

be saved to both parties, as well as to the ratepayers. I understand why the City Council are asking for power to colonnade as well as to widen the streets. The colonnading applies particularly to Hay-street. In the centre of the city many of the buildings are almost new. If the City Council possessed only powers to widen the streets they would be faced with very great expense, because of the necessity for pulling down portions of the buildings. If a building line could be declared, and colonnading could be enforced, the city would derive nearly the same advantage, but at less expense, as it would derive from the widening of the street. The ultimate intention to widen Hay-street from Melbourne-road to Thomas street will be a comparatively easy matter, but to widen it between Melbourne-road and Pier-street or Irwin-street would be a very costly matter. The system of colonnading would certainly be a very much cheaper way of dealing with the project. It would inconvenience owners of land only to the extent of their giving away a certain amount of footpath. They would still have their cellars, where these are in existence, and the portions of their buildings overhanging the footpath. The latter I do not like, but as an expedient it should be acceptable. When landowners have been building from time to time they have been asked by the City Council to set back their frontages, so that the footpaths may be widened and may accommodate more pedestrian traffic, and at the same time relieve the vehicular traffic. In very few instances, however, have the city authorities succeeded in this matter. Where they have been successful landowners have benefited to a large extent because of the better display; they have been able to make in the front portions of their buildings. I trust the House will not dwell upon the consideration of this Bill, and that it will be passed into law at the earliest moment. With as little delay as possible the City Council ought to be able to advise owners of buildings that are now going up along the line of the proposed extension of Forrest-place, so that the work now being carried on may be suspended and extra expense avoided. The same thing applies to other places where improvements are now going on.

Question put and passed.

Bill read a second time.

BILL—SUPPLY (No. 2), £1,232,000.

Received from the Assembly and read a first time.

House adjourned at 5.55 p.m.

Legislative Assembly,

Wednesday, 16th September, 1925.

	Page
Questions: Agricultural lime, sheep mortality ...	905
State Sawmills, Royal Commissioner's Report ...	906
Police, Relieving Staff ...	906
Quarries, White Peak ...	906
Railways, Stock train ...	906
Bills: Labour Exchanges, 1s. ...	906
Workers' Compensation Act Amendment, 1s. ...	906
Eight Hour Day, 1s. ...	906
Day Baking, 1s. ...	906
Entertainments Tax Assessment, 1s. ...	906
Entertainments Tax, 1s. ...	906
Supply (No. 2) £1,232,000, all stages ...	906
Forests Act Amendment, 3s. ...	912
Bills of Sale Act Amendment, 2s. ...	912
W.A. Trustee, Executor and Agency Coy., Ltd., Act Amendment (Private), 2s. ...	915
Industrial Arbitration Act Amendment, Com. ...	916
Motion: Divorce Amendment Bill, referred to Select Committee ...	910

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

QUESTION—AGRICULTURAL LIME.

Sheep Mortality.

Mr. BROWN (for Mr. C. P. Wansbrough) asked the Minister for Agriculture: 1, In connection with the inquiry now proceeding into sheep mortality in Eastern districts, has the question of lack of soil contents, particularly lime, arisen? 2, In view of the necessity for agricultural lime being made available, will he have departmental inquiries made as to the provision of supplies for this and other relevant purposes?

The MINISTER FOR AGRICULTURE replied: 1, The inquiry into this complex problem is proceeding, but no report is yet available. All its aspects are, however, being considered, and amongst these will be the possibility referred to. 2, The department has already made inquiries regarding supplies of lime for agricultural purposes, and

a great deal of information is available. Though excellent lime has been obtainable at very reasonable rates in many parts of the State, including Lake Clifton, the demand for it has not been such as those interested in the development of the deposits were led to believe, the consequence being that some of them have gone out of business.

QUESTION—STATE SAWMILLS.

Royal Commissioner's Report.

Mr. STUBBS asked the Premier: 1, Have the Government considered the findings of the Royal Commissioner on the management of the State Sawmills? 2, If so, what action has been taken?

The PREMIER replied: 1, Yes. 2, Of the eleven officers mentioned in the Royal Commissioner's report, four have since retired, two had resigned some time prior to the inquiry, and the assistant manager is now being dealt with in accordance with the Public Service Act. Steps have also been taken to see that the interests of the department are properly safeguarded.

QUESTION—POLICE, RELIEVING STAFF.

Hon. Sir JAMES MITCHELL (for Mr. Latham) asked the Minister for Justice: 1, Are any members of the police force retained for relieving duties? 2, If so, what number are on the relieving staff? 3, Will he see that officers to relieve are sent from the relieving staff, instead of York having to supply relief for other establishments, leaving York with only the sergeant in charge to perform all duties?

The MINISTER FOR JUSTICE replied: 1, Yes. 2, Three. 3, The number available is not sufficient to provide reliefs for all stations, and the York police must at all times be prepared to do their share of relief work as well as other centres with the same strength.

QUESTION—QUARRIES, WHITE PEAK.

Mr. MARSHALL asked the Minister for Works: What was the tonnage of stone broken and loaded, and the cost thereof per ton, at White Peak quarries for the months of July and August, 1925, separately?

The MINISTER FOR WORKS replied: July 1-28, 6,032 tons; cost 5s. 8¼d. per ton. July 29-August 25, 6,201 tons; cost 5s. 8¾d. per ton.

QUESTION—RAILWAYS, STOCK TRAIN.

Mr. MARSHALL asked the Minister for Railways: What was the average time occupied by the special stock train from Meekatharra to Midland Junction during the eight months ended August, 1925?

The MINISTER FOR RAILWAYS replied: 41¼ hours.

BILLS (6)—FIRST READING.

- 1, Labour Exchanges.
 - 2, Workers' Compensation Act Amendment.
 - 3, Eight-Hour Day.
 - 4, Day Baking.
- Introduced by the Minister for Works.
- 5, Entertainments Tax Assessment.
 - 6, Entertainments Tax.
- Introduced by Hon. S. W. Munsie.

BILL—SUPPLY (No. 2), £1,232,000.

Standing Orders Suspension.

THE PREMIER AND TREASURER (Hon. P. Collier—Boulder) [4.40]: I move—

That so much of the Standing Orders be suspended as is necessary to enable resolutions from the Committees of Supply and Ways and Means to be reported and adopted on the same day on which they shall have passed those Committees, and also the passing of a Supply Bill through all its stages in one day.

Question put and passed.

Message.

Message from the Governor received and read recommending appropriation in connection with the Bill.

In Committee of Supply.

The House having resolved into Committee of Supply, Mr. Lutey in the Chair,

THE PREMIER (Hon. P. Collier—Boulder) [4.43]: I move—

That there be granted to His Majesty on account of the service of the year ending 30th June, 1926, a sum not exceeding £1,232,000.

I am asking for additional Supply which it is considered will be sufficient to enable us to carry on over the next two months. I expect to have the Budget down within three weeks at the latest; indeed I hope to have it before the House in a fortnight's time. Members will then have ample opportunity to discuss every phase of the financial situation. Occasionally we have been able to get through with one Supply Bill, though only on one occasion to my recollection has the Budget been brought down at an earlier date than this.

Hon. Sir James Mitchell: I think you are wrong there.

The PREMIER: In the last year of the hon. member's term of office, I think, the Budget was introduced earlier than on any other occasion, and it was then necessary to get Supply for only the first two months. It was the practice to ask for Supply for three months, but in recent years we have been content to make the period two months and an additional Supply Bill has been necessary to tide over the period pending the introduction of the Estimates.

HON. SIR JAMES MITCHELL (Northam) [4.47]: There is nothing to be gained by discussing the proposal to grant Supply. It has always been granted and, when the Estimates are presented in two or three weeks' time, we shall have an opportunity to discuss the finances. I notice by this morning's paper that the Federal Government have received the report of the Royal Commission appointed to investigate the disabilities of Western Australia under Federation.

The Premier: I did not notice that.

Hon. Sir JAMES MITCHELL: It is important that the Premier should know what the Federal Government propose to do, and I should like him to wire the Federal Government asking for information. None of us knows what the Royal Commission have recommended or whether we are to get anything, but I am satisfied that we ought to get something substantial. If the Premier is likely to get word of the Federal Government's intentions during the next week or two, it might be well to delay

slightly the presentation of the Budget. This State has been struggling under a serious burden for a long time and is entitled to relief, and I am hopeful that the Royal Commission have recommended relief. A wonderfully good case was presented to the Commission by the officers of the Treasury, particularly by Mr. Simpson, and the country, knowing what we have suffered under Federation, is anxious to learn what the Federal Government propose to do. Our financial difficulties have been almost entirely due to Federation. Of course the Premier cannot force a reply from the Federal Government, but I hope he will get the information as soon as he possibly can. It is important that we should know the Federal Government's intentions before we proceed to deal with the Budget.

MR. THOMSON (Katanning) [4.50]: I offer no objection to the granting of Supply because it is necessary that the Government should have funds with which to carry on. I should like the Government to indicate their land settlement proposals, particularly as regards men qualified under the soldier settlement scheme. Some 1,800 men have qualifying certificates, and the action of the Federal Government in making a final payment of £790,000, retrospective to 1924, is hardly just either to the State or to those men. No doubt the Government are taking steps to lodge a protest, but we should know what is being done. All men who hold qualifying certificates and have made application for land should be given an opportunity to come under the scheme and benefit in the same way as have those who took advantage of the scheme in the earlier stages. Let us contrast the position of men coming here from overseas to settle on the land. I welcome immigration, but we are providing land and sustenance for such men and assisting them in every way to establish themselves on the land, men to whom we are under no obligation. On the other hand, there are returned soldiers who have qualified under the scheme, and apparently they will not be granted the privileges extended to those who were fortunate enough to come under the scheme at an earlier date.

Mr. E. B. Johnston: It is a breach of faith when those men have their certificates.

Mr. THOMSON: While the sum of £790,000 may appear to be somewhat generous the Commonwealth Government are treating us cavalierly in making it retrospective. A certain period should have been granted with an intimation that after a specified date no further applications would be received. If the Federal Government are not prepared to give soldier settlers the benefit of the scheme, I hope the State will enable the men who have qualified to receive virgin Crown lands at a reduced price. I hope we shall soon have a definite notification of the Federal Government's intentions regarding the report of the Disabilities Commission. Judging from the general treatment we have received from the Federal Government, I do not think we should be too optimistic about receiving special consideration. We in this State are regarded somewhat as mendicants, but all the complaints submitted to the Federal authorities have been well grounded and we have had just cause for dissatisfaction at the treatment we have received.

MR. TEESDALE (Roebourne) [4.55]: I, too, wish to protest against the extraordinary action of the Federal Government, which is likely seriously to affect hundreds of young fellows who have devoted periods of 18 months or two years to qualify to take up land under the soldier settlement scheme. The position is that these men have now suddenly been thrown on their own resources. They have wasted their time in following an occupation that apparently there is no means of their continuing, because of this extraordinary bomb from Melbourne. It is scandalous that these men should have been led to go on farms and stations with the idea of qualifying to take up holdings of their own and that now, without notice or warning of any kind, they are told the scheme is brought to a close and that no more money will be expended.

Hon. Sir James Mitchell: I do not think that is so.

Mr. TEESDALE: That was my reading of the statement in the Press; I understood that there would be no further advances to returned soldiers. Reasonable notice should have been given of the intention to terminate the scheme. Some soldiers have been paying what they could towards the purchase of war service homes. What is to become

of their payments if the sustenance they expected is cut off? Their position will be deplorable. I hope the Premier will do his best to get a little extension of time so that there shall be some degree of fairness and decency in the treatment meted out to men who have devoted time to qualify for land settlement.

HON. SIR JAMES MITCHELL (Northam) [4.57]: It would be a good idea if the Minister for Lands came prepared to give us full information when the Estimates are being considered. A number of soldiers have qualified, but I do not think there are so many who now desire to go on the land.

Mr. Teesdale: There are 700.

Mr. Thomson: No, 1,800 odd.

Hon. Sir JAMES MITCHELL: But they have qualified over several years, and there are not so many who now wish to go on the land. I think the Federal Government will do their part. What they said was that they would not contribute any more beyond the £790,000 towards losses incurred by the State on soldier settlement. It is unthinkable that the Federal Government should go back on their promise to the returned soldiers and if they do, the State cannot. It is a matter we cannot discuss unless we have all the information before us. When we come to the Estimates I should like to have that information so that we may know where we stand. The Minister for Lands will not be too anxious to let off the Federal Government if the idea is that they should be let off.

MR. THOMSON (Katanning) [5.0]: I raised the question because of the reply given to me by the Minister for Lands to a question of mine last Wednesday. The question was—

In view of the fact that there are 1,831 returned soldiers with qualifying certificates entitling them to come under the Discharged Soldiers' Settlement Scheme, and also that the Federal Government have made available the sum of £796,000 to cover the losses of those at present under the scheme, have the Government made representations to the Federal Government to permit of the men who have qualified coming under the scheme under the same conditions as those already settled.

The Minister's reply was as follows:—

The Commonwealth Government have not provided funds for Soldier Settlement since 1st July, 1924. The question of additional settlement was raised when discussing the proposed grant of £796,000 during my visit to

Melbourne. I was informed by Mr. Sheehan, a Treasury official, that this amount was intended as a final payment by the Commonwealth Government towards State losses. This was later confirmed to me by the Commonwealth Treasurer, Dr. Earle Page.

So far as I can see the Commonwealth Government have, without any notice to the Government of this State, decided that from the 1st July, 1924, they will not carry any further responsibility in this matter.

Hon. Sir James Mitchell: They will find the money, but will not cover the losses.

Mr. THOMSON: The Commonwealth Government should not have taken up that attitude. They should have mentioned a specific date after which they would not be responsible for any further losses. Since 1924 we have been permitted to find large sums of money for men who come under the provisions of the Act. I wish to voice my protest against this action of the Commonwealth Government. It may strengthen the hands of the State Government to know that all sections of this Chamber are behind them in this protest. Men who are qualified are being cut out, and will no longer be able to participate in the benefit of the scheme in the way that their comrades did earlier in its history.

Mr. Mann: Has similar action been taken throughout the Commonwealth?

Mr. THOMSON: I do not know. The Commonwealth Government have written off millions of pounds through the mal-administration of the War Service Commission. Western Australia has spent enormous sums in carrying out this settlement work, and a considerable amount has already been written off. We know that the Commonwealth has provided a sum of £790,000 towards these losses, but I do object to the date being made retrospective. I strongly object also to men, who have been put on the land since the 1st July, 1924, being deprived of the benefit of the scheme.

THE PREMIER (Hon. P. Collier—Boulder—in reply) [5.4]: I hope the Commonwealth Government and members of the Federal Parliament will not come to the belief that we are constantly complaining. If that idea enters their minds they are more likely to look upon us as a child who is growling week in and week out, and become incredulous towards us. We have much ground for complaint, and I think this is another occasion when we might complain

of the attitude of the Federal Government. I do not know that protests from our Government have much effect. In the past I have not found that our telegrams and letters, that we send week after week, protesting against any of the actions of the Federal Government, have had the slightest effect upon them.

Mr. Teesdale: You will have good backing from the other States on this.

The PREMIER: Only so far as Eastern States backing on this or any other question is accorded are we likely to get much relief. The time spent in preparing letters and sending them across to Melbourne during the past few months has been wasted. I am not in a position to say how many returned soldiers have been placed on the land since July of last year. The number that have acquired certificates is 1,800. It cannot be said that anything like that number are waiting to go on the land. I know that many men who qualified shortly after their return from the war have taken up other occupations, and some have left the State. No doubt there are others, perhaps many, who still desire to take up land, and to come under the soldier settlement provision.

Mr. Heron: Some have made application several times and have been turned down.

The PREMIER: Several men of my acquaintance have given up the idea, because they have applied for land but have been unable to get any block suitable to them.

Mr. Thomson: Those are the men I am anxious about.

The PREMIER: I know of men who spent weeks or months inspecting land in different parts of the State, holdings carrying Agricultural Bank advances, but now abandoned, only in the end to give up the idea. Returned men desired to get out into the wheat or sheep country, and were not disposed to go to the South-West, except those who went there in the earlier days of the settlement. We have not too much land left of the kind desired by the soldiers. They would be eligible to join in the group settlement scheme of the South-West under the favourable conditions of the new agreement, but they do not feel disposed to do so.

Mr. Heron: Some are not physically fit for the work.

The PREMIER: We have considerable financial responsibility towards these men. I think the amount expended already exceeds £5,000,000.

Hon. Sir James Mitchell: It is £6,000,000. We got over £1,000,000 to cover losses.

The PREMIER: Unfortunately many of the returned men are having a difficult time. From time to time they make representations to the Department to be relieved of some of their obligations. Some of those in the South-West say they will be unable to carry on unless they obtain considerable relief. Members may rely upon the interests of returned men being protected by the Minister for Lands, and upon his making a full statement of the position when the Estimates are under consideration. I had not seen the announcement in this morning's paper that the report of the Disabilities Commission has been presented to the Prime Minister. From information received I had expected that it would have been presented some weeks ago. We do not know what the recommendations are, nor do we know what the attitude of the Federal Parliament will be towards them, whether favourable or not. I should like to know what the attitude of Parliament will be at the earliest possible moment. If favourable recommendations are made, and these are endorsed by the Federal Parliament, it will be necessary for me to bring down supplementary Estimates to dispose of the amount we think we ought to get. It would be much easier for me to know the position before presenting the Budget than afterwards. In the event of our getting the measure of justice we expect, it will be necessary to re-cast the whole policy of finance in many directions by way of supplementary Estimates. I do not suppose the Federal Government will delay very long in taking action, or in announcing their attitude towards the report. I should like to endorse the sentiments expressed by the Leader of the Opposition when he said that the board that prepared the report for Western Australia deserve every compliment. The case was well and cogently presented. I do not think there was a possible loophole that escaped the members of the board.

Hon. Sir James Mitchell: Especially the officials.

The PREMIER: I join with the Leader of the Opposition in saying that the Treasury officials, particularly Mr. Simpson, did excellent work. We hope we shall get a good report; and if so it will be due in no small degree to the manner in which the board handled the case before the Commissioner.

Hon. Sir James Mitchell: Especially to Mr. Simpson.

The PREMIER: If there was a prospect of the Federal Government and Parliament dealing with the report at an early date I might go so far as to ask the House to permit me to delay the introduction of the Budget. That will depend upon what transpires during the next week or so, and upon the announcement the Federal Government might make with regard to their attitude towards the recommendations. If I thought the matter would be dealt with at an early date I would ask the House to agree to my postponing the Budget, so that I might handle the matter at once instead of re-casting the financial proposals and subsequently bringing down supplementary Estimates.

Question put and passed.

Resolution reported and the report adopted.

Committee of Ways and Means.

The House having resolved into Committee of Ways and Means, Mr. Lutey in the Chair,

On motion by the PREMIER, resolved—

That towards making good the Supply granted to His Majesty for the service of the year ending the 30th June, 1926, a sum not exceeding £700,000 be granted out of the Consolidated Revenue Fund, £500,000 from the General Loan Fund, £30,000 from the Government Property Sales Fund, and £2,000 from the Land Improvement Loan Fund.

Resolution reported and the report adopted.

Bill introduced, etc.

In accordance with the foregoing resolutions, Bill introduced, passed through all stages, and transmitted to the Legislative Council.

MOTION—DIVORCE AMENDMENT BILL.

To refer to a Select Committee.

MR. HUGHES (East Perth) [5.24]: I move—

That the Order of the Day for the further consideration of the Divorce Amendment Bill in Committee be discharged, and that the Bill be referred to a Select Committee.

On the face of it, a proposal to amend the divorce laws so as to give relief to a wife

who has obtained a separation order but cannot secure the payments awarded to her, does not appear to go very deep. On further consideration, however, it will be recognised that the proposal goes to the very root of our social system. This additional provision for divorce paves the way for an entirely new departure. Legislation dealing with marriage touches the very foundation of the social structure. With the member for Perth (Mr. Mann) and other members, I deplore the fact that under the existing law a woman should find herself tied to a man who will not support either her or their children. I do not know of anything more harrowing than the cases which have come under my notice since I have been a member of Parliament, of women trying to make the respondents to such orders comply with the terms of their orders. Frequently the attempt is quite hopeless, and the woman has a very hard life indeed. If it were a question of giving relief to those women only, I would say that the Bill could go through without much consideration. However, various other aspects crop up. First of all, if after a failure of three years to comply with the order the woman is to be entitled to a divorce, that seems to me a direct invitation to the respondent not to pay. If a man against whom an order has been made pays up regularly, there is no chance of his being divorced; but if he refuses altogether to pay, or pays up only at intervals, there is a probability that the wife will tire of the business and sue for a divorce. The first point to be considered, therefore, is that this measure constitutes an invitation to husbands separated from their wives not to pay maintenance. Secondly, I have a suggestion to make which may appear far-reaching. It is that a man who has married and had issue, and refuses to support the children, ought not to be allowed to re-marry. It is wrong morally and from a social point of view that such a man should be allowed to repeat the experiment, thus turning an additional set of progeny on to the community. If there is one obligation that we are entitled to ask a man to stand up to, it is the obligation to support his own children. In releasing the woman, we also release the man. Statistics show that 50 per cent. of people who have married and who have been released, thereupon re-marry. We know that under the existing divorce law a man who has been divorced on the ground of deser-

tion of his wife can re-marry. The principle is equally wrong there. I realise that a difficulty exists as regards giving the right of re-marriage to one party to a divorce suit and refusing it to the other, but in my opinion that is the proper solution.

Mr. Sampson: This is a new gospel.

Mr. HUGHES: It is an innovation.

Mr. Sampson: A bad one.

Mr. HUGHES: A man who refuses to support his children ought not to be allowed to keep on bringing children into the world. If the Bill goes through in its present form, we shall have the spectacle of the separated husband who honestly and straightforwardly maintains his children being excluded altogether from divorce, whereas the separated husband who refuses to maintain his children will be in the happy position of being able to get a divorce.

Hon. G. Taylor: This Bill does not go far enough.

Mr. HUGHES: It either goes too far or not far enough. I realise that this is a big question. A third point for consideration is that the Bill opens the way to mutual divorce. Whether the member for Perth has considered that aspect of the question I do not know. The law as it stands is against mutual divorce. Whether that is a good thing or a bad thing I am not prepared to say. Possibly, where there are no children of a marriage and the parties are hopelessly unsuited to each other, there ought to be means of releasing them without forcing them into the position of wrongdoers.

Hon. G. Taylor: Certainly.

Mr. HUGHES: But where there is a third party interest, namely children, that interest must be paramount. I have no fixed opinion as to whether mutual divorce would be a good thing or a bad thing from the aspect of the community. The Bill lends itself to mutual divorce, for under it if the parties want such a divorce they need only go to the court or get a mutual separation order; then the one party fails to pay, and at the end of three years the other party can proceed for a divorce without having to allege any of the usual grounds.

Hon. G. Taylor: That would not be very wrong.

Mr. HUGHES: At this stage I am not prepared to say whether mutual divorce would be good or bad. Then there is the

question of a separation order where the payment has been commuted. I did not know there was such a thing as the commuting of a payment under a separation order until it was brought under my notice after the hon. member introduced the Bill. I know of one case where a woman obtained a separation order, and the husband failed to pay. When he was a certain amount in arrears he made the proposition to her that for a lump sum he should be relieved for all time from payments under the order. The woman agreed.

Hon. G. Taylor: That is not uncommon.

Mr. HUGHES: It is the first case I have heard of. To all intents and purposes those two people are divorced, there is no further obligation on the husband to maintain the wife; and they are both at large on the community, tied to one another for all time, while the man is free from all his obligations.

Hon. G. Taylor: The Bill would not assist him.

Mr. HUGHES: No, and therefore it creates another injustice if we compare his condition with that of a person whom the Bill would assist. In its present form the Bill would bring about a good deal of heartburning and would create further anomalies. Thus the good it would do would be entirely negated. Without due consideration it is difficult to draft an amendment that would improve the Bill, although I know that the hon. member who is sponsoring the Bill would accept suitable amendments. I contend that the Bill should be referred to a select committee. Then if, after due inquiry, the select committee found that the Bill went too far, it could be dropped, while if it were found that it does not go far enough, useful amendments could be made in it. The Bill will suffer nothing by going to a select committee, because if it be found desirable it will be strengthened by the inquiry.

Hon. G. Taylor: There is need for a Bill of the sort.

Mr. HUGHES: Yes, but it ought to go a bit further than it does.

MR. MANN (Perth) [5.35]: I raise no objection to the motion. I believe the member for East Perth (Mr. Hughes) is not hostile to the Bill, but that he feels it might well confer further benefits, and that it should go to a select committee. The send-

ing of the Bill to a select committee may do some good, and so I raise no objection to the motion.

HON. G. TAYLOR (Mt. Margaret) [5.36]: No doubt a Bill of this character is needed but, as the member for East Perth has pointed out, it either goes too far or not far enough. The proper body to discuss that is a select committee. I am sure the hon. member is not hostile to the principle of the Bill. However, he believes there are people suffering great inconvenience and hardship that the Bill will not relieve. It would be wise to have a select committee go into the Bill and bring down recommendations.

Question put and passed.

Ballot taken and a select committee appointed consisting of Messrs. Mann, Marshall, North, Sleeman and the mover, with power to call for persons and papers, to sit on days over which the House stands adjourned and to report on the 10th October.

BILL—FORESTS ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILL—BILLS OF SALE ACT AMENDMENT.

Second Reading.

Debate resumed from 2nd September.

MR. HUGHES (East Perth) [5.50]: I propose to ask the House not to carry the second reading of this Bill, because it seems to me to be in the nature of freak legislation. We know that under the Bills of Sale law at the present time a bill of sale unless registered is not of much use except as between the parties themselves. We know that thousands of such transactions take place each year as the result of people finding themselves in temporary financial difficulties. Of course I know that that is something that will not be understood by members of this House.

Mr. Panton: Speak for yourself.

Mr. HUGHES: I said temporary financial difficulties.

Mr. Panton: Mine is chronic.

Mr. HUGHES: Many people who find themselves temporarily financially embarrassed and who have goods and chat-

ties on which they sometimes raise a loan, would have strong objection to that transaction being made public. These people by being able to give a bill of sale which is not registered, are able to get temporary accommodation to tide them over their difficulty. The object of the Bill is to entirely destroy the privilege that is now enjoyed and which is beneficial to a section of the community. If a man desires to raise a loan, is there any reason why the fact should be communicated to the world at large? There is nothing discreditable about raising a loan, but many people, and especially private citizens, do not relish the idea of their temporary financial disabilities being broadcasted. Once it is made public that an individual has given a bill of sale over his goods and chattels, his credit may become seriously impaired. Very often a man whose credit is sound may find himself obliged to raise a small loan, and if the fact were to be communicated to all and sundry by his having to register the bill of sale, incalculable harm may be done. Why the necessity for the alteration after all these years? I suppose there are more bills of sale unregistered than there are bills of sale registered. What has happened recently to prompt someone to seek the change that the Bill proposes to bring about? I have heard it said that some people enter into business and secure credit from a number of merchants. The goods they may have obtained were undoubtedly for trading purposes, but became the subject of a bill of sale that was not registered. Then, in the event of failure to pay, the merchant has no opportunity to recover. Suppose there have been one or two instances where merchants have failed in this respect. Is that any reason why everybody should be made to suffer by the introduction of special legislation? We know that bad debts are nothing new in business. Any person who understands the first principles of business is aware that merchants' charges on commodities sold by them are added to by a certain percentage to cover bad debts. I suppose there is no business conducted that does not incur bad debts. But the merchant does not incur those bad debts; he makes allowance for them by increasing the cost of commodities.

Mr. Thomson: You ought to be in business.

Mr. HUGHES: I guarantee that the member for Katanning, being a business man, makes up his charges to allow for possible bad debts. It is not the merchant nor the retailer that pays; it is that section of the community that is able and willing to pay. The good pay for the bad. If that were not so, there might be something in the contention to render invalid unregistered bills of sale. Bad debts have been created for years past and they will continue to exist.

Hon. G. Taylor: Men have been ruined by bad debts.

Mr. HUGHES: Men have been ruined by having their pockets picked. Is it suggested that if somebody walking down Hay-street has the misfortune to have his pocket picked of a sum of money, we should immediately pass a Bill to compel all people walking down the street to do so with their arms folded. There are too many laws in existence and the tendency to-day seems to be to legislate too much for individual cases. It is a bad thing that anyone should be defrauded, but if it happens that one or two people should suffer a loss in a business transaction, that should be no reason why we should take from the rest of the community a privilege that has been of great assistance in the case of temporary financial difficulty. I do not think that the case advanced is sufficiently strong to justify our taking away the privilege that has existed for so long. There is no justification for the departure proposed by the Bill. If we are going to render every unregistered bill of sale invalid, why not extend the proposal to every equitable mortgage? Why should a man be allowed to raise money on an equitable mortgage if he is not allowed to raise it on an unregistered bill of sale? An equitable mortgage is not registered. We know that many men in the town are unable to raise a loan by means of mortgage. After all, an equitable mortgage is simply an unregistered bill of sale applying to real estate. The deeds are handed over against a loan, and the transaction is not registered in the Titles Office.

Mr. North: Do you object to transfers of land being registered?

Mr. HUGHES: I do not know how transfers of land become mixed up with bills of sale and equitable mortgages.

Mr. Richardson: Would such a mortgage stand good in law?

Mr. HUGHES: Certainly.

Mr. Richardson: I am doubtful of it.

Mr. HUGHES: If money can be borrowed on an equitable mortgage as I have described, why should not the same thing apply with regard to a bill of sale over goods and chattels? If the banker agrees to take the risk of an equitable mortgage, that is his business; and similarly with the grantee of a bill of sale. Why should Parliament step in and declare that what both the grantor and the grantee wish shall be invalid? Parliament would not be justified in doing so. A bill of sale, so long as it exists, is a standing warrant of execution. Once registered, however, it becomes known to all the world.

The Minister for Justice: But suppose a man wanted to borrow a second time on the same goods and chattels?

Mr. HUGHES: That could not be done. To give a second bill of sale over the same goods and chattels without notice of the first would be a fraud. However, if an arrangement is suitable to both parties, why should Parliament forbid it? The Bill proposes to go right into the private lives of the people by saying that certain private transactions shall not take place, by declaring, "You shall not have a loan unless the fact is made known to all the world." Why not make public registration of all debts compulsory? Why not let the world know that Smith has borrowed £10 from Brown? Why not have a public register of private debts? The one argument in favour of the Bill is that a man has no right to get credit without the knowledge of the public. It is contended that if a man has borrowed money, the fact ought to be made public for the benefit of the community generally. For the protection of the public, it might be said, we should make it unlawful for a man to lend money to another man without the fact being notified. That would be quite on all-fours with what the Bill proposes. Many people who borrow money on bills of sale, perfectly honest people and quite in a position to pay, would not take advantage of that form of accommodation if bills of sale had to be registered. They would be compelled to make other arrangements, and doubtless they would be charged higher rates of interest. Finally there is the aspect of increasing the staff of a Government department. We know that the department now dealing with business of this kind has a staff. If every bill of sale must be regis-

tered, the staff will have to be materially increased. So by passing the Bill we shall be building up another branch of the Public Service.

Mr. E. B. Johnston: The fees payable will recoup the Government.

Mr. HUGHES: That means another burden on the man who wants a little temporary accommodation. If there had been numerous frauds arising out of unregistered bills of sale, there would be some justification for this measure. I myself know of one or two cases where an unregistered bill of sale has formed the basis of a more or less fraudulent transaction. But because a few frauds have occurred, because injustice has been done to one or two lenders, is that a reason for taking away a privilege from thousands of borrowers? The enactment of this measure will involve additional Government employees. Would we be strictly in order in passing such a Bill without an appropriation?

Hon. G. Taylor: The Bill does not say anything of the kind.

Mr. HUGHES: But it provides for additional registration. We can assume that the officers of the department concerned are already fully occupied. Therefore, if this measure passes, the Minister for Justice will forthwith have to provide additional clerical assistance. Can he do that without a Parliamentary appropriation? We shall be sailing very close to the Standing Orders if we pass the Bill. One effect will be to force a number of people into an unfortunate position. The man who is hard up has my sympathy: I have a fellow feeling for him. The Bill proposes to take away a privilege which has existed for generations. No case has been made out for the measure, and I hope the second reading will not be carried.

MR. NORTH (Claremont) [6.11]: The previous speaker has taken an attitude curiously different from that which he usually adopts in this Chamber. He appears to be worrying about a proposed reform, and to be standing for the conservative attitude of leaving things as they are. Further, he seems to be agitated about the possibility of a department being extended and the cost of administration being increased. Moreover, he appears to be troubled lest we should add another form of compulsion to the many forms of compulsion that are

being created week in week out, year in year out. I agree largely with that view. There is a feeling abroad that life is becoming almost intolerable by reason of the increasing number of compulsions to which we are being subjected. However, I was surprised to hear such sentiments from the member for East Perth (Mr. Hughes) because for the most part his attitude in this House has been in favour of reform, of abolishing privilege, and of increasing the number of compulsions. In the case of this Bill the question at issue is small, though the principle involved may be big. By way of interjection I asked the hon. member whether he was in favour of the compulsory registration of land titles. I made the inquiry not from a wish to be irrelevant, but merely in view of the legal knowledge which the hon. member is gradually acquiring, and his general study of history. This knowledge and this study must have made the hon. member realise that more and more compulsions are being introduced with a view to the prevention of fraud. The only reason for the registration of transfers of land is to prevent fraud, since by a search at the Titles Office anyone could discover who owned what land and how. The next move in this direction was to deal with mortgages. People who borrowed money upon land were registered, so that they would be known to the world, the object being that a man should not appear as the owner of acres upon acres of land if it was mortgaged up to the hilt, with the result that though he might appear a big landholder, he in fact owned very little. Then comes the logical sequence that bills of sale shall be registered, the object being that those who borrow on furniture shall not make a great display of it and so obtain credit in various quarters whilst they have already borrowed up to the hilt from someone else on the security of the furniture. I see no difficulty in following on the line of sequence, from the registration of land titles to the registration of mortgages, and thence to the registration of borrowings on furniture under bills of sale. For these reasons I support the Bill. In addition, a point of view which should be stressed is that a considerable difference exists between a man who borrows on assets and one who, having no assets, borrows on personal security. There is much less harm in a man with a motor car worth £300 borrow-

ing £200 on it than in a man borrowing, say, £10 on his own personal security. No hardship is involved in the registration of a bill of sale over a motor car or over furniture. As regards unregistered bills of sale, the question of fraud is involved. The first man who lends money is not protected when there is no registration.

Mr. Hughes: If you will give me your assurance that this Bill will stop fraud, I will support the measure.

Mr. Sampson: Will anything stop fraud?

Sitting suspended from 6.15 to 7.30 p.m.

Mr. NORTH: Prior to the tea adjournment I was attempting to show that the sentiments expressed by the member for East Perth (Mr. Hughes) were quite good when applied generally. He suggested that we had too many forms of compulsion and that each additional form added to the statute book made life more irksome. I cannot agree with him, however, that his contentions had application to the Bill. The measure is the logical outcome of former legislation regarding land transfers and mortgages. There is no particular hardship in the fact that anyone purchasing a motor car or some agricultural machinery will have his name pilloried in the weekly "Trade Gazette" indicating that that person has reached such a stage that he is able to advance assets upon which he can borrow money. I do not contend that the Bill will absolutely prevent frauds, but it will give additional protection. No one would suggest that the Bill could have the effect of preventing all frauds any more than legislation passed during former sessions has obviated all difficulties the legislation was aimed to overcome. The Bill, however, will minimise the possibility of frauds where, in the past, bills of sale have been unregistered. I support the second reading.

Question put and passed.

Bill read a second time.

**BILL—WEST AUSTRALIAN TRUSTEE
EXECUTOR AND AGENCY CO.
LIMITED ACT AMENDMENT (PRI-
VATE).**

Second Reading.

MR. MANN (Perth) [7.33] in moving the second reading said: This Bill was passed by the Council after consideration

had been given to it by a select committee. It deals with the limitations imposed upon the company in 1892. In that year the company was promoted and the conditions set out that there were to be 20,000 shares of a face value of £2 10s. each, giving the company a capital of £50,000. In 1921 that capital was increased by 10,000 shares having the same face value, thus giving the company a capital of £75,000. The operations of the company have grown to such an extent that to-day it is dealing with estates valued at over £4,000,000. It has been found that the capital is too limited and the desire of the company is to reduce the value of the shares from £2 10s. to, say, £1 or 10s. each and to increase the number of shares to whatever number the shareholders may decide. The charter of the company demands that the present shares shall only be called up to the extent of two-fifths and the company desires that those conditions shall remain in force. If the shares are reduced to a face value of £1 each the company will only call up money to that extent, leaving the balance of three-fifths of the calling power as security for the public. The only other amendment included in the Bill will give effect to the company's desire that shares shall not be transferred to minors. These are the objects of the Bill and I move—

That the Bill be now read a second time.

On motion by the Minister for Justice, debate adjourned.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

In Committee.

Resumed from the previous day; Mr. Lutey in the Chair, the Minister for Works in charge of the Bill.

The CHAIRMAN: Progress was reported on Clause 33, Mr. Davy having moved an amendment to strike out subclause (3).

Mr. DAVY: The reason why I moved the amendment was that the subclause provides for rules extending to persons even though they be not employers of labour nor yet employees. I hope the Minister will leave such people outside the scope of the Bill.

Hon. G. TAYLOR: The member for West Perth has made it clear that this provision is aimed at one or two individuals only. In those circumstances the Minister should con-

sider whether it is wise to include such a provision. If a few people desire to get away from working for wages and to strike out for themselves, they should be allowed to do so, even though it may involve working at night. Surely the Bakers' Union cannot be so feeble that if one or two bakers wish to work for their own benefit they should be prevented from doing so. Parliament will go too far if they legislate along these lines. I hope the Minister will explain the necessity for the provision. It would appear that two or three men are baking bread at night and because a rule of the court sets out that there shall be no night baking, it is sought to prevent these few men from doing so. Legislation in the past, which has had the effect of preventing the small men from progressing has tended towards the establishment of large emporiums, making it impossible for small suburban shops to exist.

Mr. SAMPSON: In the suburbs the small shopkeepers are feeling the effects of the Factories and Shops Act, which makes it impossible to carry on business after certain hours. There are many shops empty in the suburban areas and the people are therefore inconvenienced. The subclause has particular reference to men who are desirous of carrying on business and are able to do so notwithstanding that they employ no labour. Then again, the dependants have to be considered. What would happen to the wife and family of a man so engaged if he was prevented from following his avocation? They would probably have to claim assistance from the Government in order to live. To introduce compulsion against a man anxious to establish himself in business is going too far. From the standpoint of the public it is not desirable that such rigid control should be exercised. When the price of bread has been reduced as a result of the work of small bakers, they should be commended rather than discouraged.

Mr. PANTON: One would imagine that there were only three bakers concerned. The three bakers mentioned have nothing whatever to do with this provision. An attempt was made to prevent their getting flour, but not because they were baking at night. As a matter of fact, I do not think any of them was baking at night. The one in Beaufort-street is an ex-President of the Operative Bakers' Union and he refused to bake at night. Those three bakers sell bread over the counter at 5d. per loaf, and anyone who likes to go to a bakehouse for bread can ob-

tain it at that price. The trouble is the distribution, which costs from 1¼d. to 1½d. per loaf. When the masters and operatives met to draw up an agreement there was considerable difficulty regarding the small bakers. An agreement was made to work from 8 a.m. to 8 p.m., the operatives concurring in the 12 hours spread principally to assist the small bakers. Then some 30 bakers, instead of abiding by the agreement, broke away from the Master Bakers' Association, and some of them, assisted by their families, are baking at night. Consequently the bakers who are employing labour and are abiding by the agreement can send out only cold bread on the first delivery each morning, and their carters have to go over much of the same ground later in the day in order to supply hot bread. It is the supplying of hot bread that has increased the cost of distribution. If people would only go to the bakehouse for their bread they would get it at 1¼d. to 1½d. per loaf cheaper, but they will not do that.

Mr. Sampson: The statement made last night that they sell bread at a lower price is not disputed.

Mr. PANTON: But that is only because people go to the bakehouse for it. The operative bakers have no grievance on this score; it is the master bakers who have the grievance.

Mr. Mann: Then why provide for it in an Arbitration Bill?

Mr. PANTON: Because it means unfair competition against the bakers who employ labour. If those bakers lose their business, the operatives will be thrown out of employment. I stand for day baking. Men should not be asked to work at night time.

Mr. Thomson: Then why are you here?

Mr. PANTON: We could start at 9 o'clock in the morning; I should be willing to do so.

Mr. THOMSON: This provision, applying as it will to every industry, involves a grave danger and I hope the Minister will not press it. Men who have risen from the ranks of workers to become employers have not done so by adhering to the regulation hours. I should not be in my position as an employer if I had been content to work only the prescribed hours. The provision will have the effect of keeping men in the ranks of employees for all time. I believe in equal opportunity for everyone, and the right for a man to better himself if he can. I object to this process of levelling

down. No arbitration law should debar a man from bettering himself. I am not worrying about bakers, but I am looking at the matter from the broader standpoint of men being able to improve their positions in life. It would be wrong to prevent a man from working those hours which he thought were necessary to enable him to improve his position.

The MINISTER FOR WORKS: A deputation representative of the employers and workers in the furniture trade waited upon me, requesting that something in this direction should be embodied in the Bill. The deputation represented to me that certain individuals and their families were working in the furniture trade day and night, including Sundays, and that they were worse in this respect than Asiatics. They asked that something should be done to prevent this sort of thing. If this were allowed to continue it would certainly bring the whole industry down to the level of those people.

Mr. Mann: You could reach them by amending the Factories and Shops Act.

The MINISTER FOR WORKS: Why should we not do it here? This paragraph deals only with rules prescribed for the regulation of industries. I do not know of any occasion when the court has prescribed rules other than for the baking industry, where night baking was prohibited.

Hon. G. Taylor: Now they have a precedent, they will follow it, and it is a bad one.

The MINISTER FOR WORKS: It is not. If we repudiate day baking we shall be repudiating the League of Nations and the Conference in Geneva. Ours would be the only country affiliated with that body that would have done such a thing, but I hardly think repudiation is likely to be brought about. The power sought in this paragraph may cover many other industries.

Mr. Davy: It is aimed at baking.

The MINISTER FOR WORKS: I admit that the evil is more pronounced in that industry than in others. The whole reason for setting up certain conditions of hours and wages is to prevent the undermining of a decent standard of living.

Mr. Thomson: This paragraph will prevent a man from working long hours in order to improve himself.

The MINISTER FOR WORKS: Not at all. This deals only with rules.

Mr. Davy: Why should not rules prescribe the hours?

The MINISTER FOR WORKS: That has never been done. If white men are to be allowed to work day and night and on Sundays in the furniture trade the whole edifice that we have set up for the improvement of industrial standards will collapse. No one wants to hamper a man from becoming independent so long as he does so under something approaching decent conditions, and on a fair basis of competition. The powers prescribed in the Act for the making of rules are almost unlimited, and no one has complained about them.

Mr. Mann: Would the court have power to declare that a man could not work in his own backyard?

Mr. Davy: Of course!

The MINISTER FOR WORKS: The hon. member's imagination is running riot.

Mr. Mann: Suppose a man wished to make furniture on his own verandah?

The MINISTER FOR WORKS: The Factories Act deals with the conditions of employment where more than three persons are engaged. This will not affect the possibility of a man getting out of the ruck and making good, but I am opposed to allowing unlimited scope to men and their families in any direction that may lead to undermining the standard of living.

Mr. DAVY: Where an amendment has been brought about by a joint deputation of employers and workers the rest of the community may well regard it with suspicion. Normally, employers and employees are contending factions, with two different points of view, and the truth as a rule may be found somewhere midway. When, however, they are in agreement on a point, the question arises whether the interests of the rest of the community are not being jeopardised. Such an unholy alliance as that of employers and employees on an industrial question I regard with suspicion. Frequently employers and employees come to an agreement that is immoral because it utterly disregards the interests of the general public. The employer often agrees to what he knows to be an unreasonable demand because he can pass the extra cost on to the poor, suffering public. The Minister for Works has sketched a harrowing picture of old-world factory conditions before industrial legislation came in. I believe in industrial legislation on behalf of people who are employed by employers. Industrialism, as we under-

stand it, began a little over a hundred years ago. Prior to that, trades were carried on by individuals and their families—the village blacksmith, the village baker, and so on. They were fairly prosperous, and worked under reasonable conditions. It was the growth of business on a big scale, with hundreds of employees, that made industrial legislation necessary. A reversion to the old state of affairs, when the skilled artisan did his own work without the intervention of an employer, might be a good thing.

The Minister for Works: You do not regard that as a possibility, surely?

Mr. DAVY: I do not think it will ever come again. But by this Bill the Minister wants to hasten the evil development which made industrial legislation necessary. He says we must make people who are neither workers nor employers conform to the conditions designed for employees. I suggest that men who strike out on their own safeguard the public against trusts and combines, at which hon. members opposite frequently rail. I hope that bulwark will not be destroyed. As regards the framing of rules, the section which the Minister seeks to amend consists of three paragraphs: the first giving the court power to prescribe by any award a minimum rate of wage, the second giving the court power to prescribe by-laws for the regulation of any industry, and the third giving the court power to limit the working hours of piece workers, subject to an exception. Therefore, under these rules the court can deal with any imaginable industrial condition, except wages and the working hours of piece workers. According to the Minister, all those rules, devised for the protection of employees against exploitation by employers, must apply to the man who works for himself without employing anybody. The only result can be the driving out of existence of that class of man. If the conditions of the employees are properly regulated, there need be no fear that the man working for and by himself will submit to worse conditions, because, being a good tradesman, he will always be able to get a job.

The Minister for Works: What about a man greedy for cash irrespective of conditions?

Mr. DAVY: Perhaps the quality of being greedy for cash is not admired, but nevertheless it is the quality that makes the wheels go round.

Mr. Withers: What about the man who works his children also?

Mr. DAVY: If children require protection, and if the Minister will bring down legislation to protect them, I shall support it every time. But this provision is not going to hit that kind of man only, it will hit also a carpenter or a cabinet maker who, instead of hiring himself out, prefers to have a workshop at the back of his dwelling house and sell the product of his own labour.

Mr. MANN: The case put up by the Minister could well be provided for in the proper place, namely, the Factories and Shops Act. The Minister spoke of men working up dark lanes during the night, and that kind of thing. The Factories and Shops Act controls such matters. Suppose an award of the Arbitration Court provided that a cabinet maker should work from 8 to 12 and 1 to 5, and that a cabinet maker working in his own workshop decided to work from 8 to 1. That man would be committing an offence, for which he would be liable to punishment. Under such conditions what opportunity would there be for a man to start in business on his own account? To make a success of his business, a man must work hard, and it would be no hardship for him to work nine hours a day, or to take only half an hour for his lunch. Nor would any injustice to the trade be involved. The clause will not reach the Minister's objective. If the conditions of certain industries are as the Minister suggests—men, women, and children working all hours up dark lanes—he should bring down an amendment of the Factories and Shops Act, if that Act does not already contain the machinery for dealing with such cases. The officers of the Minister's department are quite alive to the position, and there would soon be prosecutions under the Factories and Shops Act or under the Health Act if such conditions obtained. If the subclause be agreed to it will not have the effect the Minister anticipates.

Hon. Sir JAMES MITCHELL: Bearing in mind the widened interpretation given to "industrial matters," the subclause, if agreed to, will apply to almost everyone. If the hours of domestic servants were limited and the court made the necessary rule, the housewife would be correspondingly restricted, in which case, if the baby cries, the Minister might find himself having to nurse it. While there is something to be said on both sides

regarding the hours of baking, it must be remembered that this proposal does not apply to the baking industry only but to every other industry, and it is possible that grave injustice and incalculable harm will be done if Parliament agrees to the proposal. Should the Arbitration Court forget, when making a rule, that it will apply so widely, even to people who are not employing labour at all, the position will become extremely difficult. It might mean that a man working his own farm would not be able to carry on.

Mr. A. Wansbrough: Farmers are exempted all through.

Hon. Sir JAMES MITCHELL: No one is exempt. The interpretation of industrial matters includes anything now.

Hon. G. TAYLOR: My opposition to the subclause is that it is aimed at anyone desirous of getting away from wages and starting out for himself. There is no hope of reverting to the conditions outlined by the Minister but we should not debar any man from working as he likes for himself. If such a man endeavoured to force those conditions upon wages men, I would support any legislation to prevent that being done. The mental attitude of people nowadays is against work all over the world.

The Premier: You are mistaken.

The Minister for Works: If you would stop working we would get the Bill through.

Hon. G. TAYLOR: But I am being just to my employers.

The Premier: You are holding up work. Talk about direct action!

Hon. G. TAYLOR: We are passing legislation that is helping to build up big men and big organisations while the individual and the public are left out of it.

Mr. THOMSON: The Minister has indicated that he would assist anyone to get out of the rut but the subclause will debar any man from doing so. Had I merely worked as few hours as possible, I would never have got out of the rut myself.

Mr. Hughes: But you are not an ordinary man.

Mr. THOMSON: The member for East Perth can carry out the whole of his Parliamentary duties in 30 minutes a day but I cannot do so.

Mr. Angelo: He is a superman.

The CHAIRMAN: Order! We are not discussing that question.

Mr. THOMSON: I am not a superman. The member for East Perth has aspirations and desires to better his position.

The CHAIRMAN: There is nothing about that in the Bill.

Mr. THOMSON: If the member for East Perth should apply to become a lawyer, he might find it difficult should this subclause be agreed to.

The Premier: For several minutes now we have been discussing an hon. gentleman and not the subclause.

Mr. THOMSON: We are discussing a principle.

The Premier: Nothing of the sort.

Mr. THOMSON: The court may prescribe rules that are necessary in an industry, but if this proposal be agreed to, that rule may apply to everyone notwithstanding that some people who will be affected may not employ labour. Under this provision an expert craftsman would be debarred from training his children for his own trade. I appeal to the Minister to agree to the amendment.

Mr. HUGHES: One would think from the arguments of members opposite that most of the wealthy men had made their money by their own efforts. The men who have gained a substantial position in the community have generally done so by exploiting workers rather than by their own efforts. It is time members ceased shedding so many crocodile tears over the man wishing to get out of the ruck. The chances of an individual competing against the massed money power that confronts him to-day are very small indeed.

Mr. GRIFFITHS: This is an abominable provision. It is the absolute limit to prescribe that an individual shall not work what hours he thinks fit in his own business. We are being subjected to interference on all sides. Legislation generally is tending to cut out the widow and the small trader.

Mr. PANTON: There are three small shops to-day where there was only one a few years ago.

Mr. GRIFFITHS: That is because the suburbs have grown. The tendency to-day is to limit output, and no community can progress if that is the rule. I know of an employee in the Government Printing Office who was told he was doing too much work and that he must slow down. There is too much organisation to-day. I have seen the evils of sweating in the Old Country and I do not wish to see anything of the kind here, but to prevent a man from doing

extra work for himself is quite a wrong principle.

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

Ayes	..	..	..	..	15
Noes	..	..	..	..	20

Majority against .. 5

AYES.	
Mr. Angelo	Mr. North
Mr. Brown	Mr. Sampson
Mr. Davy	Mr. J. H. Smith
Mr. Denton	Mr. Taylor
Mr. Griffiths	Mr. Teesdale
Mr. E. B. Johnston	Mr. Thomson
Mr. Mann	Mr. Richardson
Sir James Mitchell	(Teller.)

NOES.	
Mr. Angwin	Mr. McCallum
Mr. Clydesdale	Mr. Millington
Mr. Collier	Mr. Munro
Mr. Corboy	Mr. Panton
Mr. Heron	Mr. Sleeman
Miss Holman	Mr. A. Wansbrough
Mr. Hughes	Mr. Willcock
Mr. Kennedy	Mr. Withers
Mr. Lambert	Mr. Chesson
Mr. Lamond	(Teller.)
Mr. Marshall	

AYES.	PAIRS.	NOES.
Mr. Latham		Mr. W. D. Johnson
Mr. Stubbs		Mr. Troy
Mr. J. M. Smith		Mr. Wilson

Amendment thus negatived.

Clause put and passed.

Clauses 34 to 37—agreed to.

Clause 38—Amendment of Section 95:

The MINISTER FOR WORKS: I move an amendment—

That in line two, after "otherwise," the words "after the word 'where'" be inserted.

The object of the amendment is to show exactly where the additional word mentioned in the clause is to be inserted.

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

Clauses 39 to 54—agreed to.

Clause 55—References to court by industrial unions or associations:

Hon. Sir JAMES MITCHELL: What does this mean? Will the Minister explain?

The MINISTER FOR WORKS: This will do away with the tedious process now prescribed whereby special meetings and ballots have to be held and advertisements in-

sented before the machinery can be moved for the reference of an industrial matter to the court.

Hon. Sir James Mitchell: Who will be the governing bodies?

The MINISTER FOR WORKS: That depends on the constitution of the unions. The clause will make it easier to get to the court.

Clause put and passed.

Clause 56—Repeal of Part 5 and insertion of a new part in place thereof:

Mr. DAVY: We are all in accord with the principle of a basic wage. This proposal is that the basic wage shall be fixed every now and then, and shall apply to all awards. Without any hostility to the principle I say there are some amendments that would improve the clause from the machinery point of view. I move an amendment—

That in lines one and two of proposed new Section 101, the words "from time to time" be struck out, and "at intervals of not more than one year" be inserted in lieu.

If the court is to do its job it ought to do it at regular intervals, and not merely when called upon to do so.

The MINISTER FOR WORKS: There is very little difference between the amendment and the proposed new section. If the court does not move of its own motion within the year any party may make application to have the basic wage fixed. I do not think the amendment will improve the position.

Mr. DAVY: I propose later on to move to strike out proposed Subsection 2, and substitute another providing for the court holding an inquiry and examining witnesses, etc., for the purpose of coming to a determination as to the basic wage. This would enable the court to arrive at a decision in a proper manner.

Mr. THOMSON: There should be a fixed period of 12 months covering the determination as to the basic wage. The workers would then know that this would be the standard for a year even if prices fell.

The Premier: If the cost of living fell, why should the employer be compelled to pay a higher rate of wages than would otherwise be the case?

Mr. THOMSON: If some period were fixed both sides would know where they were for the time being. I have known of contractors who have been faced with two increases in wages during the time their con-

tract was in course of completion. Members opposite may say that I am arguing the question from an employer's point of view. However, we live in hopes that the cost of living will become a reducing factor. Therefore the amendment is in the interests of employees as well as employers.

Hon. Sir JAMES MITCHELL: By this clause the Minister is endeavouring to facilitate the work of the court. The only persons who could with effect make the inquiry would be members of the court. I do not know whether the inquiry should be made once a year, but it ought to be made more frequently than has been done. The court must have some basis on which to work, instead of arguing time and again, for weeks at a stretch, about the cost of living. The Minister should agree that the basic wage must not be changed oftener than necessary.

Amendment put and negatived.

Mr. DAVY: Subsection 4 of proposed Section 100 provides that any employer or industrial union of employers, and also any industrial union of workers or any industrial association, may appear or be represented at and take part in any inquiry held by the court under this part of the measure. I move an amendment—

That the words "By leave of the court" be inserted at the beginning of Subsection (4). Otherwise there is a possibility of crowds of parties arriving at the court and demanding to be heard. Under the amendment, a person desiring to appear will first have to show the court that he can usefully contribute to the argument.

Amendment put and passed.

Mr. DAVY: Subsection 2 of proposed Section 102 provides that the basic wage shall be observed in all industrial agreements and awards, and then the subsection says that if the basic wage goes up, the wage fixed under any industrial agreement or award shall go up with it. I propose to move an amendment adding to the subsection these words: "If in its determination the court shall declare a basic wage lower than that in force prior to such determination, then the wages provided for in any existing industrial agreement or award shall be deemed forthwith to be automatically reduced by an amount equal to the reduction of the basic wage." That is only asking that the principle should cut both ways. Last year the Minister said that he

had intended the provision to cut both ways, and he promised to look into the matter and see that the provision did cut both ways. However, it got lost in the scramble.

THE MINISTER FOR WORKS: It is true that this proposition was put up last year, and that I then said I would consider the matter. I was advised that the clause as printed would meet the ideas of the member for West Perth. However, it is a fact that in the final scramble the matter was overlooked. The intention is that when the basic wage goes up or goes down, the decision of the court shall automatically apply. If the member for West Perth will make his proposed amendment cut both ways, I shall be prepared to accept it.

MR. DAVY: I move an amendment—

That the following be added to proposed Section 102, to stand as Subsection (3):—"If in its determination the court shall declare a basic wage higher or lower than that in force prior to such determination, then the wages provided for in any existing industrial agreement or award shall be deemed forthwith to be automatically increased or reduced by an amount equal to the increase or reduction of the basic wage."

Amendment put and passed.

Hon. Sir JAMES MITCHELL: Proposed Section 103, interpreting "basic wage," ought not to appear in the Bill, in so far as it refers to "a dwelling house of five rooms" and other impracticable conditions. How could that clause be applied on a new goldfield, or even at Kalgoorlie? I do not suppose many five-roomed houses are to be had to-day at Kalgoorlie; and in the North the position would be similar. It is useless to insert impossible conditions. Certainly the court must have regard to the cost of living, which varies considerably in different centres. Why cannot the whole matter be left to the court? Again, there is reference to "the cost of food, clothing, and other necessities for a family consisting of a man, his wife, and three dependent children, according to a reasonable standard of comfort." Some married men have more than three children, and some have less. A married man rarely has three children; if he gets up to that score, he generally goes on and has more. By limiting the discretion of the court we are more likely to do injustice than justice to the worker. I hope the Minister will not insist upon this proposed section remaining in the Bill.

It is because we stick to this means of fixing wages that we have so much industrial trouble. The worth of a man's work should be taken into consideration when the court is determining what wage should be paid. I move an amendment—

That the proposed new Section 103 be struck out.

MR. SLEEMAN: I am not enamoured of the clause, because it does not go far enough. It provides merely for the bare necessities of life. Some provision should be made that would enable a worker to prepare for the rainy day. Opposition members had a lot to say about housewives the other night, but they are silent now when they are dealing with the clause that will enable the housewife to secure assistance.

MR. DAVY: No one is quibbling with the proposed standard sought, but I am in agreement with the Minister for Works when he says that the court should be as untrammelled as possible. I would suggest that it would be better to preserve the standard laid down in Section 84, subsection (2), in the parent Act of 1912, which sets out that "no minimum rate of wages or other remuneration shall be prescribed which is not sufficient to enable the average worker to whom it applies to live in reasonable comfort, having regard to any domestic obligations to which such average worker would be ordinarily subject." That covers the whole position. It would not be right for Parliament to dictate to the Arbitration Court just what conditions shall be prescribed.

MR. Sleeman: Do you think there should be provision for a worker to prepare for the future?

MR. DAVY: If I were president I would have regard to the necessity for a man being able to provide for the future.

MR. Sleeman: I wish you were president.

MR. DAVY: We should not provide for a five-roomed house any more than for a 10-roomed house as the type a worker should live in. It may be dangerous to specify detailed requirements lest those omitted may be deemed to be excluded because the others are mentioned.

THE MINISTER FOR WORKS: Different Arbitration Court presidents throughout Australia have asked repeatedly that Parliament shall lay down the standard upon which wages and conditions are to be based. They have argued that that is the function

of Parliament, and personally I agree with them. Judge Burnside here has asked for it, and in the Federal court Judge Higgins has urged that it was too great an obligation for the court to undertake. It cannot be suggested that we are setting up an unreasonable standard. A mixed family could not do with less than five rooms in a house. As to the reference to three children, although there is a shortage of youngsters, I do not think the shortage is to be found in the families of the workers. They are not the slackers.

Mr. Marshall: The slackers are generally found driving motor cars with little lap-dogs in them.

THE MINISTER FOR WORKS: We should leave the court untrammelled regarding its ordinary work, but when it comes to fixing a standard upon which the whole existence of the workers depends, that should be the obligation of Parliament.

Hon. Sir James Mitchell: It should not be.

THE MINISTER FOR WORKS: If we agree that there is someone superior to us who is more capable of setting up a standard, then we are dodging our clear duty.

Hon. Sir James Mitchell: Why have a court at all?

THE MINISTER FOR WORKS: That is a different proposition. The court has to secure a mass of details before it can fix wages and conditions and Parliament could not possibly fix those details as well.

Mr. Davy: But have you not got the standard set up already in the parent Act? Is this not giving mere particularity to that standard?

THE MINISTER FOR WORKS: I admit that.

Mr. Davy: Where will you draw the line?

THE MINISTER FOR WORKS: I draw the line at the clause which I believe goes far enough.

Mr. Davy: You will find that the court will want to know what Parliament considers are "necessaries."

THE MINISTER FOR WORKS: Possibly so, but I would not agree to Parliament setting out in an Act what are deemed necessary. That will be for the court to decide after hearing evidence.

Hon. Sir JAMES MITCHELL: What is the Arbitration Court for if not to fix the wage?

The Minister for Works: The court fixes the wages on the basis we set up.

Hon. Sir JAMES MITCHELL: I do not know of any people less capable of fixing that basis than members of Parliament because we do not have evidence given before us. It is a wretched, miserable thing to say that the basic wage shall be fixed to cover the cost of a house, clothing and food. It will lead to trouble. This may be one of the means by which the basic wage may be determined, but it is not the only means. If this is the best Parliament can do, then God help the working men of this country. I have not the slightest sympathy with the Minister's proposal. It is all very well for the Minister to say that members on his side know best. The people most concerned should be able to go to the court and produce their evidence and let the court decide on that evidence. The decision of the court must be based on the evidence.

Mr. Hughes: Why do not we give the other courts absolute discretion? Why fix limits for them?

Hon. Sir JAMES MITCHELL: There is no limit as regards the evidence on which other courts base their decisions. Will the Minister not let the court do this work?

Mr. Thomson: You know very well he will not.

Hon. Sir JAMES MITCHELL: But I contend he should. I shall not allow the Minister to do an injustice to the workers of this country without raising a protest. Apparently the Opposition is to have no voice in the framing of this measure, so it is futile for us to attempt to convince the Minister.

Miss HOLMAN: It is the duty of Parliament, I consider, to set up a standard.

Hon. Sir James Mitchell: But then you are new to Parliament.

Miss HOLMAN: In the past there has not been a standard and the court has not had sufficient ground on which to work. Officials of the statistical office have admitted in court the injustice of pooling the rents of large houses with those of small houses, and have admitted that if the rents of four or five-roomed houses were considered separately the result would be of great benefit to the workers. Yet there has been no remedy because Parliament has set no standard for the court. The provision for three children is little enough. Most workers have more than three children, and

surely they are entitled to some consideration. The clause takes into consideration the cost of food, clothing and other necessities. This is an improvement because in the past we have not received much consideration for clothing, especially in occupations which ruin the clothes and boots. In future we may be able to improve on the clause, but for the present we might well accept it as a very good one.

Mr. NORTH: I think the Leader of the Opposition is concerned lest the court, in determining the basic wage, should arrive at a figure different from what Parliament anticipates. The president may be actuated by the best of intentions, but his decision may come as a bombshell to industries and may be the cause of men being thrown out of employment. It would be better if some warning could be given, say six months, to allow industries to get into their stride and thus be better able to withstand the bombshell. The remarks of the member for Forest indicate how the figure for rent might vary. Under this provision a basic wage of £6 10s. is quite possible, and such a decision would throw industries into chaos.

The Minister for Lands: I think the duty imposed on clothing is more of a bombshell than ever this provision will be.

Mr. NORTH: In setting up such definite conditions and allowing industries no time to prepare for the increase, we are running a grave risk of creating havoc. I can only hope that the president, when appointed, will follow the example of Nelson by using the blind eye when arriving at some of his decisions.

Mr. DAVY: My objection to this clause is quite different from that of the member for Claremont. As soon as we agree to wages being fixed on any basis having regard to standards of living, we are liable to be confronted with the difficulty of the standard being greater than industries can afford. Already under the Act there is a standard fixed that has no regard to economics, and we have to face that. What I fear is that, having once started to specify particular items to be considered, instead of the broad principle, we shall not know where to end. Under the existing law the question of reasonable comfort having regard to normal domestic obligations is all that the court had to consider. The Minister has abandoned that and has provided that the basic wage shall be fixed having regard

to a certain kind of dwelling-house and the cost of food, clothing and other necessities. A legal maxim sets forth that the expression of one means the exception of the other, and the next thing necessary to be expressed will be insurance, tobacco, and other items that a reasonable man would regard as necessities of life. The wise thing would be to retain the broad general term of reasonable comfort having regard to normal domestic obligations.

Hon. Sir JAMES MITCHELL: I do not say anything against the worker receiving more money. I do not believe in limiting him to a double bed and a tucker box. Let us be decent and reasonable to the working man and not merely pretend to be. This provision does not do justice to the working man. I want to see the right thing done by the working man.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clauses 57 to 65—agreed to.

[*Mr. Panton took the Chair.*]

Clause 66—Secretary of union to have powers of inspector under Factories Act.

Mr. E. B. JOHNSTON: On behalf of the member for Katanning I move an amendment—

That the following words be added:—"But this section shall not, nor shall Section 96, apply so far as any industrial agreement or award extends to any domestic servant employed in a dwelling-house."

I am sure it is not the desire of the Minister for Works that inspectors should enter domestic homes. It is apparently proposed that this shall be done.

The Minister for Lands: It is not. We are not going to put a fool of a thing into the Bill.

Mr. E. B. JOHNSTON: There can be no objection to the amendment, which will place the matter beyond doubt.

The MINISTER FOR WORKS: This clause does not give power to the secretary of a union to enter any domestic premises. The power under the Factories and Shops Act is limited to the entering of a factory. Why should we provide for the exclusion of something that does not exist? To do so would make Parliament appear ridiculous. The term "factory" does not include any

building or place used as a private home or for the use of the household.

Amendment put and negatived.

Mr. DAVY: I object to the entire clause. The powers given under the Factories and Shops Act are very drastic, and should not be entrusted to people whose qualifications to exercise them have not been checked by some responsible body. Secretaries of unions and persons authorised by them are not selected with a view to their qualifications as inspectors under the Act. It is a very dangerous thing to give these extensive powers to a class of people, the personnel of which the Government have no power to check.

Hon. Sir JAMES MITCHELL: I hope the Minister will not press this clause. It is very serious to delegate the powers of a factory inspector to people about whom very little may be known. Suppose Mr. Walsh were appointed an inspector and visited the house of the Minister for Works; we can imagine what would happen. Why cannot the Minister be reasonable for once and drop this clause? If the Trades Hall were to be inspected I do not know whether the officials would allow some employers' representative to make the inspection. I have heard that the officials there work far longer than eight hours a day. The clause does not reflect any credit upon the Minister, but I suppose the only satisfaction we shall get is to vote against it.

Mr. SAMPSON: Surely this is class legislation, and of a most undesirable kind. We already have Government inspectors with full power to visit factories and see that conditions as to hours and hygiene are complied with. "The secretary and any person authorised" would be a committee of two going round.

The Premier: Some employers require a good deal of watching.

Mr. SAMPSON: Then let the Premier appoint more Government inspectors.

The Premier: Service in an honorary capacity should always be encouraged.

Mr. SAMPSON: I understand that secretaries are not honorary workers.

The CHAIRMAN: Order! The member for Swan is not dealing with the clause at all.

Mr. SAMPSON: Secretaries are allowed to go through factories now, although there is no statutory power for it. Here the Government propose to give that statutory

power to secretaries and their nominees. Let the Government inspectors do their duty. I believe, in fact, they do it very thoroughly. There is no occasion for these powers to be conferred on the secretary and his nominee.

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

Ayes	..	..	..	..	18
Noes	..	..	..	..	13

Majority for 5

AYES.			
Mr. Angwin		Mr. Marshall	
Mr. Clydesdale		Mr. McCallum	
Mr. Collier		Mr. Millington	
Mr. Corboy		Mr. Munse	
Miss Holman		Mr. Sleeman	
Mr. Hughes		Mr. A. Wansbrough	
Mr. Kennedy		Mr. Willcock	
Mr. Lamond		Mr. Withers	
Mr. Lutey		Mr. Chesson	

(Teller.)

NOES.			
Mr. Angelo		Mr. North	
Mr. Brown		Mr. Sampson	
Mr. Davy		Mr. Taylor	
Mr. Griffiths		Mr. Teesdale	
Mr. E. B. Johnston		Mr. Thomson	
Mr. Mann		Mr. J. H. Smith	
Sir James Mitchell			

(Teller.)

AYES.		NOES.	
Mr. Heron		Mr. Denton	
Mr. W. D. Johnson		Mr. Latham	
Mr. Lambert		Mr. Richardson	
Mr. Troy		Mr. Stubbs	
Mr. Wilson		Mr. J. M. Smith	

Clause thus passed.

Clause 67—agreed to.

Clause 68—Amendment of Section 126:

Mr. DAVY: Under the existing law, if a person desires to take the point that he or she has been paid less than the award or agreement rate, he or she must do so within three months. In other words, he or she cannot claim the difference for more than three months back from the time the claim is lodged. That, to my mind, is just. Every piece of legislation in the world which confers special rights on people says that those people must assert those rights within a specified time. Why this special right should be conferred without that special limitation I fail to see. Another aspect is that frequently both employers and employees are satisfied that an award or agreement rate is so much per week, and that arrangement goes on for years. Then a bright young

ambitious union secretary suddenly gets a brain wave as to another interpretation of the award or agreement which would give, say, 5s. per week more to a large number of employees. The case is tested in court on an interpretation application, and is decided in favour of the bright young union secretary, and the employer is faced with paying large arrears of salary—if the Minister has his way, up to six years under this Bill. The special limitation should apply here.

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

Ayes	..	..	..	..	18
Noes	..	..	..	..	13
Majority for					5

AYES.

Mr. Angwin	Mr. McCallum
Mr. Clydesdale	Mr. Millington
Mr. Collier	Mr. Munster
Mr. Corboy	Mr. Sleeman
Miss Holman	Mr. A. Wansbrough
Mr. Hughes	Mr. Willcock
Mr. Kennedy	Mr. Withers
Mr. Lamond	Mr. Chesson
Mr. Lutey	(Teller.)
Mr. Marshall	

NOES.

Mr. Angelo	Mr. North
Mr. Brown	Mr. Sampson
Mr. Davy	Mr. Taylor
Mr. Griffiths	Mr. Teesdale
Mr. E. B. Johnston	Mr. Thomson
Mr. Mann	Mr. J. H. Smith
Sir James Mitchell	(Teller.)

PARTS.

AYES.	NOES.
Mr. Heron	Mr. Denton
Mr. W. D. Johnson	Mr. Latham
Mr. Lambert	Mr. Richardson
Mr. Troy	Mr. Stubbs
Mr. Wilson	Mr. J. M. Smith

Clause thus passed.

Clause 69—agreed to.

New Clause:

Mr. DAVY: I move—

That the following new clause be inserted:—

108a. (1.) It shall be the duty of the Registrar whenever a total or partial cessation of work occurs in or in connection with any industry to make immediate inquiry into the cause thereof and to take legal action to enforce against any person found on such inquiry to be committing any breach of this Act or of any industrial agreement or award of the Court all or any of the remedies provided by this Act which he may deem applicable to the case.

(2.) In the carrying out and discharge of his duties under this section the Registrar shall be entitled to the assistance of all industrial inspectors and officers of the Court.

The intention of the clause is that it shall be the registrar's duty to take action whenever offences are committed against the Act. Under Section 101 and succeeding sections certain things are forbidden, including anything in the nature of a lockout or a strike. To have such offences referred to in the Act without any machinery being provided for punishing offenders amounts to so much waste of time. We must start off by forbidding strikes or lockouts. A former Labour Government legislated in that direction. The present Labour Government also maintain that attitude. At one time parties to a dispute used to prosecute but that was unwise because if the employers instituted proceedings against strikers, it was immediately argued that they were using the Act to settle the strike. Friction and unpleasantness resulted and militated against the possibility of an amicable settlement. The amendment will throw upon the registrar the duty of taking steps to prosecute anyone committing offences, immediately the information comes to his knowledge. In effect, the registrar will represent the Crown in policing the Act.

Mr. Hughes: The amendment applies only when there has been a partial or total cessation of work; what about the breaches by employers day in and day out?

Mr. DAVY: They are dealt with now.

Mr. Hughes: Not by the registrar.

Mr. DAVY: Of course not. I wish to discourage people from engaging upon lockouts or strikes by showing them that they cannot do so and gain any benefit thereby. The Arbitration Act was passed because the stupidity and wickedness of strikes was realised. We had the spectacle during the last industrial upheaval of the president of the Arbitration Court making a special order to the strikers to go back to work. The order was laughed at. Nothing was done because it was nobody's duty to see that the order was enforced. The amendment will overcome that difficulty.

Mr. Hughes: Why deal with strikes? That is not the only breach of the Act that is committed.

Mr. DAVY: Of course not; the court is flooded with prosecutions for breaches of awards and so on. All I seek is to give the registrar power to take action so that industrial arbitration may become effective.

Mr. HUGHES: The amendment is one-sided because it empowers the industrial registrar to prosecute employees who go on strike.

Mr. Davy: Or employers as well.

Mr. HUGHES: The employer is kept well in the background.

Mr. Davy: That is not so.

Mr. HUGHES: During the catering employees strike, there were 76 breaches committed by the employers, but they were not prosecuted. The registrar would have to prosecute in only one case and yet the employers who have committed 76 breaches would go scot free. If the registrar is to prosecute for one kind of breach, let him prosecute for all.

Mr. Griffiths: Is there not a prosecuting authority for breaches of the Act?

Mr. DAVY: For breaches of an award, the different sides see to the prosecutions, or perhaps a factory inspector, but I want the registrar to prosecute for basic offences under the Act.

The MINISTER FOR WORKS: If the new clause were included there would soon be a vacancy in the office of registrar. It would be very difficult to get a man to carry this responsibility.

Mr. Mann: Why?

The MINISTER FOR WORKS: Fancy a man being charged with this function! Is there any law that places such a responsibility on a public officer?

Mr. Davy: Does not every law place a responsibility on the police?

The MINISTER FOR WORKS: The police are in an entirely different position from a public officer such as the registrar. The registrar has to meet the parties doing business with the court, and it is his duty to deal out even-handed justice to both sides. To ask him to enforce the law would place him in an impossible position.

Mr. Davy: Are you in favour of having those duties conferred on some other officer?

The MINISTER FOR WORKS: They are conferred on the right people now, namely, the Government. If the Government do not carry out their responsibility they can be brought to account for it. It would be too much to ask a public officer to administer such a delicate law at a time when feeling runs so high.

Mr. Mann: Under the present Act could not factory inspectors act without the instructions of the Minister?

The MINISTER FOR WORKS: Yes, they report on breaches of awards and recommend action, but the new clause relates to breaches of the Act.

Hon. G. Taylor: Who is supposed to put the law into operation when a breach of the Act is committed?

The MINISTER FOR WORKS: The Government.

Mr. Mann: The Government do not do it; they appoint an officer.

Mr. Davy: The Government do not have to direct the Crown Law Department to prosecute a man who is arrested on a charge of murder.

The MINISTER FOR WORKS: No, the police arrest him and the Crown Law Department act. Members will never get my help or vote to have the police called in to industrial disputes. I would sooner have no industrial laws at all than agree to police being called in. We know what that would mean.

Hon. Sir James Mitchell: No Government would ever prosecute.

Mr. DAVY: No Government can possibly bear the burden that the Minister suggests is on their shoulders and that is why the burden has never been borne. It has been shirked and dropped every time. No Government have ever attempted to prosecute people for offences under the Act, and until we make it the duty of some officer or organisation to enforce the law, it will never be more than a law in name. Law and order involves first of all the law and then the sanction for that law. All the rest of our laws have that sanction. The police are there to see that the laws are carried out. If the police cannot take a hand to see that the arbitration laws are carried out, we must get someone else, and I suggest the registrar. If we are not brave enough to take this step, we shall never make any progress in the direction of abolishing strikes.

[Mr. Lambert took the Chair.]

Mr. MANN: As the Minister objects to the registrar acting, would he agree to the Crown Solicitor undertaking the duty? To order a prosecution should be the duty of an official and not of the Minister. There must be an investigation before there is a prosecution. If the Minister does not think it is the duty of the registrar to conduct the

inquiry, perhaps he will agree to the substitution of the Crown Solicitor.

Mr. GRIFFITHS: The acting president of the court has power to order people to go back to work, but the order he issued recently was laughed at. If we are going to give power to officials to order persons to return to work, some machinery should be provided whereby they can enforce the order.

Mr. THOMSON: I do not agree that it is the responsibility of the Government to enforce awards. If that were so, we would not need this Bill. One of the weaknesses of the court is that it can impose penalties, but cannot inflict them. If a breach of the Act occurs, or if there is a cessation of work, the court should be able to take steps to have the necessary inquiry made, and if desirable, to institute a prosecution. The present position is wholly unsatisfactory.

Hon. G. TAYLOR: If the machinery is not sufficient to meet the situation we should repair the omission by this Bill. I remember only two cases of prosecution for breaches of the Act, one of those having occurred within the last ten years.

Mr. MARSHALL: The new clause appears to be loaded. The member for West Perth said very little about lock-outs, but a great deal about strikes. How will a lock-out be defined by the proposed prosecuting official? It is quite competent for employers to cease operations on the ground that they can no longer continue on a payable basis.

Mr. Davy: The onus of proof is on him to show that it is a genuine excuse.

Mr. MARSHALL: And there is no difficulty in proving that, as shown by several cases which have occurred in this State. An industrial organisation disagreeing with an award and ceasing work is in a totally different position. A strike can be proved against workers, but not a lock-out against an employer.

Mr. Davy: The onus of proof will be on the employer if he is charged.

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

Ayes	..	..	..	12
Noes	..	..	..	18
				—
Majority against	..			6
				—

AYES.

Mr. Angelo	Mr. North
Mr. Davy	Mr. Sampson
Mr. Griffiths	Mr. Taylor
Mr. E. B. Johnston	Mr. Teesdale
Mr. Mann	Mr. Thomson
Mr. James Mitchell	Mr. J. H. Smith
	(Teller.)

NOES.

Mr. Angwin	Mr. Marshall
Mr. Clydesdale	Mr. McCallum
Mr. Collier	Mr. Millington
Mr. Corboy	Mr. Munzie
Miss Holman	Mr. Sleeman
Mr. Hughes	Mr. A. Wansbrough
Mr. Kennedy	Mr. Willcock
Mr. Lamond	Mr. Withers
Mr. Lutey	Mr. Chesson
	(Teller.)

PAIRS.

AYES.	NOES.
Mr. Heron	Mr. Denton
Mr. W. D. Johnson	Mr. Latham
Mr. Pantou	Mr. Richardson
Mr. Troy	Mr. Stubbs
Mr. Wilson	Mr. J. M. Smith

New clause thus negatived.

New Clause:

Hon. G. TAYLOR: I move—

That the following new clause be inserted:—

57. A section is inserted in the principal Act, as follows:—

Funds of unions of employers or workers not to be applied in furtherance of political objects.

112a. (1.) The funds of an industrial union or an industrial association shall not be applied, either directly or indirectly, or in conjunction with any trade union or association or body, or otherwise indirectly, in the furtherance of any political object.

Penalty: One hundred pounds.

(2.) In this section "political object" includes the publication or distribution of political literature or political documents of any kind, or the holding of political meetings; the payment of any expenses incurred either directly or indirectly by a candidate or prospective candidate for election to Parliament before, during, or after the election in connection with his candidature or election; the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; the registration of electors or the election of any candidate for Parliament.

Mr. Sleeman: Is there any reference in this to the 1922 West Province election?

Hon. G. TAYLOR: It will have reference to anything coming within the province of the Bill. The Act is for the prevention or settlement of industrial disputes. I hold

there is no room for political action under any such legislation. The Minister was correct when he said it would not be by any vote of his that the police would be brought into industrial quarrels. There is no need for political action in connection with industrial matters.

Mr. Sleeman: For how long have you been of that opinion?

Hon. G. TAYLOR: For some considerable time. I do not move the amendment without knowing the need for it.

Mr. Hughes: Why introduce the political side at all?

Hon. G. TAYLOR: Because men are compelled to join unions in order to get a living.

Mr. Sleeman: Did you ever try to compel a man to join a union?

Hon. G. TAYLOR: Not that I am aware of. I certainly think that a man should join the union that is protecting the calling he is following.

The CHAIRMAN: Order! There is nothing about compulsorily joining unions in the new clause.

Hon. G. TAYLOR: No, but I wish to give reasons why I say the industrial should be separated from the political side.

The CHAIRMAN: The hon. member is attempting to make speeches on interjections, and that is wrong. It would be better for him to proceed with his amendment.

Hon. G. TAYLOR: Men are compelled to join unions and then they are compelled to follow a political policy to which they are opposed.

Mr. Sleeman: You know that is wrong.

Hon. G. TAYLOR: They have to contribute financially to the political funds.

Mr. Hughes: That is not so.

Hon. G. TAYLOR: If the Labour movement desired, it could have the political and industrial side separated and then the respective funds could be contributed to as the member of the union desired. Recently a Labour congress sat in Perth for eight days, seven of which were devoted to political matters and one to industrial questions.

Mr. Sleeman: You do not know as much about it as you did at one time.

Hon. G. TAYLOR: That was what the Press reports indicated.

Mr. Sleeman: I don't think you ever read any such thing in the Press.

Hon. G. TAYLOR: When by Act of Parliament we compel people to join industrial organisations, and then we find meetings be-

ing held to decide the policy of the Labour Government in accordance with the desires of those organisations, there is no necessity for the existing arrangements. Politics should be kept separate from the industrial side. What had these people to be afraid of, that they should meet with closed doors?

Mr. Sleeman: There are so many traitors outside that they did not want some inside.

Hon. G. TAYLOR: Members opposite do not like this sort of thing. They sat with closed doors and the Press were not admitted.

The Premier: Do other organisations admit the Press to their conferences? Does the United Party do so?

Hon. Sir James Mitchell: Always.

The Premier: I have seen the platform published, but I do not remember seeing Press reports covering the proceedings when the platform was decided upon.

Hon. G. TAYLOR: Why should a man be compelled to contribute to political funds merely because he is forced to join a union?

Mr. Sleeman: The Employers' Federation can do it.

Hon. G. TAYLOR: But that organisation will be covered by the amendment as well.

Mr. Sleeman: Not if you have it your way.

Mr. Teesdale: See if you can be fair for five minutes!

Mr. Sleeman: Then let the member for Mt. Margaret stick to facts.

Hon. G. TAYLOR: I do not like interrupting the discussion that is being permitted—

The CHAIRMAN: Order! I suggest that the hon. member should proceed to discuss the amendment.

Hon. G. TAYLOR: I am endeavouring to do so, but how can I proceed with the pack of dingoes howling on the Government side of the House? My amendment will cover the position regarding both employers and workers.

The Premier: As a matter of fact, you are really aiming at the former.

Hon. G. TAYLOR: No, I wish to deal with both sides. In the Federal Act, Part I. deals with the prevention of lockouts and strikes in relation to industrial disputes and Part II. provides for the penalty.

Mr. Hughes: What has all this to do with the amendment?

The Premier: This deals with the amendment upon which the Committee divided a little while ago.

Hon. G. TAYLOR: The Bill is for the purpose of preventing lockouts and strikes.

The CHAIRMAN: The hon. member should keep to the amendment.

Hon. G. TAYLOR: I am showing that the Bill deals with industrial matters and seeks to prevent lockouts and strikes by means of conciliation or arbitration, and that a man cannot earn a living without being forced to join a union registered under this Act.

Mr. Sleeman: Or be a scab!

Hon. G. TAYLOR: There is no danger of that. There is no room for political action in a measure dealing with arbitration. Yet members on the Government side seem to regard it as most vital. If I had sought to wipe out arbitration altogether, they could not have made a stronger onslaught than they have directed to this proposal. There can be no argument against the justice of the new clause. It will affect employers as well as employees. One employer might hold views differing from those of other members of an employers' organisation, and he should be under no compulsion to contribute to political funds. If people on either side wish to give expression to political views, they should join a political organisation and contribute their funds to that organisation; but they should not use for political objects funds that were never intended for that purpose.

Hon. Sir JAMES MITCHELL: What has the Minister to say to this proposal? Is he going to agree to it? Members on the Government side cannot vote on this question because they are all interested.

The Minister for Lands: I question that. You may be, but we are not.

Hon. Sir JAMES MITCHELL: I shall exclude the Minister for Lands. No man should be compelled to contribute to political funds, and since the measure provides that only registered unions may approach the court, men will be compelled to join unions and therefore compelled to contribute to political funds. That would be quite wrong. If men wish to help a political cause, let them do so by separate contributions. Eventually unionists themselves will rebel against being obliged to contribute to political funds. The principle is bad, and it must come to an end whether we legislate against it or not. Men should not be compelled to contribute to the funds of a politi-

cal party in which they do not believe. The Government might well accept the new clause. There can be no valid objection to it. Their supporters can help voluntarily if they so desire.

Hon. G. Taylor: There should be a separate fund.

Hon. Sir JAMES MITCHELL: Quite so. Then instead of the union fees being 30s., they would be about 10s.

The Minister for Lands: You know that, is not correct.

Hon. Sir JAMES MITCHELL: I do not say it is correct; I do not know what the division of union fees is. People should not be compelled to contribute to any political organisation. I believe in unionism and I consider that men should belong to unions. We are legislating to compel them to belong to unions, but we should ensure that the money they contribute is used for industrial and for no other purposes. No one has a right to say to which political party any man should belong. Every man is a free agent, and does not sell himself body and soul to any organisation. Certainly he should not sell himself politically.

The Minister for Lands: If men did sell themselves body and soul, there would be very few of you on the Opposition side.

Hon. Sir JAMES MITCHELL: Yes, because we do not bind people.

The CHAIRMAN: Order! There is no reference in the new clause to the buying and selling of souls.

Hon. Sir JAMES MITCHELL: Even if funds at present are not applied to the furtherance of political objects, there can be no harm in accepting the new clause.

The MINISTER FOR LANDS: On a point of order, the Bill is one to amend the law relating to the settlement of industrial disputes by arbitration and for other relative purposes. I maintain that the proposed new clause does not deal with arbitration or the settlement of disputes and is therefore out of order. I ask your ruling on the question.

The Premier: The question as to how a union disposes of its funds has nothing to do with arbitration or conciliation.

The MINISTER FOR LANDS: The proposed new clause is outside the scope of the Bill.

Mr. Davy: It is proposed to amend the Industrial Arbitration Act by this Bill.

The Premier: The Bill is the same as the Act, in that both deal with the same questions.

The CHAIRMAN: The Minister for Lands quoted the principal Act, which is for the settlement of industrial disputes by arbitration. We are now dealing with a Bill to amend that Act. So far as I can see the amendment moved by the hon. member is quite relevant.

The MINISTER FOR WORKS: The Act was passed to prevent strikes and stop direct action. I defy any man to show any alternative to direct action except that which leads to the steps of Parliament House. It is now sought to deprive unions of the right to use their funds for political purposes. It is desired to hamstring them, to hand them over body and soul to Parliament and allow them no means of having representation in Parliament.

Hon. Sir James Mitchell: What about America and London?

The MINISTER FOR WORKS: They declined there to give up direct action. We are asked to tell the workers that they dare not spend their money in sending men to Parliament to frame laws for the control of their very existence. It is desired to restrict the unions.

Hon. G. Taylor: Only their funds.

The MINISTER FOR WORKS: Their funds are the vital force of their activities. All the industrial laws that mean so much to the workers they are to leave to others, and to have no voice in framing them! What else does the proposal mean?

Hon. G. Taylor: It is desired to separate their funds.

The MINISTER FOR WORKS: It means what I say. If unions did not spend money in sending their representatives here they could not get here.

Mr. Davy: Do the unions send representatives here?

The MINISTER FOR WORKS: Of course.

Mr. Davy: You represent only a union?

The MINISTER FOR WORKS: We are selected in the first place by the unions or members of the movement. The member for Mt. Margaret says that men are compelled to join unions.

Hon. G. Taylor: Yes, and rightly so.

The MINISTER FOR WORKS: He says the unions lay down the policy for the Gov-

ernment, and then he says they do not conform to that policy.

Hon. G. Taylor: They do not, and you know it. What are you afraid of?

The MINISTER FOR WORKS: There was no fault to find with this system when the hon. member was having his election costs paid.

Hon. G. Taylor: They never paid for anything.

The MINISTER FOR WORKS: It is only when these funds are not at his disposal for the payment of his bills that he raises an objection.

Hon. G. Taylor: You cannot find that they ever paid me a shilling. You know that too well.

The MINISTER FOR WORKS: This is just a veneer, but we can see that the whole thing is designed to prevent the workers from having direct representation here. They are to be told that their lives must be controlled by Parliament, but that they dare not spend one penny to see that their views are represented in Parliament. It is a ridiculous proposal. Years ago it became imperative for the workers to apply themselves to political action in preference to direct action.

Hon. Sir James Mitchell: Now they have both.

The MINISTER FOR WORKS: It is impossible to separate industrial action from political action.

Mr. Sampson: Do you assert that all members of unions are agreeable to their funds being used for political purposes?

The MINISTER FOR WORKS: I am not asserting anything. Unionists are asked to have their working conditions settled by law, to have their compensation fixed when they meet with accidents when following their occupations, to have ventilation provided in the factories and their health and surroundings settled by law. They cannot be denied the right to say that their funds shall be devoted to seeing that the laws are framed as nearly as possible to meet the demands of the situation. That is the only logical, proper conclusion to draw. In the absence of legislative action, there remains for unions only direct action. The growth of the Labour movement challenges the supremacy of other parties, who now seek to get at the very vitals of that movement. The unions cannot be restricted as to the use they make of their own money.

Mr. Teesdale: With two funds the unions could still have their political action.

The MINISTER FOR WORKS: Numbers of unions have several funds, but they decide for themselves what they will do with their funds. I hope the Committee will not listen to the proposal.

Mr. DAVY: If the function of Parliament was simply to pass laws controlling industrial conditions, there would be a little more reason in the Minister's argument. But the function of Parliament is to pass laws dealing with every phase of human life. Political views, it is considered, should be as freely held as views on religion. No man should be required to pay a penalty for his political views, provided they are not such as would involve the community in revolution. The Minister asserts that a man who must join a union in order to earn his living should be compelled to subscribe to political views with which he does not agree. Our arbitration legislation gives a union the very special power of prosecuting in the police court any one of its members in respect of levies, contributions, dues, and fines unpaid; and the alternative to payment is gaol. That is so under Section 122 of the principal Act. There we have one reason why a man who is a member of an industrial union in order to earn his living should not be compelled to contribute sums of money which may be used for the advancement of political views to which he does not subscribe. They may be views having nothing to do with industrial conditions. Provided a man is a free agent in joining a union, by all means let the unions decide what they will do with their funds. But a man is not a free agent in that respect. The present Government, for instance, will not employ a man who does not join a union within a certain time after being appointed to a job. Moreover, the Bill asks that the Arbitration Court shall have the right to declare that a man must be a unionist before he shall be allowed to get a job. The new clause of the member for Mt. Margaret is a sensible, reasonable, and just proposition.

New clause put and a division taken with the following result:—

Ayes	..	..	..	..	12
Noes	..	..	..	..	18
					—
Majority against	..	..	..	..	6
					—

AYES.

Mr. Angelo	Mr. North
Mr. Davy	Mr. Sampson
Mr. Griffiths	Mr. Taylor
Mr. E. B. Johnston	Mr. Teesdale
Mr. Mann	Mr. Thomson
Sir James Mitchell	Mr. J. H. Smith
	(Teller.)

NOES.

Mr. Angwin	Mr. Marshall
Mr. Clydesdale	Mr. McCallum
Mr. Collier	Mr. Millington
Mr. Corboy	Mr. Munsie
Miss Holman	Mr. Sleeman
Mr. Hughes	Mr. A. Wansbrough
Mr. Kennedy	Mr. Willcock
Mr. Lamond	Mr. Withers
Mr. Lutey	Mr. Ches- ^{on}
	(Teller.)

PAIRS.

AYES.	NOES.
Mr. Denton	Mr. Coverley
Mr. Latham	Mr. Heron
Mr. Richardson	Mr. W. D. Johnson
Mr. J. M. Smith	Mr. Panton
Mr. Stubbs	Mr. Troy
Mr. C. P. Wansbrough	Mr. Wilson

New clause thus negatived.

[Mr. Lutey resumed the Chair.]

New Clause:

Mr. THOMSON: I move—

That the following new clause be inserted:—

The President may, if he thinks fit, in any proceedings before the Court at any stage and upon such terms as he thinks fit, state a case in writing for the opinion of the Full Court upon any question arising in the proceedings which, in his opinion, is a question of law. The Full Court shall hear and determine the question, and remit the case with its opinion to the President, and may make such order as to costs as it thinks fit.

The amendment follows the wording of Section 31 of the Federal Act. Should the Government appoint a layman as president, occasions may arise when points are raised before him for determination prior to the decision of the court being arrived at. The president, therefore, should be given facilities to obtain the best available decision from the legal standpoint. In the Federal Arbitration Court there is the right to refer matters to the High Court and the amendment will enable the president of the State court to exercise an equivalent right in referring matters to the Full Court.

The MINISTER FOR WORKS: The State Arbitration Act differs in many respects from the Commonwealth legislation,

particularly as there is no appeal from the decisions of our court.

Mr. Thomson: The object of my amendment is not in relation to appeals but to enable the president to secure guidance regarding legal matters as he may desire.

The MINISTER FOR WORKS: But we have made the Arbitration Court the interpreter of its own acts. The only legal question that can be raised relates to jurisdiction and so long as the Arbitration Court keeps within the four corners of the Act, no decision of the court can be questioned. The Commonwealth Act has not gone so far and many questions are taken to the High Court from the Arbitration Court.

Mr. Thomson: The amendment seeks merely to assist the president. Would it not be handy for the president to have this right to refer matters to the Full Court for his own guidance?

The MINISTER FOR WORKS: I do not wish to re-open the question, thus having continual appeals to the Supreme Court, and so impairing the activities of the Arbitration Court. The amendment would enable parties before the court to state a case to the Full Court, thus creating more discussion and dragging an outside body into the Arbitration Court business. It would be a retrograde step.

New clause put and a division taken with the following result:—

Ayes	..	..	..	..	12
Noes	..	..	..	..	18

Majority against .. 6

AYES.

Mr. Angelo	Mr. Sampson
Mr. Davy	Mr. Taylor
Mr. Griffiths	Mr. Teesdale
Mr. E. B. Johnston	Mr. Thomson
Mr. Mann	Mr. J. H. Smith
Sir James Mitchell	(Teller.)
Mr. North	

NOES.

Mr. Angwin	Mr. Millington
Mr. Clydesdale	Mr. Munsie
Mr. Collier	Mr. Panten
Mr. Corboy	Mr. Sleeman
Miss Holman	Mr. A. Wan-brough
Mr. Hughes	Mr. Willcock
Mr. Kennedy	Mr. Withers
Mr. Lamond	Mr. Chesson
Mr. Marshall	(Teller.)
Mr. McCallum	

PAIRS.

AYES.	NOES.
Mr. Denton	Mr. Coverley
Mr. Latham	Mr. Heron
Mr. Richardson	Mr. W. D. Johnson
Mr. J. M. Smith	Mr. Lambert
Mr. Stubbs	Mr. Troy
Mr. C. F. Wanabrough	Mr. Wilson

New clause thus negatived.

12 o'clock midnight.

New clause—Amendment of Section 14:

The MINISTER FOR WORKS: I move:

That the following be added to stand as Clause 5:—

Section 14 of the original Act is amended by adding to Subsection (4) thereof the following words:—"including the Westralian Branch of the Australian Workers' Union."

Section 14 of the Act deals with registration under the trades unions provision. The A.W.U. have branches all over Australia, and the purpose is to place them on the same footing under the trade unions provision as we placed them on under the industrial unions provision the other night.

Hon. Sir JAMES MITCHELL: What is the need for this?

The Premier: Just to make the Bill complete.

Hon. Sir JAMES MITCHELL: Surely the existing section covers it all. What does this mean? Does it mean that under the trade unions provision this union will be the last to be registered? That is what will be the result.

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

House adjourned 12.5 a.m.