statute-book. No one would treat the police as being useless because order is not always kept in the street. We frequently have breaches of the peace in our streets; yet the police are not said to be useless nor would anybody be bold enough to say that because there is not always peace in our streets the police should be abolished. Nor do those people treat our criminal courts as useless because there still exists crime. Yet because arbitration has not prevented all industrial stoppages, there is a section of the community that declares it to be useless. Lighthouses were erected in order to avert shipwreck. But because shipwrecks still continue, no one will be bold enough to say that lighthouses should be abolished. Everybody realises that although shipwrecks do happen occasionally, there would be a great many more of them if there were no lighthouses. We can accept it without question that without arbitration, industrial stoppages would have been far more frequent, would have lasted over extended periods, and would have been far more bitterly fought. There is a powerful financial organisation with headquarters in the city of Melbourne. It is financed by all the great commercial cormorants of this country and its title, I believe, is the Constitutional Union. It sets up subsidiary bodies, but it finds the money. It established the subsidiary body called the Single Purpose League, and members who were here last session know how we were bombarded with literature from that body and how it carried on a Press propaganda from one end of Australia to the other with the single purpose of obtaining the repeal of all laws controlling the fixation of wages. A mint of money must have been expended by that body in literature and Press propaganda. I believe its members simply represent an extreme element of the employing classes of Australia; I do not think for one moment that they represent a majority of the employers. They represent an extreme element just as there exists in the ranks of trades unionism an extreme element who desire to have all restrictions taken away, leaving them a free and open field to fight out their differences, each relying upon its own strength to gain its ends. When I say there are such extremists amongst trades unionists holding those views, I am not unmindful that a few years ago my reputation in that direction was extreme. I was usually held up to the community as a man who made a hobby of creating industrial disturbances.

Mr. George: You never deserved it.

The MINISTER FOR WORKS: I was held up as one who was never happy unless I had a strike, and that it was a pastime of mine to travel throughout the State, causing trouble wherever I went. I cannot understand the mentality of people who hold views of that kind. Any man of common sense knows that the ordinary trades union official is busy enough and has sufficient anxiety without a strike. The moment his members are out of work he has much additional responsibility and anxiety and work confronting him, and if he looks for that sort of thing for fun, well, he is a most peculiar individual indeed. Anyone who knows the inside workings of our organisation or has met responsible officials in the trades union movement, if at all impartial and open-minded, must admit, as do the presiding officers of industrial courts throughout Australia, that they stand on the side of industrial peace, that it has been their influence and help that has made for the settlement of a great number of industrial troubles and has allowed industry to be carried on peacefully. Notwithstanding the agitation that comes from certain quarters, I believe the overwhelming weight of public opinion is in favour of legislative control. I do not think there can be any questioning of that fact. But because our law has not been perfect, because in its operation it has proved faulty in many respects, some people maintain that the whole system is bad and that it should be done away with. We have to remember that the present state of our civil and criminal laws is not the result of a decade or a century of experience but is the experience of ages.

Arbitration a quarter of a century ago was entirely an innovation, but during that short period it has made for wonderful improvement. In view of the importance of this phase of the subject, I propose to briefly sketch its history in Australia with the object of reminding those people who complain of the operations of arbitration of the position prior to the adoption of arbitration and what the position is likely to be if arbitration were abolished. Before 1890 the attitude of Parliament to industrial disputes was one of apathy; at least it was strongly in favour of non-intervention. Unions which were at first ignored and then regarded as illegal associations, had been legalised, and the formation of industrial organisations had proceeded apace. With the growth and affiliation of both workers' and employers' organisations, it was inevitable that industrial conflicts should extend in area and severity, but the necessity for State interference was not recognised. It was quite apparent that a trial of strength would come before long. Non-interference in industrial disputes was the accepted policy of practically all the Parliaments of Australia. That doctrine of non-intervention was stated by Mr. (afterwards Sir William) McMillan at the Federal Convention in 1898 when he said:—

> I hold—and every year of my political life has made it a more sacred principle to me—that the less the Government do, except as acting as policemen in trade disputes, the better for the community. . . . The less the Government have to do with these things the better, and the more clearly it is understood that the Government are not to interfere except for the preservation of law and order, the sooner these disputes will be likely to end.

That, I think, clearly sets forth the doctrine that was the accepted policy of the Parliaments at the time. But it acted in only one way. In its essence it supported the employers, and gave no assistance at all to the industrial workers. The law was used to protect the employers and the workers were left unprotected. Events occurred, however, to lead legislators to reconsider their attitude. In 1890 there occurred a series of strikes accompanied by industrial disturbances of a magnitude unprecedented in Australia. The unions had been gradually strengthening their organisations, and their objective was collective bargaining. Their weakness, of course, lay in the number of workers outside the unions, and they decided to overcome that weakness by refusing to work with non-unionists. The employers, of course, realised that the unions' weakness was their strength, and they sought to establish what they called freedom of contract—the right to conduct their business as they pleased, and to employ whom they pleased irrespective of whether the men were members of unions or not. In 1890 the great shearers' strike occurred in Queensland. The member for Mt. Margaret (Mr. Taylor) will remember that, and although he was one of those who suffered as a result, it is to us, who are to-day standing where he did at that period, very sad to find him sitting cheek by jowl with the opposite side.

Mr. Taylor: You would not have been manly enough to stand the test.

The MINISTER FOR WORKS: I have never yet shirked my responsibility in that respect. When the shearers' strike occurred in 1890 and later on the great maritime strike developed, the Intercolonial Labour Council at Sydney issued the following declaration:—

> The time has come when a supreme struggle must be fought in the defence of trades unionism, and the maintenance and defence of the right of labour to federate in a common cause.

That declaration went forth from a conference of union leaders all over Australia, and was taken up as a declaration and practically resulted in a general strike throughout the continent. The struggle, as we all know now, led to great commercial chaos right through industry, and from one end of Australia to the other. Apart from the efforts of a few individuals, the attitude of the community and of the various Legislatures towards industrial disputes and social justice was either one of apathy or of hostility towards intervention. Coghlan has written in "Labour and Industry in Australia" as follows:—

> So far as the maritime workers were concerned, the strike resulted in their complete discomfiture. The employers gained freedom to employ non-union labour; wages were reduced, though not to any great extent, and the conditions as to hours of labour, overtime, and the periods of payment, which the union had enforced and on which it set great store, fell into disuse. New South Wales was the chief sufferer from this strike, as its immediate effect was to depress industry of every kind. Employment was reduced and wages lowered; large numbers of men in various occupations were thrown out of work, unskilled labourers especially finding it difficult to obtain employment.

During the great maritime strike and the shearers' strike, Governments were content to act as police, and the policy of non-intervention was faithfully adhered to, but there were signs that the wisdom of non-intervention was a matter of doubt. Out of the bitter controversies came the determination that something could and should be done in the future to avoid such upheavals. Outside the ranks of trades unionists, many men who had no sympathy with the strikes became impatient with the employers for refusing what they regarded as a reasonable request of the unions for a conference. Chief Justice Higginbotham, amongst others, was so disgusted with the hostile and adamant attitude of the employers in refusing even to meet the union leaders in conference that he donated £10 per week

to a strike fund so long as the strike lasted. In Victoria and New Zealand the Legislative Assemblies passed resolutions affirming the view that a conference should be held, and a similar motion in the South Australian Parliament was negatived by a narrow majority. Charles Cameron Kingston, in the course of the debate said:—

> It would be a good thing if the House took proper steps for the purpose of compelling parties to industrial disputes to refer their difficulties to a tribunal in whom the public had confidence.

But he contended that the time was not then ripe for such a drastic change. Later in the year 1890, however, Kingston introduced an Industrial Disputes Settlement Bill. The Bill did not become law, but it was the basis of all subsequent legislation on the subject of compulsory arbitration. Whatever credit is due for the initiation of compulsory arbitration in Australia must go to Charles Cameron Kingston. Kingston was a big-hearted democrat. Those of us who now occupy prominent positions in the public life of Australia have a good deal for which to thank such a man as Kingston He struck a true democratic note and created a public atmosphere, and carried out the educational work that permitted Labour to take the part it is taking to-day in the government of this country. Kingston should not be forgotten whenever a law similar to the Bill before us is being considered by any Parliament in Australia. He should be given credit for having carried out all the pioneering work that has made possible such legislation in Australia.

Mr. George: He was a big Australian.

The MINISTER FOR WORKS: Yes. The great industrial disturbances of 1890, though they resulted in the defeat of the unions, led by their very magnitude to the public consideration of whether some alternative could be found. The public interest would not be aroused by any industrial dispute, which only trivially or remotely interfered with their convenience. Such disputes as the maritime trouble and the shearers' dispute, which practically hung up all industry were different matters. The effect was the same as the result of the world conflict, the great war, the ramifications of which were so extensive that they brought home to the nations of the world the need for doing something else to settle differences. The outcome was the establishment of the League of Nations and arbitration for the settlement of international affairs. Kingston was the first to justify the policy of public intervention in disputes, which had previously been regarded as the concern of the parties themselves. He showed that through the growth of organisations of employers and employees, industrial welfare had so extended that the contests became prejudicial to the whole community. From time to time in the efforts to justify public intervention in industrial disputes, the harm done to the innocent public, who were not parties to the dispute, was the theme repeatedly put forward by Kingston. Sir Samuel Griffith, who was in 1888 Premier of Queensland, before the shearers' strike, issued a manifesto. His attitude is worthy of considerable notice, in view of the high position he subsequently occupied in the public life of Australia. The years that went by had a mellowing effect upon him, but there was still some of the attitude of his early days noticeable in his life. In 1888 he said in this manifesto—

> The relations between labour and capital constitute one of the great difficulties of the day. I look to the recognition of this principle, that a share of the profits of productive labour belongs of right to the labourer as of the greatest importance in the future adjustment of their relations. The experiment of giving to workmen a personal interest in the success of the industrial undertakings in which they are engaged has already been tried in a few cases by individual employers, and has resulted in conspicuous advantage to all parties.

In 1890 Griffith introduced a Bill to the Parliament of Queensland entitled "The Natural Law Relating to the Acquisition of Property." Amongst its remarkable clauses were the following:—

> 21. The natural and proper measure of wages is such a sum as is a fair immediate recompense for the labour for which they are paid, having regard to its character and duration; but it can never be taken at a less sum than such as is sufficient to maintain the labourer and his family in a state of health and reasonable comfort.
>
> 28. It is the duty of the State to make provision by positive law for securing the proper distribution of the net products of labour in accordance with the principles hereby declared.

Griffiths went out of politics, and that measure did not become law. It is worthy of note that even at that early date, 1890, that Bill affirmed the principle of the living wage and the duty of the State to interfere. When we can go so far back in our history, and find that those who were not Labour men, and who in later years became very hostile to the trade union movement, recognised that it was absolutely essential to have some State control, and declared that the living wage was equally essential, it is something to be remembered. That should for all time dispose of the arguments that are put up that it is not the function of Parliament or Governments to step in and control industrial disputes. In 1884 a Royal Commission was appointed in Victoria—the late Mr. Alfred Deakin being the chairman—to consider the sweating evil. It reported that the most effective mode of bringing about industrial co-operation and

mutual sympathy between employers and employed, thus obviating labour conflicts in the future, was by the establishment of courts of conciliation, whose procedure and awards should have the sanction and authority of the law. That recommendation bore no immediate fruit, but as we know later on it did have effect. Alfred Deakin who was another great Australian, and in many ways a good democrat, when speaking in 1903 upon the introduction of compulsory arbitration in the House of Representatives said:

> Under the new system—and here is the revolution—a different aim will operate. Might is not to make right. But as soon as it can be discerned and determined, right is to make might.

He then went on to deal with social justice, and expressed this sentiment:

> The attainment in some measure, and possibly in a rude fashion, of social justice is as absolutely essential as material prosperity. Permanent prosperity can only be based upon institutions which are cemented by social justice. Under the influence of a sense of injustice, of inequality, unfairness, and helplessness, the working population of the world cannot be expected to submit to their lot. There must be held out to them the prospect of betterment and advancement for the individual, the family and the class, as well as for the nation as a whole. We do not desire to see a pyramid like that of Egypt reared on the abject misery, ignorance, and helplessness of the masses. We feel that the object of our culture and many of the objects of our government, are concerned as a fundamental condition with the well-being of the masses of the people. No measure ever submitted to any legislature offers greater prospects of the establishment of a social justice, and of the removal of inequalities than do those which are based upon the principle of conciliation and arbitration.

I commend to members the measure now before the House in the sentiments so ably expressed by Alfred Deakin. There is a spirit of true democracy in those remarks. They were made by a man who saw how necessary it was that the cause of humanity should be the dominant feature in the framing of any legislation of this kind. May I dissect the statement of Deakin, in order to emphasise one or two of the clauses that we are proposing to embody in this Bill. He said:

> There must be held out to them the prospect of betterment and advancement for the individual, the family, and the class, as well as for the nation as a whole.

It was not enough merely to say that the nation was progressing. One could point to big banking accounts and build up an enormous surplus, and see industries progressing. That was not enough unless there could also be shown some advancement for the masses of the people. It was not a true test of the progress and health and prosperity of a nation, and it could not be judged entirely by its bank balances, or the state of its trade and commerce. The best test was the happiness and prosperity of the people of the nation. Deakin also said:

> We do not desire to see a pyramid like that of Egypt reared on the abject misery, ignorance and helplessness of the masses.

No country can stand in competition with other nations, unless it has a well-educated, self-reliant and healthy people.

Hon. Sir James Mitchell: That is true.

The MINISTER FOR WORKS: To say that one would rather build up enormous commercial concerns without any regard to the condition of the people engaged in building up industry, does not point to a healthy condition for any nation. That was the essence of Deakin's remarks, and the sentiment behind them should live in history. During the same speech Deakin said:

> Hitherto the battles of modern industrialism have been regarded as wholly personal, and so long as the police regulations have not been infringed have been fought out by the individual and unions engaged in them without interference, the State acting, so to speak, as stake-holder and keeping the ring . . . Is not the main justification for the action now proposed the fact that the whole community has suffered again and again, and that thousands of persons, at first unrelated to the particular dispute, have been deeply and injuriously affected by its continuance.

Justice Higgins, who subsequently became the president of the Commonwealth Court of Arbitration, said in the course of the debate:

> The wisdom of a householder who might allow his family and servants to settle a domestic dispute by smashing the furniture and each other, while he contentedly locked the front door and kept strangers from the door-step, would not impress anyone. It would be about on a par with that of the upholders of absolute non-interference by the State in the worst class of strikes and lockouts.

That seems to me to sum up the position of non-interference. We can take it that in very few Parliaments is that doctrine of non-interference now accepted. Having decided that the State should not stand idly by, the next thing was to determine what form State action should take. It was recognised that strikes and lockouts could not be prohibited absolutely; some alternative must be found. What was the alternative? The alternative, after endeavouring to get the disputants to agree upon a settlement, was to refer the dispute to a third party to be agreed upon. But this method was available without legal intervention. Moreover, it had been the experience of other countries that even where courts of conciliation were established they were not availed of to any considerable extent. That is our position in this State to-day. We have repeatedly heard

it said here that we would be far better off without the Arbitration Court, and that if we had simple conciliation, a system of round table conferences where the parties could be got together, we would be far better off than under the system of compulsory arbitration having force behind it. But I may remind those holding such a view that those things can be done without law. That is the position to-day outside arbitration. There is nothing to-day to prevent parties to a dispute meeting around a table and coming to an agreement, and then having their agreement given the force of law. In fact, that is practically the universal custom, and what almost invariably happens before an industrial dispute reaches the court. As a rule the court is appealed to only when the parties eventually cannot agree. Conference after conference is usually held, and discussion after discussion occurs; and if those things are not conciliation, I do not know what conciliation is. Kingston was one of those who had no faith in voluntary tribunals. In his opinion, the want of efficacy of past legislative efforts was due to the absence of any power to compel parties to settle their differences before a tribunal. Here is what he said on that aspect—

> We took the utmost care in the building-up of courts and the creation of judicial tribunals, securing the best talent in the land to provide for the settlement of private disputes. How important was it in the much larger matter, which affected trade, industry, and commerce, when disputes between capital and labour involved the interests of thousands of men, the employment of capital, and the earning of wages, and also affected the entire community, to create tribunals to prevent disputes occurring, or, if they did arise, to shorten the period of their existence.

The experience of the world has shown that if there is only conciliation and conference, without anything to compel the combatants to submit their dispute to some tribunal, the process does not go very far. The last sentence I have quoted from Kingston has been proved by history to be absolutely justified: when disputes do arise the result under compulsory arbitration is to shorten their duration. Strikes and lockouts are now considered by those who have any knowledge of them to be a barbarous method of settling disputes. The aftermath of each strike is a feeling of bitterness, the beaten party looking to the future to bring about a reversal of the result of to-day, and determined at the earliest opportunity to take advantage of any fancied weakness in its opponent to renew the struggle. The defeated party is always looking for a chance to regain the ground he has lost in the trouble.

Mr. George: That applies to both disputants.

The MINISTER FOR WORKS: Yes. It cannot be said that any one side feels greater bitterness when defeated than the other side. From that position in a brief quarter-century every State of the Commonwealth now has some legislative enactment providing for the settlement of industrial disputes. Although industrial arbitration has weathered many political storms, rarely does a week pass without some phase or other of the subject giving rise to discussion among politicians, employers, or employees. It is frequently the object of indiscriminate abuse, or equally indiscriminate praise—more often the former. Sometimes it is blamed because it has not acted as a panacea for all industrial ills, and sometimes it is charged with being the cause of all industrial ills. The charge against industrial arbitration that, instead of bringing peace, it has brought only strikes and turmoil, and has ranged employers and employees into hostile camps and has made them irreconcilable enemies, cannot be established. The same condition of affairs is world-wide. It obtains in countries where there is no industrial arbitration as well as in countries where there is. Arbitration has not succeeded in preventing strikes, and has disappointed many who thought that the strike weapon would fall into desuetude. But the same causes that led to industrial unrest in other countries brought about industrial trouble in Australia. The advocates of arbitration contend that the necessary adjustments were, under a system of industrial arbitration, brought about with less turmoil, less friction, more logic, and more equity than in countries where there was no arbitration; and the results would have been less satisfactory had there been no arbitration. An examination of the statistics of strikes will indicate that the days lost through strikes—even during the year when the general upheaval took place in New South Wales—did not, if averaged over all the workers in Australia, come to more than the time which would be lost on two holidays. On the subject of the losses through strikes, I have frequently seen figures quoted whose origin I am at a loss to guess.

Mr. Richardson: How was that result as to two holidays worked out?

The MINISTER FOR WORKS: The hon. member can take Knibbs's figures and work the proportion out for himself, taking the whole of the industrial workers of Australia, and not only those engaged in particular industries. It seems reasonable to suggest that the existence of an alternative to strikes must be beneficial—some tribunal which, whatever its faults, would investigate industrial matters and decide upon some principle other than that right is might. Such a tribunal, set

up by the Parliament of the people and supported by a large body of public opinion, should, if it did not obviate strikes, obviate some strikes, shorten the duration of some strikes, lessen the bitterness, and lead to a better understanding both by the combatants and the public of the merits of disputes. All we as a party are asking for under the arbitration law is that justice be done. We are asking for nothing more than justice, and we have no intention whatever of framing a law that will give either side an advantage in its position before the Arbitration Court. But we want to set up a tribunal that shall be unhampered, so that it will mete out justice to all parties who appear before it.

Hon. Sir James Mitchell: Is not that what every Government has tried to do?

The MINISTER FOR WORKS: We hope to succeed better than previous Governments.

Hon. Sir James Mitchell: You are an optimist.

The MINISTER FOR WORKS: It is 12 years since there has been any material alteration in the arbitration law of this State. Other States have made substantial progress during that period, and this Bill attempts to take advantage of their experience. It will be observed that by the Bill the whole of the arbitration machinery is remodelled. The first essential of any system for the control of industrial troubles is that it shall be easy and quick of access.

Mr. Richardson: Hear, hear!

The MINISTER FOR WORKS: I am a little afraid that the proceedings of our tribunal have not given that desideratum to the parties who wished to have disputes settled. The Government are firmly convinced that the growth of work and of responsibility in this State renders it impossible for any single tribunal to deal with all the claims advanced, and that no single tribunal can cope with all the work ahead, and, finally, that the responsibility is too great. We know of cases which have been listed for months and even for years awaiting a hearing, and have not been heard. I am not going to assert that all the delay has been due to the court. I know that that is not the case. But I also know that delays are a fruitful cause of industrial unrest, and that disputes would be much easier of settlement if they were taken in their early stages, before the bitterness of party feeling had crept into them, and before the leaders on either side had committed themselves to definite decisions and lines of action and policy. If disputes were taken in hand before those conditions arose, they would be much easier of adjustment, and we would get over our industrial troubles much better and much more quickly. As regards actions for breaches of awards and agreements, I know of numerous cases that have been listed before the court, and then have been withdrawn because the period of waiting was too long. Particularly does that apply to actions for breaches of awards or agreements, because witnesses must be obtained and the working man has to follow wherever work is for his living. It frequently happens that if such a case is not heard quickly, the witnesses have drifted away, and so it is impossible for the union to prove their case. I know of numerous instances in which a union has been compelled to withdraw from the court because it has not been able to prove its contentions, simply through the witnesses having left the district and the unions therefore not being able to substantiate their cases, as they could have done had the hearing not been delayed. I know of industries, particularly in the metropolitan area, where the congestion of business in the Arbitration Court has rendered the position acute. In some instances the awards are being practically flouted, the employers knowing that it will be years before there is likely to be a hearing, even if the union stepped in and took action. The Government have decided to decentralise the Arbitration Court very considerably. We have come to the conclusion that no one tribunal can handle the whole situation. Under the Bill the court will remain as at present constituted except that the president may, or may not necessarily be a judge. We take power under the Bill to say that we may appoint a judge of the Supreme Court as president, but we are not bound to do so. We leave it open to enable the selection of someone other than a judge to fill the position of president. We do not hold that all the ability to fill that high office is confined to the four gentlemen who occupy positions as judges of the Supreme Court of Western Australia. We feel that there must be men of ability outside those four men capable of filling such an office. We feel that Parliament should not limit the Government in its choice to four individuals only. We ask, therefore, that the law shall be amended to provide that the president may, or may not, be a judge of the Supreme Court. In our judgment, the Arbitration Court is easily the most important tribunal in the land. The court transfers more money and affects directly more human lives than all the other courts put together. Frequently we see the other courts occupied, day after day, in settling domestic squabbles, in arguing out divorce cases and in settling claims covering a few pounds outstanding between two individuals. On the other hand, the Arbitration Court decides the ownership of hundreds of thousands of pounds as well as the standard of living for the great bulk of the industrial community. The Arbitration Court affects the family life; it reaches right into the kitchens of the workers and decides the standard of their living. Not only the vastness of the sums of money of which

the court decides the ownership, but the direct effect on the family life and the nurture of children which each award carries with it, establishes the court as the most important tribunal in the land. We should not be limited in our choice of a president, but should be able to get the best and most capable man available to fill the responsible office of president of the Arbitration Court. Considerable talk, not confined to outside this Chamber, has been indulged in to the effect that arbitration courts deal with matters that could be dealt with and decided by those understanding the intricacies and details of a particular industry better than the court. I do not believe that is so.

Mr. Thomson: That is the position in Victoria.

The MINISTER FOR WORKS: We have got beyond the stage when the wages board system is set up as a rival to the principle of arbitration. I will explain later on that we are embodying the essence of the wages board system as part of our system. That system is not now considered the rival, but part and parcel of the effective machine to control industrial disputes. On this particular point Mr. Justice Higgins said—

> It is true that the responsibility placed on the president or deputy president is very great—greater as to amounts of money involved, and greater in direct effects on human lives, than that of all the ordinary civil courts. It is true that he is empowered to dictate terms of employment compulsorily—practically to compel the parties to make a collective agreement—if he cannot under his power of conciliation secure a voluntary agreement. It is true that he is necessarily unfamiliar with the several industries with which he has to deal, and there has been much talk in certain quarters to the effect that men engaged in an industry know better than any man not engaged in it the "intricacies" of the industry, the "details" of the industry. This talk overlooks the facts (1) that there is no arbitration, no dictation from an outsider under the Act, unless the parties to the dispute fail to agree, (2) that if nothing can be done without voluntary agreement, the party having the stronger strategic position at the time always carries his way, dictates the terms to the other. But there is a third fact also—that these disputes do not relate to the "intricacies" or "details" of the industry at all. The disputes turn on the proper limitation to the use of human life—the use of the most valuable asset of the nation, the treatment in industry of the object of all public activities—man; and for the determination of the proper limitations one who is outside the industry is as competent as one who is inside.

That, no doubt, goes right down to the kernel of the question. It is not so much a matter of dealing with the intricacies of industries; matters before the industrial courts relate mainly to the conditions under which labour is to be employed, the use men and women are to be put to, and the conditions under which human life is to be employed in industry. As Mr. Justice Higgins puts it, a man outside a particular industry is as competent, if not more competent, to decide those most fundamental facts than anyone inside that particular industry. If the president be a Supreme Court judge, the Bill provides that he shall not be called upon to do any Supreme Court work. In other words, we intend that the president of the Arbitration Court shall be placed outside the control of the Chief Justice. It will not be possible for the Chief Justice to say to the president: "You must leave the Arbitration Court work and take your seat on the Supreme Court bench." We propose that in the event of a Supreme Court judge being appointed as president his whole time must be devoted to Arbitration Court work. He will be dissociated entirely from Supreme Court work and the Chief Justice will not be able to say to him: "A Full Court bench is wanted or a judge is wanted for the Criminal Court, so your Arbitration Court work must be hung up."

Hon. Sir James Mitchell: We are with you on that point.

The MINISTER FOR WORKS: The president of the Arbitration Court will be entirely separate and his full time will be devoted to the Arbitration Court work.

Mr. Griffiths: That is a good move too.

The MINISTER FOR WORKS: The president's salary will be the same as that paid to a judge of the Supreme Court. After having carefully examined the laws in other countries, and having reviewed the position generally, we have decided that the appointment shall be for a period of seven years.

Hon. Sir James Mitchell: It will not be a permanent one?

The MINISTER FOR WORKS: No, the period I have mentioned is the longest for which appointments exist in any part of Australia. No president of any tribunal has been appointed for a longer period and we have adopted the longest period mentioned in any State or Commonwealth law. We affirm the principle of the employers' and the workers' representatives being on the court. We hold that the responsibility attaching to the court and to the positions held by members of that court are altogether too great for any one individual to shoulder. The court practically decides how the industries of the State are to be carried on. It directly affects the standard of living of the industrial community throughout the State and, in our judgment, there is no one individual who ought to shoulder such responsibilities. We further believe that it gives greater confidence to the parties to a dispute if they know that right up to the time of the framing of an award, their view has been represented and that

they are not in the position of merely attending the hearings of cases and that their views, after having been stated, may be overlooked when they retire. With a court so constituted as I have indicated, we are convinced that parties will have greater confidence in the tribunal if they know that their views are put forward throughout the consideration of the case. We further hold that the sharing of responsibility, just as it applies now with the judge and a jury, tends to retain public confidence and, moreover, ensures full consideration of all important questions. Many of the reasons that have been put forward in favour of the wages board system in Victoria apply to the representation of employer and employee on these tribunals. In South Australia and New South Wales the constitution of the boards for the determination of the basic wage on which, besides the judge, there are several representatives of employers and employees, is due to a recognition that the responsibility for the most important matters should not be borne by one person. In Queensland and New South Wales many important matters may be determined by the judges sitting together as a full bench. On the whole, the general view of legislatures, as gathered from an examination of the different laws in operation, is that in the more important matters at least, it should be possible to obtain the decision of several arbitrators sitting together.

Mr. Thomson: You are practically making provision for industrial boards.

The MINISTER FOR WORKS: We give the court power to set up industrial boards. They will be constituted by an equal number of representatives of the workers and the employers. If they can agree amongst themselves upon the appointment of a chairman, that chairman will be appointed, but failing an agreement, the court shall recommend a chairman to the Minister and the Minister will appoint that chairman on the court's recommendation. I want to emphasise the point that in the selection of the chairman, we do not propose to leave the appointment to the Minister. It may suit us as a party while we are in power to appoint our own chairman, but we do not propose that party politics shall be brought into the working of these tribunals at all.

Members: Hear, hear!

The MINISTER FOR WORKS: We want it to be taken out of the hands of the Minister and provide that the Minister may appoint a chairman only on the recommendation of the court itself. The Bill provides power for the court to set out the jurisdiction of those boards. The court will be in the position to say to a board: "You shall inquire and report to us in order to assist us in making our award." The court can appoint a board in connection with any particular industry and outline the inquiry to be made and furnish headings for investigation so that the board may carry out the inquiries and report subsequently to the court in order to assist in the framing of an award. Then again, the court may say to a board so established, "Here is a dispute; you have to investigate the matter and make an award." In the event of the court directing a board to exercise those powers and to give a decision, that decision is to have the same force as a decision of the court itself.

Mr. Thomson: That system exists in Victoria.

The MINISTER FOR WORKS: It is not quite the same. I will explain the difference. From the decisions of those boards the court may grant special leave to appeal. There is no general right of appeal.

Hon. Sir James Mitchell: There is in Victoria.

The MINISTER FOR WORKS: Yes, but it is not given here. The court may allow a special appeal. The court has power to dissolve a board if that board is not going on with its work in a manner that the court thinks right. Then the court may set up another board in its place. The court has power to withdraw from the board any remission it may have made to it. So we say to the court "Parliament looks to you, gives you authority to exercise control over those boards." Those boards, of course, are mainly on the principle of the wages boards in Victoria. But they operate only under the control of the court. We have got past the stage when an industrial board should be looked upon as a rival system to a court. It may be that the court is so overwhelmed with work, there is so much waiting to be done, that it is impossible for the court to cope with all the demands made upon it. The court looks around to see what can be done and, picking out a particular industry, sets up a board. It may be in the mining industry, in the timber industry, or in the railways—in which ever industry the court chooses, it sets up a board, defines its functions, and the board will then practically do the work of a wages board in Victoria. From being at first a rival system to the principle of arbitration, wages boards in various States have come into co-ordination with arbitration, have become subordinate bodies. We give the court power to set up these boards, whereas in Victoria they are set up by the Ministerial head. So it will be seen that under our proposal the court will occupy a far more important position in the economic and social life of the State than it has occupied in the past. The weakness of the Victorian system is that their boards operate independently. They may have 20 different boards operating on as many different lines of principle, each setting up for itself what it considers the right lines, but without any co-ordination. It has happened that because of a decision given in one industry, a relative industry becomes dissat-

isfied, the board operating in that industry refusing to fall into line with the decision given in the first industry. So the system has bred discontent and dissatisfaction. In New South Wales a Commission was appointed to inquire into this phase of the position, and the President of the State Arbitration Court supported the view of the Commission, expressing himself as follows:—

> Nothing is more destructive of industrial content than inequality. With 28 chairmen dissociated and in-coordinated, inequality is incessantly arising and exercising an irritating influence. The confusion is growing. There are appeals in only a few cases—not enough to enable the court to prevent anomalies and preserve consistency even if under the present system it could do so.

These boards will be co-ordinated by the court, and the court will be charged to see that inequalities do not occur between industries. I want to remind the House that Australia lost the services of Mr. Justice Higgins as President of the Commonwealth Arbitration Court owing to this very principle. His loss as president of that industrial tribunal has been a great loss to the nation. He declined to sit there when the Government of the day passed through Parliament the Industrial Disputes Act, permitting the setting up by a political head of independent tribunals that might, as Mr. Justice Higgins put it, give decisions merely to meet the exigencies of the moment, forgetting what those decisions might mean when put into practical application and comparisons were made between the industries affected and other industries. Mr. Justice Higgins said that with those boards operating outside the court, it was impossible to co-ordinate the court's work throughout all industries. To call public attention to it he made that statement from the bench and retired from his post. We propose to avoid that situation by adopting the principle of industrial boards and at the same time laying it down that they must be co-ordinated under a central control, that the court can at any time grant leave to appeal from a board's decision, and that the court is charged with seeing that the boards carry out their functions in a proper manner. To those who argue that a better system than the present would be that of having those in a particular industry deal with disputes in that industry, this provision in the Bill will be welcome. The Bill also provides for the appointment of industrial magistrates. I said earlier that one of the most fruitful causes of complaint was delay in hearing cases taken for breaches of award. We propose to appoint industrial magistrates in various centres. It is not to be taken that they shall be new magistrates. Any magistrate or justice of the peace can be appointed an industrial magistrate. These magistrates will be able to take cases for breaches of award. They will be appointed probably in such centres as Kalgoorlie, Geraldton, Bunbury, and, of course, Perth and Fremantle. In time they will become used to the work, and instead of the unions having to wait many months until the central court can deal with their case for a breach of an award, they will be able to go before an industrial magistrate in their own district without being subjected to intolerable delay. But it is set out that if in the course of an application a question of interpretation of an award arises, the magistrate must remit that to the court. It would never do to have different tribunals interpreting an award, for under such a system we might have a dozen different interpretations of one award. Therefore we provide that the only tribunal to interpret an award shall be the court itself. We also provide that the court shall have power to establish boards of reference. Such boards exist in respect of practically all the awards given by the Commonwealth court. The court shall define the functions of the boards of reference. Generally they are used in dealing with little disputes arising out of the operation of an award. For instance, under the award controlling the waterside workers, the Commonwealth court has provided that a board of reference shall be set up in each port, and that any little dispute occurring in a port where the award operates shall be submitted to a board of reference consisting of an equal number of employers and of workers, with a chairman appointed by the court, usually the registrar in each State. When any question of interpretation or anything of the sort arises, those people meet on the spot and deal with it right away. If they are unable to come to a decision within the authority given them by the court, it is for the registrar to give a decision, which is binding under the award of the court. I am a great believer in that kind of procedure. I thoroughly hold with getting the parties together, particularly the direct employer and the direct employee. Let them come together and discuss their differences. Then they get to understand one another's viewpoint and are likely to be a lot more tolerant than if they never met, but simply held their discussions through other parties.

Hon. Sir James Mitchell: You require a very tactful chairman. You have one in Mr. Walsh.

The MINISTER FOR WORKS: Yes, there has been good work done in this State by the boards of reference appointed under the waterside workers' award. Mr. Justice Higgins staked a great deal on the efficacy of those boards. I notice in his work, "A New Sphere of Law and Order," which comprises his experience of years of arbitration court work and which was first written for some American journal, he emphasises the importance of those boards and goes so far as to say that he would extend them; that, instead of there being merely a board for

each port or industry, there should be a board in each shop wherever there is work of any magnitude. He would have a committee set up so that each dispute as it occurred could be dealt with by them on the spot. May I remind the House that such a board has existed during recent years in connection with the Wyndham Meat Works, and we have the authority of the general manager for saying that the smoothness with which the industry has been carried on—since its first year there has not been a stoppage—is mainly due to the operation of the works committee. There is a room at the the works set aside for the committee. Immediately a dispute occurs the committee meet and discuss all phases of it. They hear the manager and all the employees engaged in that class of work, the whole case is stated, and a decision is given; and the manager says that when the decision is given by the men themselves, there is never any question of accepting it on the part of those interested. Higgins states his views as follows:

> I attach great importance to proper boards of reference for industries. They allow the discussion of grievances; they enable the employers to see the difficulties of employees, and employees to see the difficulties of employers; they supply to some extent the crying want of our modern industrial system—the absence of co-operation between the management and the employees. They often remove causes of friction before serious industrial trouble arises. Some day it will be a matter of amazement when men look back on our times and see what a wealth of experience is rejected in the working of industries. Under the stress of war in Great Britain there are being developed industrial councils of all kinds, councils at which the management meet the employees on equal terms for the discussion of the common problems of the industry; and these boards of reference should fulfil similar functions.

We are providing for the setting up of such boards, and we think they will tend largely to the smooth working of industry. Instead of every little difference that arises out of a dispute having to be referred to the court for decision, these boards will meet and do that work. When there is a dispute between two different trades or crafts as to which class of tradesman certain work belongs to, we provide that that also shall be dealt with by a board. In engineering establishments particularly there are frequent arguments as to which tradesman a particular class of work belongs to. The same disputes occur on buildings. Should a carpenter or a plumber fix the galvanised iron to a roof? Should an engineer or a boilermaker do certain work? If there is no ready means of decision and redress, jobs may frequently be held up. We are providing for boards, to be known as demarcation boards, and for the court to set out how they shall be established and what their functions shall be. They will decide disputes as to the work of different employees.

Hon. Sir James Mitchell: Are they all to be paid?

The MINISTER FOR WORKS: I shall deal with that phase in a moment. We are considerably enlarging the provisions for compulsory conferences. I am looking forward to compulsory conferences doing considerable good. Up to the present they have not been used to the extent I should have liked. Of course, they are so hampered and restricted under the existing law that they have not had much scope; but this Bill provides for the appointment of commissioners, and the president or commissioner may convene a compulsory conference, and preside over it. We have it in mind to immediately appoint the three members of the court as commissioners, and give them power to step in and compel conferences, not after a dispute has occurred, but whenever there is any threatened or likely dispute. The president or commissioner may compel attendance at a conference and have the parties discuss the matter. At present, if a compulsory conference is held and no decision is reached, the matter is referred into court and the parties have to wait their turn on the list. We are providing that if all the parties at a conference agree in writing that the president or commissioner, whoever is presiding, be given power to give a decision, he may do so. Under the existing law, even if the parties agree to such a course, there is no power to give a decision. Under this measure, however, the commissioner may give a decision and the decision shall have the same force as an award of the court. If there be only a partial agreement—say there are still two or three points in dispute—the outstanding points may be referred into court, and only those points shall be sent on for hearing. The points on which an agreement has been reached shall be filed in court and have the full effect of an award. Here is an opportunity to give effect to the viewpoint of those who think that the best method of dealing with disputes is to have a single arbitrator with authority to give a decision. I am hopeful that under this provision we shall prevent disputes from reaching a serious stage or developing to the point when the parties stand at arm's length and decline to meet or discuss the matter in question. Compulsory conferences will be held, and they should prove a big factor in overcoming industrial troubles. We are providing, further, that the Minister may set up conciliation committees in given districts. Those committees shall consist of a chairman appointed by the Minister and an equal number of representatives from the parties to the dispute. The powers of such a committee will be purely conciliatory; they will have no power to give a decision. They will merely compel the parties to meet around the table and discuss the matter in dispute, and if the parties can reach an agreement,

the agreement can be registered in the court and will then have the full force of an award. I am advised that in the outlying portions of Queensland, away up in the northern districts far removed from the centres of activity of industrial tribunals, such industrial conciliation committees have done very useful work. They have brought the parties together early and encouraged them to discuss their differences, and frequently have been the means of the parties reaching an agreement. The agreements have then been filed and have had the effect of awards. We are embodying this as another string to our bow in order that no opportunity may be lacking to secure industrial peace. In this way we shall be decentralising the work. We set up at the head of the machinery a court. Then we provide for industrial magistrates, industrial boards, boards of reference, demarcation boards, compulsory conferences, and conciliation committees, but all these tribunals will be under the control and authority of the court itself. They will be co-ordinated under the court and the court will give them their functions, define their duties and supervise their work. This is the machinery we propose to set up as opposed to the one tribunal we have to-day, outside of which there is practically no means to secure industrial redress.

Mr. Griffiths: You will have one supreme and six subsidiary bodies.

The MINISTER FOR WORKS: That is so. We are making these various bodies subsidiary to the court and part and parcel of the one machine to maintain industrial peace. We think it will be far more effective to make these bodies subsidiary to the court than to permit them to act independently of each other, as is done in the other States. Further, we are giving definite instructions in the Bill to the president, the commissioners, the chairmen of boards, and the committees, to exert every endeavour to get the parties to a dispute to arrive at an agreement. We want as few full-dress hearings of disputes as possible. The outstanding difference between our court and similar tribunals in the Eastern States is that tribunals over there get the parties together first of all and assist them to come to an agreement. In Queensland the moment a claim is lodged, the judge summons the parties and gets them together, probably on the following day. Then he tries by all conceivable means to get them to come to an agreement, and only failing an agreement does the case go into court for a full-dress hearing. To avoid any possibility of doubt and to let the court and the subsidiary tribunals know what is in the mind of the Government, we set out definitely in the Bill that the presiding officer shall exert every possible endeavour to secure an agreement between the parties before they enter upon a hearing in the court. Therefore, the court, instead of being a tribunal for a full-dress hearing of disputes, will have legislative powers to set up subsidiary tribunals and create machinery and regulations for the settlement and prevention of disputes, and will be in reality a body charged by Parliament with the onerous duty of securing the peaceful working of industry. We are giving the court power to move of its own motion. The court cannot now move unless a dispute is referred to it. It cannot step in and say, "You people, from all appearances, are at loggerheads, and there is a serious situation occurring in the industry. We are going to decide matters and take control of the situation." This Bill gives the court power to move of its own volition to prevent a dispute, or a threatened dispute, to bring the parties together, and take whatever action under the seven different headings that in its judgment will be the most effective in the particular case before it. We are also giving the Minister power to refer into court any dispute that he thinks fit to refer in the public interest. Frequently in industrial troubles the responsible Minister is approached, and asked to use his influence and take a certain course of action. If the parties decline to go to the court, the Minister has no power to compel them. The Bill gives the Minister power, if the parties refuse to do what the court desires, or the court is not acting, or there is some block in the procedure, to refer of his own initiative any particular dispute for hearing to the court. He shall exercise that right whether there is a strike or not. We say, further, that even in the event of some of the parties to an industrial stoppage not being registered under the Act, the Minister shall have power to refer that dispute into court. This may be classed as fairly dangerous legislation, on the ground that an unregistered industrial body would be given status before the court. Take the building industry. Some of the unions connected with that are not registered. One of those unregistered unions may decide to strike, or there may be a lockout against them, causing them to be engaged in an industrial stoppage. This would throw out of employment many thousands of industrial workers, who belong to registered bodies. They would have no say in the dispute, because the others objected to go to the court. In these circumstances, the Minister would be given power in such cases to refer the dispute into court, and authorise it to proceed with the case and give a decision. We are providing that the court shall periodically fix a basic wage. At present each particular application that comes before the court receives a full-dress hearing as to the basic wage that should be established. The time of the court is now considerably taken up with the hearing of arguments on that point. In practically every case that reaches the court there is the same monotonous evidence and hearing of argument as to the basic wage that should be applied, and this occupies a great deal of time. We are providing that the court shall sit periodically to establish a basic wage that shall op-

erate for a specific period. We will give to the court power to say who is to be represented before it. Any interested party can be represented, and we will give the court power to say to the Employers' Federation and to the Trades Hall, "We expect you to state the case for your side, each of you to select a representative to inform the court, produce evidence, and state the case for the people you directly represent." That would throw the responsibility upon each of these parties, and we are thus permitting the court to say what expense should be allowed for the preparation of the case and for the attendance of witnesses. When the decision of the court is given upon the basic wage, that decision will operate for a period to be decided by the court. If at the end of 12 months the court does not attempt to alter it, any party interested may apply to the court to reopen the basic wage question. Once a decision is given, every award and agreement that is current shall be automatically altered in conformity with that basic wage. It will be agreed that it is necessary to set out the principle upon which the basic wage shall be fixed. We know that even a good worker does not necessarily receive that which is vital to human existence. Practically every court in the land has asked for a legislative lead on the principle upon which the basic wage shall be established. Some courts have referred to legislative shirkers. Justice Higgins, when president of the Arbitration Court, had to determine what was a fair and reasonable wage under the Excise Tariff Act. He laid down—

> A standard appropriate to the normal needs of the average employee regarded as a human being living in a civilised community.

But he protested that the definition of what was "fair and reasonable" should be left for the Legislature, not the judiciary, and protested also against "the shunting of legislative responsibility."

Mr. Thomson: That is a big responsibility to cast upon Parliament.

The MINISTER FOR WORKS: We have set out in the Bill the basis, and we take the responsibility, which we think rightly belongs to public men, of saying what should be the basis upon which the basic wage should be fixed. We are giving a lead to the court and telling it what, in our judgment, it should take as its basis when fixing the basic wage for industrial workers. We start off by saying that the basic wage shall be fixed with regard to the rent of a five-roomed house. There can be no argument against that. If a married man has a mixed family, and he is to live in anything like a civilised manner, his house must contain three bedrooms. That leaves only a living room and a kitchen. There cannot be any complaint against establishing a five-roomed house as the basis for rent. That is almost invariably accepted by the different industrial tribunals of the Commonwealth. So far as the allowance for living is concerned, we say that the basis to be taken shall be a man, his wife and three dependent children. I expect to have statistics hurled at my head upon that point.

Mr. Taylor: Why look for trouble?

The MINISTER FOR WORKS: I seldom look for it without getting it, and am sure it will come this time.

Mr. Latham: I think you will be disappointed.

The MINISTER FOR WORKS: It will be one of the few occasions in my life when I have been disappointed.

Mr. Thomson: It will be a pleasure for you.

The MINISTER FOR WORKS: Yes. As a matter of fact, there are no statistics in this country that members can produce, showing who have the big families, and whether they be rich or poor. This cannot be shown by statistics. But we know, by our every-day life, that the man with the big family is generally the one on the basic wage. Although unfortunately there are no statistics to prove this, we are convinced that by setting up the basis of the married man, his wife and three dependent children, we are not taking anything more than we are entitled to, and more than the country is under an obligation to the industrial workers to carry out.

Mr. Griffiths: Three is a very reasonable propostion.

The MINISTER FOR WORKS: I am glad the hon. member agrees. Whilst we must accept the doctrine of fixing the basic wage on the family responsibility basis, I am convinced that sooner or later something in the nature of child endowment, or the proposals of Piddington, will be adopted. That time, however, is not now. I do not think the community is yet ready for it, nor would it be ready for a central fund into which there would have to be paid regular amounts to be drawn upon by the heads of families according to the size of their domestic responsibilities. Within a few years, however, I feel sure that will be the accepted policy of the country. It would be no use providing for this in the present Bill; we, therefore, set out that it shall be provided on the family basis. In this regard I must quote the remarks of Justice Higgins when he said—

> Each worker must have, at the least, his essential human needs satisfied, and among the human needs there must be included the needs of the family. Sobriety, health, efficiency, the proper rearing of the young, morality, humanity, all depend greatly on family life, and family life cannot be maintained without suitable economic conditions.

The fact that the court will only deal with the basic wage every year or so will enormously reduce the amount of time taken up by the court. It will also provide quicker access to the tribunal, and greatly facilitate the settlement of disputes. The next

phase to which we direct attention is that of permitting organisations to have quick and easy accecss to the court. At present a cumbersome arrangement exists whereby special meetings have to be held, notices of motion have to be given, ballots have to be taken, and delays of weeks and months ensue, consequent upon a compliance with all the ramifications and expense that are necessary under the existing law. We propose to abolish the necessity for ballots and special meetings, and to say to the unions, "You shall provide in your own rules the method by which you shall approach the court." Whatever the union sets out in its rules shall be the method by which the disputes shall be referred to the court. The union may say "We will give power to our executive to take all our matters to the court." It may decide upon a ballot before allowing a dispute to be taken to the court, or to hold a special meeting. We propose to get away from the hampering restrictions of to-day, which make it almost impossible for some unions to get to the court. We are providing in the Bill that a union like the A.W.U. can secure registration. At present it cannot do so. If the A.W.U. was registered now, I think it would be impossible for it to comply with the existing law. Take the position as regards A.W.U. shearers. They are spread over every station from the North-West to the Murchison, and even as far as the wheat belt and the Great Southern areas. Under the existing law the A.W.U. have to take a ballot and get an absolute majority of members to vote in favour of going before the court before a case can be submitted to the court. It is a physical impossibility for an oraginsation like the A.W.U. to carry out the existing provisions of the arbitration law. Again, take the position on our railway system. If the law as it stands to-day were strictly enforced, it would mean that the whole of the men employed on our railway system would have to congregate in one centre to hold a special meeting and carry a resolution before a case could be taken to the court. We propose to make the position much simpler by this Bill. Why these restrictions were inserted I cannot conceive. The aim of Parliament should be, not to make access to the court difficult, but to make the path as easy and expeditious as can possibly be done with safety. We propose, further, to strike out the term "specified industry." No industry can be registered, under the law as it stands, unless its members are members of a "specified industry." I have given a great deal of thought and study to that phrase, but neither in reading nor in conversation have I ever been able to find anyone who could define a "specified industry." It seems to be impossible. A navvy, for instance, may be engaged on railway construction to-day, and may be working in a quarry to-morrow, and next week sinking a well or digging a drain. The existing law means that that navvy would need to have a union for each different class of work while he is chopping and changing about. We are proposing that any group of 15 persons can register, relying on that section of our existing Act which provides that the registrar shall refuse registration to any union applying for registration if there is in existence a union to which the members of the applicant union can conveniently belong. That has worked well in the past, and we are relying on the court carrying out the principle I have mentioned, and thus preventing overlapping and confusion of organisations. We are providing, too, that the measure shall apply to the Government equally with private employers. We are providing that all Government employees, with the exception of those under the Public Service Act and the railway officers, shall come within the scope of this law.

Mr. Mann: The police, too?

The MINISTER FOR WORKS: The police, yes, and the school teachers; in fact, everyone who desires it.

Hon. Sir James Mitchell: What about the special boards?

The MINISTER FOR WORKS: The only boards are those relating to the railway officers and the police. We are excepting those Government employees who are now covered by special Acts.

Mr. Mann: The police have special boards.

The MINISTER FOR WORKS: But not to fix wages. The school teachers can appeal to the Public Service Appeal Board against their classification, but they have no say in that classification. We are leaving the way open to them if they like to take it. We are giving the court the power, not a direction, to award preference to unionists.

Hon. Sir James Mitchell: I hope you will not get that.

The MINISTER FOR WORKS: The whole basis of arbitration consists of organisation, and quite a number of Eastern States have this provision. We are giving the court power to award preference to unionists because only by unions, only by organisation, is compulsory arbitration possible. We are amending the definition of "worker" to include domestic servants, club employees, and insurance canvassers. I know there will be some strong differences of opinion on those points, but those three classes of employees are now outside the scope of arbitration, and we propose to bring them within the law.

Mr. Taylor: What about State insurance?

The MINISTER FOR WORKS: We are placing the State on exactly the same basis as private employers. The Bill sets out that cases are to be heard by the court in the order of settlement of issues, subject to a case arising where it can be shown that good ground exists for deciding otherwise. There was a notorious instance that came before this Chamber, where one particular industry's claim was brought on two years ahead

of other claims, and an award was given. The object of this Bill is to obviate such a thing as that.

Member: It was not done by the court.

The MINISTER FOR WORKS: It was done by the president. We provide here that the necessity for such a course shall be shown to the court, and not to the president. As I said at the outset, the responsibility under our arbitration law is too great for any one person to bear. We provide also that the present system, whereby one man can settle such a matter without in any way consulting others, shall cease. Further, we provide that the court shall not be limited to the claim, but may award matters not in the claim. There are numerous cases where the court has been anxious to do something, but has not been able to do it because it was not in the plaint. A clause which needs some explanation is that which provides that the award shall bind employers whether they are in the industry or not. The object is to get over a case where one of our wealthy pastoralists employed a painter to do his house, and refused to pay him the ruling rate of wages. When the case was taken to court, it was held that the pastoralist who engaged the painter was not engaged in the painting industry, and therefore was not bound to pay the award rate. The judge went so far as to say that Foy & Gibson might engage a squad of painters to paint their shop, and that Foy & Gibson, not being in the painting industry, could not be forced to pay the award rates. We are providing that whether the employer is in the industry or not, if he employs a worker, he must pay that worker the standard wage. Then there is a provision that the court shall have power to make awards retrospective. Those of us who have carried on large industrial negotiations with employers know that it has frequently helped to keep the wheels of industry going if the men could be given an assurance that whatever decision was come to would date from the day they got their application into court.

Mr. Taylor: If there was a reduction of wages, there would never be a refund.

The MINISTER FOR WORKS: We will trust the court. The court would decide as to that.

Mr. Taylor: I would like to see you leading a movement with that object.

The MINISTER FOR WORKS: When the question of refund arises, the court will have power to face it. Further, we provide that any portion of an award may come up for review if the court so provides in the award. Our railway employees, for instance, when they get into the Arbitration Court remain there for two or three months. The court may simply decide that the question of wages shall come up for review at different periods. We are repealing the section which provides leave to retire from an award, and we say that no one shall have the right to retire from an award. There is great confusion in the clothing industry of the metropolitan area. A number of employers have broken away from the award, and the union have no power to get them before the court. The employers who have retired from the award are in a position to pay what they like. We are providing that retirement shall be obtainable only from the court, which shall decide how and when it shall be operative. The award itself, however, shall remain in force until the court varies it. That provision will cover the period between an old award expiring, and a new one being given. Now we have to face the position that if there is a case for breach of award and wages are owing to the employee, because the employer has been paying less than award rates, two actions are necessary. The employee has to go to court and bring a case for breach of an award. After that the employee has to bring a case in the local court for the recovery of wages due. Those proceedings have to be taken within three months. We are providing that the court shall have power to give both decisions at the same time, determining whether there has been a breach, and inflicting a penalty and ordering payment of wages withheld. One case is to suffice, where now two are required.

Mr. Mann: Will you apply that to both sides?

The MINISTER FOR WORKS: Yes. We are repealing the sections which restrict. We fail to see why moneys due under an arbitration award shall be subject to greater limitations than moneys due under ordinary laws. As regards apprentices, particularly in the building trade, we are providing here an innovation which may be regarded as a novel position. I am convinced, however, that it will mean a great deal to the industry concerned and to the future of Western Australia. At present there are practically no apprentices in the building trade, except of course, in the shops; I mean out on building construction. The employers refuse to take them. They say they have only short contracts, that they are not able to guarantee five years' employment to any lad, and that they do not feel disposed to have an apprentice on their hands without any possibility of finding him employment. They decline to take apprentices at all. We are in the position that no tradesmen are being trained to take the place of those who are leaving the industry. We propose to get over that by setting up an apprenticeship board, consisting of representatives of the workers' union and of the employers' union, together with a chairman who shall be a member of the Court of Arbitration. The Bill provides that the apprentice shall be apprenticed to the board, who will be charged with the supervision of the training of the apprentice, with power to transfer him from employment to employment and to see that he is engaged in learning his business. We propose to give the court power to compel the employer to take an apprentice. If the employer will not take an apprentice and cannot show the court sufficient reason for his attitude, it is provided that his action shall be an offence

against the Act and he will be compelled to fall into line.

Hon. Sir James Mitchell: The board cannot compel the apprentice to work.

Mr. Corboy: Now we shall find out who is restricting the employment of apprentices.

The MINISTER FOR WORKS: In the interests of the future of this trade, and the training of skilled tradesmen, something must be done. This is our suggestion of how to overcome the difficulty. If hon. members can suggest a better way I shall be only too pleased to consider any proposition they may advance. I have sat with employers and I have discussed the matter with various parties. I have met them time after time in an endeavour to get over this difficulty, and after years of experience, the proposal contained in the Bill appears to me as the most practical way of dealing with it.

Mr. Thomson: In what proportion do you propose to allocate the apprentices?

The MINISTER FOR WORKS: We leave that to the court. We are not setting up any arbitrary number in the Bill. Then we provide for technical instruction to the apprentices. If our industries are to compete with those of other nations we must have first class skilled men in our midst. In order to reach that position we must have technically trained men. On the Continent, and particularly in Germany, they have specialised in the technical education of their skilled craftsmen. We must be up to date and see that our tradesmen are equally trained if we are to hope to compete with other industrial nations of the world. The Bill provides that all apprentices shall have a technical training and where the facilities exist, as in Perth, that technical training shall be in the employers' time. If the examiners find that an apprentice has not made sufficient progress and that in their judgment a longer period of technical training is necessary, we give the examiners the right to order an increased period of technical education to be given to that apprentice.

Mr. Mann: Will the board have power to say that an apprentice is suitable or unsuitable for a particular trade?

The MINISTER FOR WORKS: Yes, that is for the board of examiners to say. The system now is that a board of examiners comprising representatives of the employers and the workers sit once a year and examine the apprentices. If at the end of the year a lad has made sufficient progress they issue a certificate to him entitling him to increased wages set out in the Arbitration Court award. If the examiners consider he has not made sufficient progress to warrant them giving him the certificate, they have to set out their reasons, and if they are that the lad had not applied himself to the work, had not been diligent, or was not suitable for that particular work, the board have power to transfer the lad to some other form of employment or to penalise him by not giving him his certificate of competency. In the latter event the lad foregoes his increase in wages until he proves himself suitable. If the board report that owing to the lad's employer not giving him sufficient opportunities to learn his trade the apprentice has not made the requisite advance, then a charge lies against the employer.

Mr. Sampson: That is the existing position.

The MINISTER FOR WORKS: That is so.

Mr. Sampson: The period of apprenticeship may expire before a lad reaches the stage of proficiency. What happens then?

The MINISTER FOR WORKS: We cannot provide for an indeterminate period of apprenticeship. At present a period of five years operates.

Mr. Taylor: At the end of five years a lad may get only the wage applying to his fourth year.

The MINISTER FOR WORKS: It is not proposed to give power to extend the period for another year. If at the end of five years a lad is not proficient in a trade he will have to put up with the consequences.

Mr. Sampson: It would be better for the lad if power were given to order him another year to qualify as a journeyman.

The MINISTER FOR WORKS: I do not know about that. I served my own apprenticeship and I have taught apprentices. My experience is that if at the end of five years a lad is not competent, it is not much use keeping him in the business.

Mr. Sampson: Then he has to be thrown out.

Mr. Chesson: I think you are right there.

The MINISTER FOR WORKS: The next clause will not meet with much approval from members on the Opposition side of the House.

Mr. Sampson: Are you sure?

The MINISTER FOR WORKS: I am anticipating perhaps, but we provide that it shall be mandatory and fixed in all awards and agreements that the working week shall consist of 44 hours.

Mr. Thomson: You will not be disappointed in your anticipation.

The MINISTER FOR WORKS: I am looking forward with a good deal of relish to a debate on this question, because I was absent from the Chamber during the course of the recent discussion. We provide that where shifts are worked, the 44 hours shall be averaged over three weeks. We hold that if labour-saving devices are introduced in an industry which will permit of that industry supplying all demands with fewer hands, surely those who give their lives to the industry have a vested interest in it, as well as those who have put their money into it, and are therefore entitled to some benefit out of the improvement. This can be given only by granting shorter hours.

Mr. Sampson: That means more money.

The MINISTER FOR WORKS: More money can be taken from the worker by the increased cost of living. With shorter

hours applied to his employment, that cannot be taken from him. These are the salient features of the Bill. While I know that some of the provisions of the Bill are bound to be faced from the party aspect, I invite the House, in view of the broad issues, to apply themselves to the task of making the Bill an effective measure. If members desire to move amendments I invite them to place their proposals on the Notice Paper so that I shall have an opportunity to examine them and ascertain just what they mean.

Hon. Sir James Mitchell: We must have time to consider the Bill.

The MINISTER FOR WORKS: Members will be given ample time, but I do ask that amendments shall be placed on the Notice Paper so that I too may have time to go into them.

Hon. Sir James Mitchell: We cannot be expected to discuss the Bill before next Tuesday.

The MINISTER FOR WORKS: We only desire a Bill and machinery that will mete out justice. Hon. members will notice that the vexed question of the overlapping of the jurisdiction of the Commonwealth and State arbitration laws is not dealt with in this Bill. Indeed, it is impossible for any State to deal with this problem except in so far as we may prohibit the State court from dealing with an industrial matter which is the subject of Federal jurisdiction, and that would mean practically handing over the control of our industrial affairs to the Commonwealth court. The existing difficulty is constitutional and should be the subject of an agreement between the States and the Commonwealth.

Hon. Sir James Mitchell: They will not come to an agreement.

The MINISTER FOR WORKS: My own view is that the only solution is the establishment of a supreme Commonwealth jurisdiction with subsidiary State courts, leaving to the State courts the power to say if in their judgment it is impossible to mete out justice in a State award, owing to interstate competition in industry, a Federal award is desirable. I have heard it rumoured that an attempt is to be made to scrap the whole system of compulsory arbitration, and to adopt some system that exists elsewhere and which in its essence is mainly conciliation. I believe in conciliation and I have given practical application to that principle. Whatever may be said of the position in other countries, the whole industrial history of this continent proves that without the power of compulsion behind it, it is not effective in securing industrial peace. I speak with considerable experience in industrial matters. I was one of a committee from the old Trades and Labour Council that, in 1900, met the then member for East Perth, now Sir Walter James, who was regarded as the young Radical of the Parliament of the day. He has mellowed with the passing of the years and now is one of the most crusty Tories in this State. The committee met him and the result of our interview was the drafting of the first Industrial Conciliation and Arbitration Bill. My experience in industrial matters has taught me that all methods and systems of conciliation or conference are in the main useless unless they have behind them the power of compulsion. I believe that the Bill, if it becomes law, will obviate a great many, if not all, of the difficulties that my experience has shown me stand in the way of industrial peace. I want the House to keep well in mind, when considering the Bill, and suggesting amendments to it, that this is no mere cold piece of machinery to deal with industrial disputes. It is more than that. It is a measure for meting out social justice. It deals with more important things than profits and losses and mere cold cash. It deals with the lives of men and women. When we fix a standard for men and women we determine the existence of that most valuable but helpless section of the community—the children. Those of us who have lived our lives amongst industrial workers and have been with them during times of trouble know the effect of strikes and lock-outs and the industrial chaos that follows.

Mr. Latham: More particularly the effect of strikes.

The MINISTER FOR WORKS: Strikes and lock-outs each have the same effect. I have been associated with both strikes and lock-outs. I know the effect they have on the great mass of the workers. I know the poverty and hunger they bring into the homes, and I and the members of this party are most anxious to do away with that. We want to set up a law that will obviate the necessity for industrial stoppages, that will give quick and easy and frequent access to all those who require their grievances redressed. For to us that know the position, the miseries of this world are very real miseries and are not yet at rest. We believe the Bill will do a great deal to ensure to the industries of Western Australia peaceful work, and that in its essence it will help to uplift the manhood of the poor. I submit it to members for their most careful consideration. I move—

That the Bill be now read a second time.

On motion by Mr. Davy, debate adjourned.

House adjourned at 10.17 p.m.