the date of his normal retirement in 1966, which means that being in receipt of his salary, he would make his contributions to the fund until the date of his normal retirement in 1966.

I repeat that this Bill was passed through the second and third reading stages by the unanimous vote of members of the Legislative Council, and if this house passes it, the other legislation already foreshadowed will be introduced immediately in order to give effect to the whole legislation proposal making the change.

Debate adjourned, on motion by Mr. Hawke (Leader of the Opposition).

TRAFFIC ACT AMENDMENT BILL (No. 3)

Council's Amendment

Amendment made by the Council now considered.

In Committee

The Deputy Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Craig (Minister for Police) in charge of the Bill.

The DEPUTY CHAIRMAN: The amendment made by the Council is as follows:—

> Clause 4, page 7, line 16—Insert after the word "seventy" the word "five."

Mr. CRAIG: The amendment is acceptable. It refers to driver's licenses and the proposal in the Bill regarding drivers of 70 years of age or more. When the Bill was before this Chamber it was felt by a number of members that the proposal was somewhat severe, because so many drivers in this age group are just as capable as younger drivers. The amendment of the Legislative Council is to raise the age to 75 years. I agree with that. I move—

> That the amendment made by the Council be agreed to.

Mr. GRAHAM: The Opposition accepts the amendment as being an improvement on the provision in the Bill when it left this Chamber, but we still object to the principle requiring a person, merely because of the state of the calendar, to have to undergo a medical examination. If there was a proposition from the Minister that any person who, in the opinion of the Commissioner of Police, had a state of health or a physical condition that would cause some doubt as to his ability to handle a vehicle, and he could cause such a person to undergo a medical examination, there would be some merit in it.

As some of us suggested at the time, a person under the age prescribed could be suffering from a deterioration in mental or physical health, and there would be no question about his being able to renew his driver's license. In order to safeguard himself he could post in the amount required for the renewal of his license, or he could get somebody to renew it on his behalf. But as I have said, the Legislative Council's amendment represents an improvement, and for that reason we have no objection to it.

Question put and passed; the Council's amendment agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

House adjourned at 12.6 a.m. (Thursday)

Legislative Council

Thursday, the 28th November, 1963

CONTENTS

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTION WITHOUT NOTICE

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL (No. 2)

Tabling of Papers Relevant to Preparation

The Hon. F. J. S. WISE asked the Minister for Mines:

Will he at the next sitting of the House lay on the Table of the House all papers preparatory to, relating to, and on which instructions were given for the drafting of the Bill known as the Industrial Arbitration Act Amendment Bill (No. 2), 1963?

The Hon. A. F. GRIFFITH replied:

At this point of time my answer would be "Yes", but I would like to clarify that by saying I would like to confer with my colleague the Minister for Labour, who is in another place, upon the question. I see no reason why there should be any objection to fulfilling the terms of the request, but I should like the opportunity to confer with the Minister for Labour.

ALSATIAN DOG ACT

Disallowance of Regulations: Motion

Debate resumed, from the 27th November, on the following motion by The Hon. J. Dolan:—

That the regulations made pursuant to the Alsatian Dog Act, 1962, as published in the *Government Gazette* on the 5th November, 1963, and laid upon the Table of the House on the 6th November, 1963, be and are hereby disallowed.

THE HON. J. HEITMAN (Midland) [2.36 p.m.]: I do not intend to say very much on this motion, but Mr. Dolan stated in his introductory speech that Alsatian dogs are very good sheep dogs. He quoted two out of 10,000 farmers who had used them as sheep dogs. The same could be said about any dog at all, because most dogs are intelligent; and, if one is a good trainer, one can teach almost any dog to drive sheep. But the fact is that Alsatian dogs, although very intelligent, are also hunting dogs, and on quite a few occasions they have been known to kill sheep.

In 1960 there was a case in the Kalgoorlie pastoral area where an Alsatian dog was shot killing sheep. In 1961, another dog was shot in the Southern Cross area because it was killing sheep; and only last year in the Rocky Gully area a half-bred Alsatian dog was caught killing sheep. I feel the control the Agriculture Protection Board has over this type of dog is the right one, as we must safeguard the sheep industry from attacks by this sort of dog.

We have seen many instances of fox terriers working sheep, but, being a small animal, one would not say a fox terrier was a sheep dog.

The Hon. G. Bennetts: Have you ever seen a kelpie?

The Hon. J. HEITMAN: Yes, certainly. I am of the opinion that the Agriculture Protection Board made these regulations in the light of research, otherwise it would not have brought the Act into being. The Act last year was a tightening up of an earlier Act concerning this type of dog. As far as I am concerned there are many other dogs such as the Doberman pinscher, and so on, that are very intelligent, but should be included in the same category as the Alsatian. I will certainly vote against the motion.

Debate adjourned, on motion by The Hon. A. L. Loton.

STAMP ACT AMENDMENT BILL (No. 4)

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [2.38 p.m.]: I move—

That the Bill be now read a second time.

This Bill which is complementary to the Beef Cattle Industry Compensation Bill, makes provision for a payment of one penny for every pound or part of a pound of the sale price of each animal or carcase sold as a consequence of the provisions of the latter Bill. The levy is limited to 5s. in respect of each animal or carcase. In order to meet future contingencies, there is provision in this measure for the Governor to declare by proclamation from time to time a lesser amount of stamp duty than one penny should such be feasible.

It is expected, in fact, that it will be feasible for the Governor to declare a lesser levy progressively as diseased animals are culled from our beef cattle herds. The payment and collection of stamp duty will be made at the point of sale through the stock agent—a system which has worked quite well in the matter of pig compensation. Collection of the levy in this manner will ensure that it may not be declared an excise. That would contravene the Commonwealth Constitution.

As with the Beef Cattle Industry Compensation Bill, there is provision for this Bill to come into force on a date to be proclaimed, and it would be logical that both Acts would be proclaimed on the same date.

Debate adjourned until Tuesday, the 3rd December, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

DENTISTS ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly notifying that it had agreed to amendments Nos. 1, 2, and 4 made by the Council, and had agreed to amendment No. 3 subject to a further amendment now considered.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

The CHAIRMAN: The amendment made by the Council to which the Assembly had agreed, subject to a further amendment, is as follows:—

No. 3.

Clause 29, page 11—Add a paragraph to stand as paragraph (c) as follows:—

(c) by deleting the word "female" in line three of paragraph (d).

The further amendment made by the Assembly is as follows:—

Delete all words in new paragraph (c) after the word "by", and insert in lieu thereof the words "inserting the words, 'dental attendant or registered', immediately after the word 'female', in line three of paragraph (d),"

The Hon. A. F. GRIFFITH: When this Bill was before the Legislative Assembly, the amendment moved by, I think, Mr Willesee, was discussed. It was decided to resubmit to this House a further amendment which would adhere to the spirit of the amendment moved here. The amendment ensures that a nurse can be either a male or a female, in accordance with modern developments in the nursing profession. At the same time, it safeguards the situation of the employment of female dental attendants. I move—

That the further amendment made by the Assembly be agreed to.

The Hon. W. F. WILLESEE: I think the position is substantially as stated by the Minister. The amendment ensures a better passage of words in the Bill. It is a question of getting the best wording possible, and this amendment appears to be better than the one we had before.

Question put and passed; the Assembly's further amendment to the Council's amendment agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

NATIVE WELFARE BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [2.46 p.m.]: I move—

That the Bill be now read a second time.

There are about five complementary Bills to follow the introduction of this one.

Legislation to provide for the better protection and management of aboriginal natives in this State has been in existence since 1886, and, from time to time, the initial legislation has been amended with a view to meeting their progressive needs and advancement towards assimilation. The ultimate goal in this direction was defined at the conference of State Ministers held at Darwin in July last.

In this instance, the policy of assimilation was held to impute that all natives and part natives would attain the same manner of living as the rest of the community, so that we may live as members of a single Australian community, each enjoying the same rights and privileges, accepting similar responsibilities, observing similar customs and influenced by similar beliefs, hopes and loyalties.

Legislation with the object of protecting natives from any ill effects of sudden change, and also to assist them in making the transition from one stage to another in such a manner as will be favourable to their social, economic, and political advancement and stability, should best be regarded less as a permanent resolution than a temporary measure introduced to promote their welfare and afford them special assistance, yet in no sense derogating from their citizenship accorded under the Commonwealth Nationality and Citizenship Act, 1948-1960.

The actions of successive Governments over the past 15 years, in particular, in giving greater attention to native welfare have brought results not evident during the long period up to the end of the last war. Education has received more attention, this both academically and socially. Steps have been taken to improve employment prospects. The tempo of all this training has increased in recent years; and, perhaps most important of all, there is more awareness and sympathy within the community generally.

The Minister who introduced this measure in another place has left no stone unturned by travelling the length and breadth of the State to examine at first hand native living conditions and the factors which have heretofore presented an almost insurmountable obstacle to assimilation.

These days many natives are reasonably well educated and are living decent respectable lives in most respects in accordance with our accepted customs. Most

children of school age attend school and are receiving the same instruction as all their school mates. There are no fewer than 3,814 attending primary schools and 333 enrolled at secondary schools. The department provides a comprehensive curriculum of instruction in proper maintenance of the home, infant care, adequate diet, hygiene, and so on, and is pressing ahead in those directions.

In consequence of the progress achieved, it might well be expected that many of the restrictions still imposed on natives by legislation have become more irksome than heretofore. There is no question but that is so; and, furthermore, it constitutes a cause of much discontent.

Much of our existing legislation retards their progress and the general tendency throughout Australia is the repeal of outmoded provisions with a view to speeding up progress towards assimilation. This Bill, then, proposes in furtherance of this policy to repeal and re-enact the Native Welfare Act, 1905-1960, and, with amendments to other Acts referred to in its provisions, removes the necessity for such references to be contained in the main legislation. Important among these references are those having regard for the Licensing Act, the Firearms and Guns Act, the Evidence Act, the Mining Act, and also the Criminal Code.

While it may be expected that the native population will ultimately be completely assimilated in the community, it is very necessary at this stage of their progress to provide some assistance as an aid to their development. This Bill contains some measures which will give effect to that requirement. High in importance among these measures is the need for legislation which will grant financial assistance.

The department is authorised under the present Act to lend money to natives who are in need of funds for developing their properties. But, before this finance can be made available, the title has to be transferred to the Minister. This procedure has in the past caused delays which have resulted in considerable concern as to whether the funds could be made available in time for the money to be of use. Apart from that the procedure is unwieldy and unsatisfactory. It is no way of doing business at all, and is accepted with a marked reluctance by the borrower. Furthermore, the procedure is discriminatory against natives to the extent that the transfer of title is not required of other members of the community. This measure does away with this procedure and provides the Minister with the power to lend money on mortgage to natives for the purpose of developing, improving or enlarging their properties.

The Bill provides assistance in yet another direction. The finding of satisfactory and permanent employment has been one of the most difficult problems facing the natives. It applies particularly in respect of those living away from settled areas. The problem has been solved partly by encouraging and assisting the development of small domestic industries, such as the production and sale of artifacts; mining ventures have been encouraged; brickmaking and certain contract work, as, for example, root picking in the Esperance area, have helped to solve the problem; but in the past the lack of capital has hindered these activities. There is a proposal in the Bill which is intended to overcome this obstacle.

The Minister is to be empowered to set up a trading fund. The object of this is to provide an inducement to natives and assist the department to develop small business ventures by providing loan finance for the purchase of plant, etc., necessary for their success.

Project officers recently appointed for the purpose will provide guidance in existing industries, and the promotion of new ones. The privileges enumerated above will be available only to those defined as "natives," the existing definition of which is being retained.

Nevertheless, there have been in the past instances where deserving cases have been excluded from the benevolent provisions of the Act. An appropriate clause in this Bill will, therefore, give the Minister discretionary power to extend the benefits and privileges conferred on natives by the Act to any person who has any degree of native blood, but who is not a native within the meaning of the Act. By making provision in this way, problems surrounding any extension of the definition become resolved automatically in that regard.

Legislation passed in 1941 required all natives travelling from north to south of latitude 20 to carry a permit as a precaution against the spread of leprosy. This provision entails unnecessary restriction of the liberty of the person, and, as the Commissioner of Public Health considers it to be no longer necessary, it is to be dispensed with. In fact, only a comparatively few people are affected by Hansen's disease which, under modern treatment, can be cured, and there is no evidence of it spreading.

There is this point also that modern transport facilities render the policing of this restriction by the police virtually impossible. Also, many natives are obliged to visit Perth for medical reasons, employment interviews, and for other purposes. It is consequently considered that the formality of applying for and being issued with a travel permit should be abolished for this reason also.

Under the existing legislation, the Commissioner of Native Welfare is the legal guardian of all native children under 21, other than those who are committed as wards under the Child Welfare Act. It is proposed to delete these provisions from the Act. The concept is outmoded, and appropriate cases can be dealt with under the ordinary provisions of the Child Welfare Act.

The section in the existing legislation dealing with cohabitation has been excluded from this measure. Consequently, it would no longer be an offence under the new provisions for a non-native to cohabit with a native, unless one of the ordinary laws of the community was thereby infringed. By making this decision, emphasis is placed on the fact that the rights of native women and girls are adequately covered by the Police Act, and ample safeguards exist to prevent their exploitation.

Again, as regards native property, the Commissioner of Native Welfare is required to undertake the general care, protection and management of it, with or without the consent of the owner, should he be a minor; and, in the case of an adult, in so far as it may be necessary to provide for the preservation of his property. In this measure, and in accordance with its general tenor, this somewhat paternal restriction has been removed. As a result, all adult natives will be given full discretion as to whether the department should administer their property.

Furthermore, it is proposed to amend those sections which deal with the estates of deceased natives. Under existing legislation, the property of any native who dies intestate vests in the Commissioner of Native Welfare, and it is his responsibility to distribute the estate to the beneficiaries. There is no reason why this obligation should not more appropriately be handled by the Public Trustee. He has both the staff and the organisation to deal with native property, together with all other business coming his way. The Bill removes the obligation from the Native Welfare Commissioner, and authorises the Public Trustee to deal with these estates.

Finally, the Natives (Citizenship Rights) Act contains provision for the granting of full citizenship rights to natives under certain conditions. Also, there is a provision in the Native Welfare Act which, although not conferring the same measure of benefits on natives, empowers the Minister to issue a certificate exempting a native from the provisions of the Native Welfare Act. It is some years now since these powers have been used, and since the citizenship rights Act is to remain in force, there seems little point in retaining the exemption provisions in native welfare legislation, and they have been omitted from this Bill.

The foregoing explains the major provisions contained in this measure. There are others of a minor nature and opportunity may be taken later of discussing these.

In case some members may think I have missed out on explaining something under these proposals, I would remind them that the information required will be given in the complementary legislation which is to follow.

Debate adjourned until Tuesday, the 3rd December, on motion by The Hon. H. C. Strickland.

CRIMINAL CODE AMENDMENT BILL (No. 2)

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [2.57 p.m.]: I move—

That the Bill be now read a second time.

This is one of the consequential amendments which have been drafted in conformity with the new provisions in the Native Welfare Bill. This Bill deletes special references from the Criminal Code, 1913-1962, with respect to the punishment of whipping natives.

The existing provisions in this regard reflect the stringencies of the laws in operation in the early days when whipping as a punishment for an offence was regarded as somewhat commonplace. Whipping as a punishment for a crime is a rarity these days, and on the few occasions when it has been imposed, it has been done in punishment of a despicable crime. The retention of this punishment, which is provided in respect of natives in the Criminal Code, is regarded as a discriminatory measure which should be removed. By its removal, which is proposed in this Bill, natives become subject to the same penalty as all other members of the community for similar offences. There is no point in retaining in the Criminal Code a penalty which has quite properly fallen into disuse over the years, and this Bill proposes just that.

Debate adjourned until Tuesday, the 3rd December, on motion by The Hon. H. C. Strickland.

LICENSING ACT AMENDMENT BILL (No. 4)

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [2.59 p.m.]: I move—

That the Bill be now read a second time.

Liquor restrictions on natives, first introduced into the Aborigines Act of 1905, made it an offence to supply liquor to a native. Later, in 1911, it became an offence on the part of the native to receive liquor.

It was in this latter year that the Licensing Act was passed by Parliament, and it is these sections dealing with native drinking, and contained in that Act, which are under consideration at the moment in this measure, which is complementary to the current Native Welfare Bill.

It will be apparent to members that some major changes, directed in the main to giving some relief to natives from existing restrictions, should take into consideration relative provisions with respect to the consumption of alcoholic beverages by the native section of the community. In giving very close consideration to these matters, the Minister for Native Welfare has considered that some long-term changes be proposed.

It is not intended that the entire system should be changed immediately, but rather that an intensive educational programme be conducted by officers of the Department of Native Welfare as a preliminary. This will enable a survey to be made and by the time this amending legislation has been proclaimed, certain areas will be proclaimed also where the right of access to liquor will be withheld.

The rights will not necessarily be withheld permanently in those other places. The period will be determined progressively by the standards achieved by the natives resident in the particular locality. During the interim the Natives (Citizenship Rights) Act will remain in force. Therefore no native resident in the proclaimed areas now enjoying citizenship rights will be deprived of those rights.

The co-operation of many licensees has been obtained by the police for a number of years now in the refusal to supply bulk liquor to natives who have legal access to liquor. Where this bottle ban has been in force, there has been a reduction in the consumption of liquor and drunkenness of natives with a consequent reduction in the number of offences committed against the law.

There is no intention to dispense with the bottle ban but rather to extend it where possible, with or without local modifications. It is believed that by encouraging the natives to drink at the bar, many of the objectionable features now associated with their drinking will be removed.

A survey of the approach to the native drinking problem throughout the other States of the Commonwealth provides an interesting picture. In New South Wales, the restrictions on access to liquor were removed last February. Information obtained in April, and confirmed just recently, shows that despite previously widely held fears to the contrary, there has been no increase in the number of charges against aborigines for drunkenness or associated offences. The Minister, the Aborigines Board, the police, and the general public in that State are satisfied that the change has been for the good.

Liquor restrictions were lifted in the metropolitan area of Adelaide as from the 1st August last. It is intended in that State that the position be reviewed at the end of six months with a view to gradually extending the proclaimed free area. There are indications that pressure from within the community in the Murray River area may result in restrictions being lifted in that locality. There is a general belief that in South Australia only reserves and institutions will ultimately remain in the prohibited area.

It is 10 years now since liquor restrictions on persons having any degree at all of aboriginal blood, other than fullbloods, were dispensed with in the Northern Territory. After a short period of adjustment, those earlier affected by restrictions are now regarded as being as one with the other members of the community. Indeed, the lifting of restrictions on fullbloods is under consideration at the moment.

In Queensland, a committee has been formed to examine existing legislation including that pertaining to liquor concerning natives, and its report is expected shortly. There are no restrictions existent either in Victoria or Tasmania.

From the foregoing, it may be gauged that careful and long consideration has been given to the proposals contained in this measure. It is only as a result of consultation with representatives of local governing authorities, pastoralists' associations, welfare committees, and others that the proposals contained in this Bill are being submitted to Parliament. While misgivings are held in some quarters, the Minister in charge of native welfare is confident that the granting of this long desired right to natives will do much to promote their awareness of attaining the same social opportunities and privileges as all others in the community. It might be expected that a few may be unable to handle the new found privilege commonly enjoyed by others. No doubt they will soon follow the same social patterns, either for better or worse, as the general community of which they are essentially a part.

It must not be overlooked that hotelkeepers will have the same right to refuse liquor to natives for the same reasons as to others. Missions and others will have the same right of refusing to allow liquor to be brought on to their property as now obtains.

Debate adjourned until Tuesday, the 3rd December, on motion by The Hon. H. C. Strickland.

EVIDENCE ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [3.4 p.m.]: I move—

That the Bill be now read a second time.

There are special provisions in the Evidence Act, 1906-1962, in respect of aboriginal natives of this State in regard to the administration of the oath. These provisions date back to the time when most natives had little or no contact with our civilisation, and were quite unable to comprehend the nature of an oath.

It was necessary, therefore, to insert provision in the Evidence Act to make acceptable as evidence in a court of law written or verbal statements made by a native subsequent to his affirmation or declaration that he would tell the truth.

Virtually all natives have now had contact with our civilisation and our laws. Generally, they have become literate and, as a consequence, the special provisions in the Evidence Act applicable to natives have become redundant. This Bill repeals the unnecessary features of the Act in conformity with other complementary legislation drawn up in support of the Native Welfare Act. As a consequence, natives will be subject in future to the ordinary laws of evidence contained in the Evidence Act.

Debate adjourned until Tuesday, the 3rd December, on motion by The Hon. H. C. Strickland.

MINING ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [3.6 p.m.]: I move—

That the Bill be now read a second time.

Native labour which was of a standard far below that of other members of the community could be hired for virtually nothing during the early part of the century. I think Mr. Strickland gave us a sidelight on this last night. As a consequence, it was feared by the legislators of the day that some mine owners in taking advantage of this fact could well defeat the spirit, if not the letter, of the law by engaging natives to fulfil the labour conditions imposed by the Act.

So it was that in 1905 a section was included in the Mining Act which excluded the labour of any native being accounted as *bona fide* work in fulfilment of the labour conditions on any mining tenement, unless the permission of the warden was first obtained.

This restriction is considered now no longer necessary by both the Department of Native Welfare and the Mines Department; and, as a measure which is complementary to the current Native Welfare Bill, the deletion of this section from the Mining Act is proposed.

Debate adjourned until Tuesday, the 3rd December, on motion by The Hon. H. C. Strickland.

FIREARMS AND GUNS ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [3.7 p.m.]: I move—

That the Bill be now read a second time.

This is one of the Bills which is complementary in its effect to the current Native Welfare Bill. The restriction on the possession and licensing of firearms under the Firearms and Guns Act, 1931-1962, applies to every native throughout the whole State at the present time.

The purpose of this Bill is to remove this discrimination, so giving the same rights to natives as to the rest of the community, and these rights will carry the same responsibilities.

Debate adjourned until Tuesday, the 3rd December, on motion by The Hon. H. C. Strickland.

VETERINARY MEDICINES ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [3.8 p.m.]: I move—

That the Bill be now read a second time.

There is provision under the Veterinary Medicines Act, 1953, for the appointment of a veterinary medicines advisory committee to consist of four persons occupying official positions. Some of the positions and offices have since become obsolete, and it is necessary, therefore, to tidy up the Act in this regard.

One of these positions was that of Deputy Government Analyst. In 1953 it was considered the holders of that position would be best able to give guidance on the chemical aspects of veterinary medicines registration. The title of the position has now altered to Divisional Chief, Food, Drugs and Toxicological Division. As a consequence, the Act is being amended to contain the new title.

Again, a member of the committee is required to hold the position for the time being of Principal, Animal Health and Nutrition Laboratories. The animal health and nutrition laboratories do not now officially exist and as the Chief Veterinary Pathologist is the member of the committee holding his appointment in that respect, the Bill contains an appropriate amendment to accommodate the title Chief Veterinary Pathologist.

In order to obviate the need in future to amend the Act to encompass a change of title, this measure contains a new subsection, which is added to provide for the

appointment by the Governor of the occupants of the substituted offices. The Governor appoints committee members and, it is proposed, should appoint also substitute officers.

The foregoing amendments which have been described entail also the passing of several consequential amendments.

Debate adjourned, on motion by The Hon. A. R. Jones.

BEEF CATTLE INDUSTRY COMPENSATION BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [3.11 p.m.]: I move—

That the Bill be now read a second time.

It would have been preferable had I introduced this Bill prior to the Stamp Act Amendment Bill (No. 4) because that Bill is complementary to this one which proposes the payment of compensation to owners of diseased beef cattle.

Compensation is paid to owners in other sections of primary industry under appropriate Acts. When dairy cattle or pigs are ordered to be destroyed, or their carcases condemned, the owners are compensated. This legislation, by providing for the inspection and testing of beef cattle for diseases such as tuberculosis, actinomycosis (lumpy jaw), and such other diseases of cattle as are declared by the Governor by proclamation, provides machinery to enable compensation to be paid in respect of beef cattle destroyed or carcases condemned.

Finance to meet the cost incidental to compensation claims by owners will be provided by contributions by the owners themselves. These contributions will be subsidised on a pound for pound basis by the Treasury; and these funds, together with the money raised from the sale of condemned animals, will be paid into an account to be established in the Treasury, which will be known as the Beef Cattle Industry Compensation Fund. The funds to be raised in this manner will be required to provide also the cost of administering the scheme. There is provision for the Treasury to make advances to the fund should it at any time be inadequate to meet the commitments contained in this measure. Such advances will remain as a charge to the fund. The compensation scheme will apply to the South-West Division of the State as defined by the Land Act and also to such other parts of the State as the Governor may declare by proclamation.

Export beef cattle are at present tested for T.B., and T.B. testing is conducted on exhibition beef cattle for the Royal Show; and dairy cattle are tested for T.B. in the south-west region, but up to date there has been no general testing of beef cattle.

With the increase in the production of beef cattle in the south-west area, it is logical to extend the T.B. testing, which has virtually eradicated T.B. from the wholemilk and butterfat herds, in order to ensure that herds of beef cattle will be maintained in a healthy condition.

When one considers that both beef and dairy herds are being raised together on the same property and adjoining properties in close contact with each other, the importance of protecting both types of cattle is becoming increasingly evident. The provisions in this measure will facilitate the control and spread of disease as between herds and will eliminate a source of wastage in the beef herds, so removing a public health hazard which obviously exists in places where meat inspection services are non-existent or inadequate.

Needless to say, members of the Beef Cattle Breeders' Association and of the Pastoralists and Graziers Association impressed with the progress made in the eradication of T.B. from dairy herds, support this measure which will protect their herds. Unfortunately, abundant proof has been obtained by observation at the metropolitan and country abattoirs of the presence of T.B. in beef cattle. It is expected that within a few years of the implementation of the proposals contained in this measure, the eradication of T.B. from our agricultural areas could be effected.

The contributions to be paid by owners to the fund will be in the form of a levy. This will amount to one penny in the pound on the sale price of beasts with a limit of 5s. This will be accommodated by a small amendment to the Stamp Act—the one to which I have already referred. It is intended to progressively decrease contributions in a similar manner as has been done with other contributory schemes when the incidence of disease is reduced. As a consequence, the impact of the levy should lessen progressively each year that the incidence of disease lessens.

In the initial stages it is estimated that producers will contribute £30,000 and the Government a similar amount. The annual value of carcases is estimated at £14,000 and these round figures would total in the aggregate £74,000 in the first 12 months' operation of the scheme. These figures are based on an estimate of a cattle sales figure of £240,000 for a period of 12 months.

It has been estimated that in the first year, expenditure, including compensation payments, testing costs, and freight, could amount to about £34,000, and this would leave the fund substantially in credit to meet unexpected contingencies. The maximum amount of compensation payable in respect of diseased beef cattle will be made the subject of a recommendation by the Minister to the Governor at least once annually. A similar procedure is contained in the dairy cattle compensation legislation.

To enable the necessary staffing and financial arrangements to be made, the Bill will not come into force as an Act until a date to be proclaimed. This measure is recommended to members for their consideration. It will benefit not only the cattle industry, but the community generally.

Debate adjourned until Tuesday, the 3rd December, on motion by The Hon. F. D. Willmott.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL (No. 2)

In Committee, etc.

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 2 repealed and re-enacted—

The Hon. R. THOMPSON: I am not going to speak at length on this clause as I think most members, if they have made any study of the Bill, realise what the introduction of it does. I am going to oppose it.

The Hon. A. F. GRIFFITH: As the honourable member himself has indicated, there is not a great deal to say about this matter. The deletion of the clause would, of course, have the effect straight away of putting the Bill completely out of order because it would lack an introductory part.

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

Ayes—15

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. A. F. Griffith	Hon. H. R. Robinson
Hon. J. Heitman	Hon. S. T. J. Thompson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. J. Murray
Hon. G. C. MacKinnon	*(Teller)*

Noes—13

Hon. G. Bennetts	Hon. R. H. C. Stubbs
Hon. D. P. Dellar	Hon. J. D. Teahan
Hon. J. Dolan	Hon. R. Thompson
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. F. R. H. Lavery
Hon. H. C. Strickland	*(Teller.)*

Majority for—2.

Clause thus passed.

Clause 5 put and passed.

Clause 6: Section 4A added—

The Hon. A. F. GRIFFITH: I ask the Committee to postpone this clause in order that I may, a little later, show to members an addendum to the notice paper on which there will appear, in my name, an amendment to this clause.

The clause deals with the question of existing applications, other than appeals, and the amendment is to make clear that existing applications will not have to be withdrawn and replaced by new ones.

The Hon. F. J. S. Wise: How involved is the amendment?

The Hon. A. F. GRIFFITH: It is not involved. If the honourable member finds it is, I will not go ahead. I have explained the purpose of the amendment.

The Hon. H. K. Watson: The commissioners would start off with whatever is in the basket?

The Hon. A. F. GRIFFITH: Yes. I move—

> That further consideration of the clause be postponed until a later stage of the sitting.

The Hon. R. Thompson: Have you any other amendments coming forward?

The Hon. A. F. GRIFFITH: Yes, I have two others, about which the honourable member and other members spoke last night. It was suggested that these amendments would be put into the Bill in another place. They were to be moved by the Minister for Labour, but time ran out and he was unable to move them. I shall move them here.

The Hon. F. J. S. Wise: We will accept three of your amendments if you will accept two of ours.

The Hon. A. F. GRIFFITH: At this point of time I am not in a position to bargain with the honourable member.

Motion put and passed.

Clauses 7 to 11 put and passed.

Clause 12: Section 9B added—

The Hon. R. THOMPSON: I move an amendment—

> Page 11, lines 10 to 12—Delete all words from and including the word "or" down to and including the word "rule."

The Minister, rather than I, should explain this amendment. The Bill provides that "a member of a union or any person who in the opinion of the court has sufficient interest" may apply to the court for disallowance. It could be anybody—a minister of religion; an employer; a member of a political party opposed to unions.

The Hon. J. M. Thomson: Subsection (5) of the proposed new section is the important part.

The Hon. R. THOMPSON: Yes; but this proposed subsection provides that any person may apply to the court for the disallowance of a union rule.

The Hon. A. F. GRIFFITH: By deleting these words, Mr. Thompson seeks to prevent a person who has sufficient interest in the disallowance of a union rule from applying for the disallowance of the rule.

The Hon. R. Thompson: Tell us the person who has sufficient interest.

The Hon. A. F. GRIFFITH: For example where the union rule is unlawful or oppressive, an employer may consider that

his lawful rights are interfered with, and he should have the right to apply for the disallowance of the rule. It is emphasised that he must prove to the court that he has sufficient interest. If the rule has purely an intra-union effect the employer would be debarred because he would not have sufficient interest.

The Hon. R. Thompson: I did not raise the question of the employer.

The Hon. A. F. GRIFFITH: No, but I am, because it is in the interests of the employer that an application of this nature may be required to be made to the court. However, this provision merely states that he shall have the right to apply, and it is for the court to determine whether he has a case. If he has not a case and, as I have said, if it is an intra-union rule, the court will find that the employer has no interest in it and that is as far as it will go.

The Hon. R. F. HUTCHISON: I have never heard such an ambiguous provision in all my life. This means that an employer can have any stooge he likes applying for the disallowance of a union rule. Union rules are introduced for the protection of union members. I hope Mr. Thompson will say more on this. Anyone would think we lived in a concentration camp.

The Hon. R. THOMPSON: As was explained by Mr. Dolan and myself last night, further on in the Bill it is provided that the union has to go through a cumbersome procedure to apply for these rules. At present, all the rules have been registered. I think the Minister will give those people who have been in charge of the Arbitration Court system and the registration of union rules over the years, sufficient credit to ensure that no unlawful rules are registered, even so far as an employer is concerned. If there were something unlawful in the rules that would affect the employer's industry, he would certainly have the right to object to it. However, no other person should be able to take a union rule before the court and object to it.

As Mrs. Hutchison has said it may be a stooge of the employer who so applies, or, as I said previously, it could be a member of another political party. Would the Employers Federation, or would any member of this Chamber who belongs to an outside organisation, consider that any person who does not belong to that organisation should be allowed to interfere with its rules? This is one of the retrograde and pertinent steps that could be loaded against any organisation.

The Hon. A. R. JONES: I cannot see why any fuss should be made about this provision.

The Hon. R. F. Hutchison: There are none so blind as those who will not see.

The Hon. A. R. JONES: That is quite correct, madam. This provision clearly states, "Any person who, in the opinion of the court . . .". We have to accept that the people who are administering the Act are not foolish. We also have to make allowance for the fact that the person making application for the disallowance of the rule would not be doing so unless he were sufficiently interested; and, if he had no interest in the matter, the judge or the commissioner would tell him so and would not take a second look at him. Therefore, I think the provision is sufficiently covered.

The Hon. G. C. MacKINNON: What sort of rule is Mr. Thompson trying to protect in order to ensure it will not be challenged? There is a clause written into the Bill which provides for double-barrelled protection.

The Hon. R. Thompson: Protection for whom?

The Hon. G. C. MacKINNON: First of all, one has to convince the court that one has sufficient interest in the rule. Following that one has to convince the court the rule has to be disallowed. What has Mr. Thompson to fear about this provision? There must be any number of union rules which could be covered by the provision in this clause. For example, a union rule may infringe the rule of another union.

The Hon. F. R. H. Lavery: How silly can you get!

The Hon. G. C. MacKINNON: The honourable member knows full well that sometimes one union steals a rule from another union.

The Hon. R. Thompson: You were lost in the bush at Bunbury last night; and you are still lost.

The Hon. G. C. MacKINNON: There is a double protection provided in the clause, and I cannot see cause for complaint.

The Hon. J. DOLAN: Let us go back a little further. The appropriate register of a union must be seen by a certifying solicitor who goes through the rules. The people interested get copies, and they also examine them to protect their interests, after which the rules become law. If any alteration is desired they go through the same process with the certifying solicitor. Surely after a certifying solicitor has guaranteed the rules it is not necessary to have some busybody poking his nose into union affairs! One of the big objections is interference with union rules. Anybody is entitled to have an objection, but people who have no interest could simulate an interest and get by. The provision should be removed.

The Hon. E. M. HEENAN: The Minister would be well advised to accept the amendment. The provision in the Bill is an unnecessary one which tends to create a harmful atmosphere. If members look at the Act they will see that since 1912

we have been able to get along quite well without the words which Mr. Thompson wants excluded. The words in the Bill which refer to any person who, in the opinion of the court, has sufficient interest in the disallowance of the rule, have been superimposed. They add nothing to the value of the subclause, but they create hostility, and open the way for busybodies —as was pointed out by Mr. Dolan. I agree that the court may not accept their application, but the provision could invite futile objections. The court of its own motion may do certain things, after which any member of the union can apply. I hope the Committee accepts the amendment, because the provision will cause a useless annoyance.

The Hon. F. D. WILLMOTT: A good deal of objection has been taken to the fact that the Bill mentions any person who, in the opinion of the court, has sufficient interest. If members look at section 29 of the Act they will see that any person with sufficient interest can apply for the deregistration of a union, if he wants to object to a rule. The Bill makes it a great deal easier for the union, because application can simply be made for the disallowance of the rule; whereas under the Act application has to be made for the deregistration of the union.

Sitting suspended from 3.48 to 4.7 p.m.

The Hon. R. THOMPSON: The words in this proposed subsection are "or any person who in the opinion of the court". The position is covered in the principal Act; but this Bill gives the right to any person. As far as I am aware these words do not appear in the Act of any other State. Perhaps the Minister may be able to explain the position. It is provocative if any other person can apply to interfere in the ordinary functioning of a union. Before a union's rules are accepted there is quite a rigmarole that has to be gone through. The society has to apply to the registrar, and the application goes through 11 functions before the rules are registered.

This provision will leave the gate wide open for any person to interfere with the procedure of the court. Therefore I ask the Minister to give consideration to the points I have raised. They are legitimate, and I trust the Committee will agree to the deletion of the words I have suggested. If so, the provision will be brought into line with the original Act, with the proviso that a member may make application if he so desires.

The Hon. F. R. H. LAVERY: The words "any other person" leave this proposed subsection as wide open as the Indian Ocean for any disgruntled or malicious person to take action. The Transport Workers' Union has just had a big split which cost £1,700 in one instance and £1,100 in another because of one disgruntled unionist. He had access on account of subsection (2) of section 29 of the principal Act. In the principal Act the position is covered in two pages, but in this Bill nearly four pages have been required; and surely that will alter something in the parent Act. That is the position we are worried about.

I am speaking on behalf of the Transport Workers' Union. Brownes Dairy at one time had men who would not join the appropriate union. *The West Australian* had several leading articles about the matter. But later on, when talks were held between Brownes Dairy and the union, things started to work smoothly. People object to paying money into party funds. They are told they do not have to pay money into party funds. But I know of people who are operating small shops who have been told they have to pay into party funds or else; despite what the Minister says. As Mr. Dolan put it, these rules that are promulgated by a union are not binding on everyone.

In the case of the Transport Workers' Union, 17 meetings were held on Sunday mornings in order to redraft the union rules so that they would be in accord with the wishes of the court. Finally the rules were registered. I have heard members say that some words that appear in an Act are extraneous; that many of them are redundant. If these words "any person" were deleted, then most of the opposition to the Bill would disappear.

The Hon. R. C. MATTISKE: Under section 29 of the Act any interested person can apply to have a union deregistered on certain grounds. Mr. Thompson has no quibble with that provision. The provision contained in clause 12 of the Bill is quite simple. Any interested person may apply for the disallowance of a rule if it is contrary to law, or to an award, order, or industrial agreement; or is tyrannical, or oppressive, and so on. It is only under the conditions laid down that an interested person can apply for a rule to be disallowed.

If there was no quibble with section 29 of the Act, then I fail to see why there should be any quibble against this clause.

The Hon. R. F. HUTCHISON: I disagree with Mr. Mattiske. I think the clause means something quite different. The court may, upon its own motion, disallow any rule of a union. Any person can go before a court. I know what the words "any person" mean. This provision has been put in deliberately.

The Hon. A. F. GRIFFITH: An application for the disallowance of a rule can be made only on certain grounds. Mr. Mattiske was quite right in that regard. I refer members to paragraphs (a), (b), (c), and (d).

The Hon. E. M. Heenan: But that has always been the case.

The Hon. A. F. GRIFFITH: If it has always been the case, then there is no argument.

The Hon. R. Thompson: The Minister should compare it with subsection (4g) of the Act.

The Hon. A. F. GRIFFITH: That particular provision in the principal Act concerns a member of a union who can apply for the disallowance of a union rule. I believe I am right about that.

The Hon. R. Thompson: Yes.

The Hon. A. F. GRIFFITH: The provision in the Bill gives the right to any person who, in the opinion of the court, has an interest.

The Hon. R. Thompson: Who would have an interest? Give me the types of persons?

The Hon. A. F. GRIFFITH: If a person makes application to the court and he has no interest, then the court will quickly dismiss him. The court will say, "You have no interest." An employer could quite easily have an interest. His interest might be in connection with a rule made by a union to limit the employment of an employee in one field. The employer may not have any work for a week or longer in that particular field, and he might find that the union's rule affects his relationship with his employee. The employer might want to give the employee something else to do.

We are inclined to disregard the fact that the court will not allow any sort of interference. It would have to be a *bona-fide* application, or the court would quickly dismiss it. It is for the court to decide whether or not a person has the right to make his application.

The Hon. F. J. S. WISE: If we could reach an atmosphere of reasonableness as we proceed with this Bill, then we would be able to discuss a clause such as this in a more detached and reasonable manner than we are doing at the moment. If sweet reasonableness could obtain, which has not obtained in the presentation of many matters connected with this Bill, a lot of the provisions in the Bill would not be there. We are dealing with a matter concerning the violent disregard of propriety in court procedure and requirements.

The court, upon its own motion, may, as specified in proposed subsection (5), disallow any rule of a union; a rule that has already been examined prior to its presentation; a rule that has already been closely scrutinised from the point of view of meeting a need; examined from the legal aspect; and examined from every angle where it might cause affront to the opposite side. But here we are giving to a person who is of the aggressive and nasty type, latitude to cause a disturbance; to create not merely a suspicion, but to probe, prod, and inquire into things which in other realms of organisation and activities are private and sacrosanct.

That is the situation that applies with the rules of thousands of bodies. Here we have something which is open to the light of day. The rules have been approved by the court; they have been subject to the scrutiny of the court, and they may be disallowed if they do not meet certain prescribed conditions.

Yet, we are going to allow any person, including one with an aggressive and nasty mind, who can put forward a specious argument, as will be his right as an interested party, to disturb peace and harmony. I do not think that is good enough, and I only wish the Minister could see it in that reasonable attitude.

The Hon. A. F. GRIFFITH: I can see it in that attitude, and I can also see it in this light: That if a person to whom the honourable member referred as a specious type, intervened the court would have regard for his speciousness and would very quickly dismiss him. There is an inclination to believe that by the inclusion of the words the court will allow a person to interfere as well as intervene. There is a difference.

The Hon. F. J. S. Wise: Can you give us a reason for the origin of this?

The Hon. R. Thompson: That's what I want to know.

The Hon. A. F. GRIFFITH: Mr. Thompson said that under the existing subsection (4g) only a member of the union can apply.

The Hon. R. Thompson: But it gives the right to other people to intervene. You have to read the whole section. I was comparing (4g) with the new section.

The Hon. A. F. GRIFFITH: It does not extend the right to an employer who, by reason of a rule, might find himself with an award which was contrary to a situation and would affect the relationship between him and his employee. It may well be, too, that it could affect the employee as well as the employer, and I do not think the provision in the Bill is unreasonable. The court will quickly seek out the legitimate applications and will give short shrift to those that are not.

The Hon. R. THOMPSON: In a few moments we are going to hear the Minister defending the registrar, the commissioners, and the commissioners in court session in respect of the registration of union rules. Has he not got any faith in these people before they register rules? He has not given us one reason for the inclusion of these words in the Bill.

The Hon. F. D. Willmott: Nothing that would satisfy you.

The Hon. R. THOMPSON: He has no reason for it and, quite honestly, I could not find a reason for it myself. The trade unions cannot see the necessity for the

words. Before a rule can be registered it must comply with the law and the rules that are set down for unions. My objection, and the one I can give at this stage, is the one that Mr. Lavery mentioned—that disgruntled people, such as anti-unionists or reactionists, could cause trouble. The point about the employer coming into it, I do not think is worth considering, and I am not worried about that aspect because there is a provision in the Act under which rules are subject to review and reform.

The Hon. A. F. Griffith: After a rule is made and accepted, how long does it take for the employer to become aware of it?

The Hon. R. THOMPSON: The employer is served with a copy of the notice before the rules are even registered.

The Hon. A. F. Griffith: All employers?

The Hon. R. THOMPSON: The Employers Federation, not all individual employers. There is usually a test-case employer, and the rules are published in the *Government Gazette*. Later on in the Bill it is proposed to delete that provision; and that will be a bad amendment so far as the employers are concerned, because the present provision is a safeguard for them.

As I said, I am not worried about the employers' angle, because I do not know of any occasion where an employer has sought to interfere with rules. Over the years, union rules have been of such a nature that they have not been registered unless they have been lawful, and the position has been well and adequately covered.

The Hon. A. F. Griffith: But if these words were taken out the employer will have no rights at all.

The Hon. R. THOMPSON: The employer can intervene when the union is registering its rules. He has the full right to intervene at that stage. The registrar will be a solicitor who will advise both parties whether or not the rule is good, bad, lawful, or unlawful. Naturally if it is unlawful it will not be registered. I do not know of any case where any employer has sought to upset a rule; and, because the present position has acted to the satisfaction of all concerned over the last 60 odd years, I think we should let the *status quo* remain.

The Hon. F. J. S. WISE: I presume the Minister will have detailed notes of every clause, with the reasons for it, in front of him. That is common practice. We have asked on more than one occasion the reason for the intrusion of these particular words, and he has not given it to us. Could we ask the Minister to supply us, from his detailed notes, the reason for the inclusion of the words?

The Hon. A. F. GRIFFITH: I have tried to do just that, but apparently the explanation I have given is not an acceptable one. I have said that application for disallowance of a rule can only be made on the grounds that are specified in paragraphs (a), (b), (c), and (d). I think the point we have reached at the moment is the question as to whether the additional person to whom we have referred may or may not have some right or cause to show to the court that he has an interest in the disallowance of a rule.

The Hon. F. J. S. Wise: Have there been cases?

The Hon. A. F. GRIFFITH: I could not say.

The Hon. R. Thompson: I do not know of one.

The Hon. A. F. GRIFFITH: I am sorry but I have to admit that I am not an industrialist.

The Hon. R. Thompson: Would you postpone the clause and get the information for us?

The Hon. A. F. GRIFFITH: No, I do not think there is any necessity for that at this point of time.

The Hon. R. Thompson: There must be a reason for the insertion of these words.

The Hon. A. F. GRIFFITH: I have given the reason. An employer can be clearly interested in the situation if the rule is contrary to an award and is affecting his relationship with his employees.

The Hon. F. R. H. Lavery: With all due respect is that your personal reason or the Minister's reason.

The Hon. A. F. GRIFFITH: That is the reason I have been given in the notes with which I have been supplied. This is a complex matter upon which I am sure members would not expect me to have an intimate knowledge. I have some fundamental or rudimentary knowledge of the situation. The court would determine whether a person had sufficient interest; and if the words are taken out and the rule affected any member of a union either directly or indirectly an employee would be refused any rights. To me the proposal in the Bill is perfectly logical and I can think of no better explanation than the one I have given.

The Hon. R. THOMPSON: I ask the Minister to postpone this clause and get us all the information he can in respect of the matter so far as it affects employers. As I have said, I have no objection to the provision in that regard because I think they would have a right. The thing I want to know is whether any employers have ever approached the Arbitration Court or the conciliation commissioner and lodged objections against union rules. I think this provision is a reflection on a later part of the Bill under which union

rules can be registered. I think I am making a reasonable request because everyone in this Chamber wants to see stability and peace in industry.

This provision will cause unrest, and will result in interference with union rules by malicious people. It will not bring peace to industry. I ask that the clause be postponed to enable the Minister to prove any objections which might have been raised over the years. If he is unreasonable we will know what to do.

The Hon. H. K. WATSON: I oppose the amendment. I give my reasons why the clause should remain as it is, not in the hope of convincing anybody, but simply to make it clear why in my opinion the provision is logical, and will not have the dire consequences which have been suggested.

I suggest that the true explanation of the situation is this: Any person who, in the opinion of the court, has a sufficient interest is primarily within the contemplation of this clause—the employer, and not the disgruntled unionist or rabble-rouser. It is the employer who desires a union rule, particularly one which comes under paragraph (c) on page 11 of the Bill, to be disallowed or amended. This is the type of rule which prevents or hinders members of unions from observing the law, or the provisions of an award, order, or industrial agreement.

When a union is registered, the certifying officer would look at the rules. He might decide they are in order; but with the passage of time, and with the introduction of a new award for the industry, there might be conflict between the rules and the new award. Although a rule might be in order initially, under the new award it could prevent or hinder members of the union from observing the law or the award.

The employer might apply for that rule to be amended so as to rectify the position. It does not follow that the court will accede to the request. The procedure at the present time is that when an employer desires a union rule to be disallowed or altered, he has to apply to the court for the deregistration of the union; and that remedy is as disastrous to the union as it is irksome to the employer. Under the proposal in this clause the employer will not have to do that. He could merely ask for the one rule to be disallowed or amended to rectify the position.

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

Ayes—12

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. D. P. Dellar	Hon. H. C. Strickland
Hon. J. Dolan	Hon. R. Thompson
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. J. D. Teahan

(Teller.)

Noes—14

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. A. F. Griffith	Hon. R. C. Mattiske
Hon. J. Heitman	Hon. H. R. Robinson
Hon. J. G. Hislop	Hon. S. T. J. Thompson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. J. Murray

(Teller.)

Pair

Aye	No
Hon. R. H. C. Stubbs	Hon. J. M. Thomson

Majority against—2.

Amendment thus negatived.

Clause put and passed.

Clause 13: Section 10 amended—

The Hon. R. THOMPSON: This is a new, unnecessary, and cumbersome provision. It will no longer be possible for the registrar to hear applications for registration. These will be dealt with by the commission in court session, with at least three commissioners hearing the cases together. This is another example of the purpose of the Bill, as announced by the Minister and by the Press, to streamline procedure! This clause will not streamline the procedure one bit. Evidently the Minister was not *au fait* with the Bill when he said this provision was designed to streamline arbitration procedure.

The Hon. G. C. MacKinnon: In what way would the procedure be different?

The Hon. R. THOMPSON: At present there are two bodies hearing all matters which come before the Arbitration Court —the court itself, and the Conciliation Commissioner. Under the proposals in the Bill there will be four commissioners who will be empowered, when sitting individually, to hear cases. This clause means that three commissioners will be engaged as the commission in court session in hearing a case, thus leaving only one commissioner available to carry out the other duties of the commission. We would, therefore, be placed in the position in which we are now in, where two bodies are available to hear logs of claims, applications for registration of union rules, speaking to minutes, and procedure, etc. I would like the Minister to explain why he thinks this clause will streamline the procedure.

The Hon. A. F. GRIFFITH: What people do on occasions is to take one word from a speech, and use it to apply to every other word in the speech. The word "streamline", or rather the term "accelerate", which I used, cannot be applied to every word or clause in the Bill. We have dealt with the basis of the clause under discussion, which is consequential to clause 9, and empowers the commission in court session to register union rules. The honourable member presupposes that whatever the commission in court session does at a particular time will be to the disadvantage and detriment of every other court process, and will cause delays. It

is not reasonable to assume that. Instead, the registration of union rules need not be any quicker or slower than at present.

Clause put and passed.

Clause 14: Section 11 amended—

The Hon. R. THOMPSON: I move an amendment—

> Page 13, lines 21 to 27—Delete all words from and including the word "or" down to and including the word "represented".

There are good and valid reasons why this amendment should be passed.

The Hon. H. K. Watson: In view of what you said a little while ago, I will be very interested to hear them.

The Hon. R. THOMPSON: Take for example the Commonwealth steamship association, the employers of waterside workers, shipwrighting firms, shipping agents, and so on. Under this clause any one of those bodies could take objection and be heard. Under my amendment the only ones who would have the right to be heard would be the actual employers of labour and not those who are merely signatories.

The Hon. H. K. Watson: They would get short shrift on any application.

The Hon. R. THOMPSON: No. We have only to study the Federal procedure to know exactly what happens. Highly paid lawyers are engaged and if, as in most cases, the union loses the case, those lawyers' fees are charged against the union.

The Hon. H. K. Watson: That cannot happen here.

The Hon. R. THOMPSON: That is true. However, it is quite wrong that people who are not actually employers of labour should have this right. I have no objection to the actual employers of labour, but I definitely have an objection to the signatories being heard. I think Mr. Watson will appreciate what I am saying, because this is something which is fundamental in arbitration and conciliation. Let us be completely fair and say that they do pay the wages; but there is a double-barrelled effect in this clause.

The Hon. G. C. MacKinnon: Do I understand you to say you do not mind the employer having the right? Your amendment does not read that way.

The Hon. R. THOMPSON: I think it will be found that it is covered in the relevant section.

The Hon. A. F. Griffith: I do not think so. The effect of your amendment would be to delete the right of the employer.

The Hon. R. THOMPSON: I am going to apologise. I have made a mistake.

The Hon. A. F. Griffith: I am glad to know that both you and I can make mistakes.

The Hon. G. C. MacKinnon: Would members please speak up so we can hear them?

The Hon. R. THOMPSON: What was being said was that both the Minister and I make mistakes. Mr. MacKinnon can be in it if he likes.

The Hon. A. F. Griffith: Are you not moving an amendment on page 13?

The Hon. R. THOMPSON: Yes.

The Hon. G. C. MacKINNON: Might I request you, Mr. Chairman, to state the amendment so that we might all be able to follow it?

The CHAIRMAN (The Hon. N. E. Baxter): The amendment has not been moved. The question is that the clause stand as printed.

The Hon. R. THOMPSON: I have moved the amendment. If members want it in concise language, it gives the right of employers to oppose an application by a union for registration.

The Hon. L. A. Logan: It only gives them the right to be heard.

The Hon. F. D. Willmott: Yes.

The Hon. R. THOMPSON: Why should they be heard?

The Hon. F. D. Willmott: Why should they not be heard?

The Hon. R. THOMPSON: Why should they be? Previously they have been heard and have been served with minutes. They speak to the minutes. However, evidently we are not going to get anywhere with amendments in this House. As I said last night, members opposite have been regimented and are subject to what the Minister tells them. Members are listening and discussing, but there is going to be no defection, no quarter given, no consideration of any amendments we move. It is just Fascist type legislation. As it has already been—

Point of Order

The Hon. G. C. MacKINNON: I object to language like that. I think it is immoderate to use expressions like "Fascist" in this Chamber, and it is most uncalled for.

The CHAIRMAN (The Hon. N. E. Baxter): I suggest that the honourable member withdraw his remarks.

The Hon. R. THOMPSON: Providing my imputations have sunk in deeply enough, I will withdraw my remarks.

The Hon. G. C. MacKINNON: Providing nothing! I ask that they be withdrawn.

The CHAIRMAN (The Hon. N. E. Baxter): The honourable member must withdraw them.

The Hon. R. THOMPSON: I withdraw.

The Hon. A. L. LOTON: I ask for the word "Fascist" to be withdrawn.

The Hon. R. THOMPSON: I withdraw the lot.

Committee Resumed

The Hon. G. C. MacKINNON: In answer to the remarks made, I would like to state that it has been very clear from the number of members on the Government benches who have spoken with intelligence and knowledge of the various aspects of this Bill, that the reason they are supporting it is from a straight-out knowledge of the virtues of the measure and the advantages to be gained from it. To imply regimentation and things like that to reasonable men—and I think everyone here has known everyone else long enough to know—

The Hon. J. Dolan: To what clause is the honourable member speaking now?

The CHAIRMAN (The Hon. N. E. Baxter): The question is that Clause 14 stands as printed.

The Hon. G. C. MacKINNON: The question that this clause, and every other clause, stands as printed will, I hope, be passed. This is an important clause; and I sincerely trust that it has been conveyed that there are a number of members on this side of the Chamber—all of us, as a matter of fact—who know this Bill and are not regimented by outside forces.

Point of Order

The Hon. R. THOMPSON: I am objecting. I am not regimented, but you are.

The Hon. G. C. MacKINNON: I said we are not regimented. I did not accuse the honourable member of being regimented.

Several members interjected.

The CHAIRMAN (The Hon. N. E. Baxter): Order! I will ask members to resume their seats. I do not think it is any good getting heated over this. Mr. Thompson withdrew the words objected to, and we should continue this debate with dignity.

The Hon. R. THOMPSON: I am asking the honourable member to withdraw his remarks.

The Hon. G. C. MacKINNON: I said we are not regimented. I did not accuse anyone of being regimented.

The Hon. R. Thompson: You accused me of being regimented by outside interests.

The Hon. R. F. HUTCHISON: I am going to ask for a withdrawal of the remarks, too. We are not regimented. We are fighting for a principle which, as I said last night, has been earned with blood, sweat, and tears through the ages, yet we have to listen to these things being said about us. They are the most unreasonable men I have met so far. It is quite right that we should ask Mr. MacKinnon to withdraw his remarks and if he doesn't I am going to—

The CHAIRMAN (The Hon. N. E. Baxter): Order! In my opinnon there were no words uttered which necessitate a withdrawal. No member has as yet stated the words to be withdrawn. If any member objects to anything Mr. MacKinnon said, I would ask that that member state the words, then I can request Mr. MacKinnon to withdraw them.

The Hon. R. THOMPSON: I ask Mr. MacKinnon to withdraw the words that members on the opposing side are regimented by outside forces.

The Hon. G. C. MacKINNON: If I used those words, I withdraw them. If I did—and I have no recollection whatever of doing so—it must have been a complete slip of the tongue. I said we are not regimented.

The Hon. R. F. Hutchison: Implying that we are.

Committee Resumed

The Hon. A. F. GRIFFITH: I would counsel members not to allow their tempers to be frayed in this matter. Mr. Thompson has indicated his intention to move a number of amendments. I am quite prepared to endeavour to give him the reasons for non-acceptance of them, if the reasons are valid. As I foreshadowed, I have two or three amendments on the addendum to the notice paper and I will get an opportunity to deal with them.

However, this is all a matter of opinion. Mr. Thompson states his case and others express their opinions about the point of view he submits. That is where this clash occurred, and I think it was unfortunate.

I take it now that the honourable member has moved his amendment to delete all words from and including the word "or" in line 21 down to and including the word "represented" in line 27, page 13.

The CHAIRMAN (The Hon. N. E. Baxter): That is right.

The Hon. A. F. GRIFFITH: The amendment, if passed, will do only one thing: it will deny the employer the right to be heard on an application for the registration of a union. This is a question of whether it is reasonable to give the employer an opportunity to be heard; and that is all the employer asks. He does not ask to be given the right to make a decision in this matter. An employer may legitimately want to put his case forward. For example, a society might seek to register to cover an employer's employees and also the employer's staff supervisor who would be supervising those employees.

If an employer's application is frivolous, the court will dismiss it. If it is not frivolous the court will make a determination accordingly. The principle in this amendment is practically the same as the one which applied to the honourable member's amendment in respect of proposed

new subsection (6) on page 11. It is reasonable that the employer should at least have the right to be heard.

The Hon. R. THOMPSON: I will say, in all fairness to the Minister, that since I have been in the Chamber he has spoken in the same manner on all Bills in which workers have been concerned. It has always been the employer's interests and never those of the workers that have received consideration during the five sessions I have been a member.

The Hon F. J. S. Wise: That is his reasonable mind.

The Hon. R. THOMPSON: What I have said is true, and no member here can deny it. I can instance measures dealing with the Workers' Compensation Act and the Bills that were introduced for several years in succession by Mr. Jeffery, and measures that have been moved by Mr. Lavery. I can mention third party insurance Bills. On no occasion has the employee been given any quarter. The Minister and his colleagues have risen to thir feet and said that the employer shall do this and the employer shall have this right. When the to-and-from clause was raised in connection with workers' compensation, Mr. Watson said the worker could take out a personal accident policy. No wonder we have the worst Workers' Compensation Act in Australia! The Government is now bringing in the most repressive type of conciliation and arbitration legislation in the Commonwealth.

The CHAIRMAN (The Hon. N. E. Baxter): Order! I think the honourable member is getting away from the question.

The Hon. R. THOMPSON: I will finish in a moment. This legislation includes, in bits and pieces, the worst provisions of other legislation and has put them into a conglomeration of words which the Government has thrown at the workers. This is the worst type of anti-worker legislation that could be brought before any Chamber of Parliament.

The F. D. WILLMOTT: I cannot agree with what Mr. Thompson has just said—not what he said about other legislation, because we are not discussing that, and I do not propose to do so.

The Hon. R. Thompson: You will not not deny it.

The Hon. F. D. WILLMOTT: I am not going to discuss it, because it is outside the clause before us.

The Hon. R. Thompson: You could not deny it.

The Hon. F. D. WILLMOTT: Mr. Thompson has accused Government members of trying to be repressive and of only adhering to employers.

The Hon. R. Thompson: That is right.

The Hon. F. D. WILLMOTT: This clause does not do that. It is not denying unions the right to be heard. On the contrary, it obviously gives them the right to be heard; and, at the same time, it gives employers the right to be heard. Mr. Thompson has had a lot to say about being fair, but his amendment will permit the unions to be heard, but will take away the right of the employers to be heard. To say the clause is repressive and does the unions out of the right to be heard, or that it does something only for the employers, is just plain nonsense.

The Hon. R. Thompson: When, in the Chamber, have you ever been fair to the workers?

Amendment put and negatived.

Clause put and passed.

Clauses 15 to 33 put and passed.

Clause 34: Section 42 repealed and section substituted—

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

Ayes—13

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. A. F. Griffith	Hon. R. C. Mattiske
Hon. J. Heitman	Hon. J. Murray
Hon. J. G. Hislop	Hon. H. R. Robinson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	*(Teller.)*

Noes—11

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. J. Dolan	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. R. Thompson
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. F. R. H. Lavery	*(Teller.)*

Pairs

Ayes	Noes
Hon. J. M. Thomson	Hon. R. H. C. Stubbs
Hon. S. T. J. Thompson	Hon. D. P. Dellar

Majority for—2.

Clause thus passed.

Clause 35: Section 43 repealed and a section substituted—

The Hon. R. THOMPSON: I realise it is of little use trying to put forward an argument when no consideration is given to it and it is rejected on every vote. However, this is a bad provision inasmuch as it is a departure from section 43 of the Act. It means that agreements—and there have been many of them over the years—for higher rates, other than those provided for in an award, will become void. Previously the court determined such issues, but in future they will be determined by the Act.

I have always understood that the practice throughout Australia has been for conciliation to override arbitration. Members may argue that this principle is not being interfered with, but this provision clearly states that if the agreement is inconsistent with an award it becomes void without any application whatsoever, and

the commission may vary the agreement to remove the inconsistency which makes it void.

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

Ayes—13

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. A. F. Griffith	Hon. J. Murray
Hon. J. G. Hislop	Hon. H. R. Robinson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. J. Heitman
Hon. G. C. MacKinnon	*(Teller.)*

Noes—11

Hon. G. Bennetts	Hon. J. D. Teahan
Hon. J. Dolan	Hon. R. Thompson
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. R. F. Hutchison
Hon. H. C. Strickland	*(Teller.)*

Pairs

Ayes	Noes
Hon. J. M. Thomson	Hon. R. H. C. Stubbs
Hon. S. T. J. Thompson	Hon. D. P. Dellar

Majority for—2.

Clause thus passed.

Clause 36 put and passed.

Clause 37: Section 44 repealed and section substituted—

The Hon. F. R. H. LAVERY: Surely by this time, following the protracted debate in another place, and following the long debate on the Bill which took place in this Chamber from 5 p.m. on Wednesday till 6 a.m. today, the Minister will disclose the names of the other three commissioners who will be appointed to fill these positions. At the conclusion of his speech when he introduced this Bill, the Minister appealed to us to observe the decorum of the Chamber and the rules of debate. During the previous sitting I sought an adjournment of the debate because I thought we had had enough, but my motion was not agreed to and I went on to speak to the Bill for one hour 40 minutes, and many times I suggested that some announcement should be made in regard to the men who will be appointed under the provisions of this clause.

If the Minister will not tell us who the other three commissioners are to be, I consider it is a waste of time for me to take any further part in this debate. In presupposing that the Minister will not disclose the names of the commissioners, I wonder whether the Government is using some political tactics to try to place members of the Labor Party in such a position that they will finally walk out of the Chamber in disgust, because that is what I feel like doing. However, there is the possibility that the Government may be trying to achieve a capital Press by our making such a move. If so, I am prepared to sit in this Chamber until 6 a.m. tomorrow if necessary.

If the Minister in another place had openly told the people the names of those who were to hold these offices on the industrial commission, perhaps we would not have seen hundreds of men attending Parliament House to express their objection against the Bill. Perhaps the Minister can stipulate a panel of names from whom the applicants for these positions will be selected. Even when a vacancy occurs in the Public Service the names of the applicants for the position are published. Therefore, surely the Minister can at least give us a panel of names from whom the commissioners will be selected.

The working people of the State will be satisfied, when this Bill becomes law, that at least the members of the Labor Party have played their part as well as they possibly could under the handicap of a minority in the Legislative Assembly and in the Legislative Council. The time has arrived when we should be treated as men and not as schoolboys, because we are being made to look like schoolboys. We are merely told, "Read the Bill, and just vote for each clause as it is called". We are not getting anywhere with our efforts in trying to put forward amendments to the Bill.

The fact remains that if a Labor member moves an amendment to the Bill and it is passed in this Chamber it will mean the Bill will have to be returned to the Legislative Assembly and, of course, a conference of managers will follow, and the Government does not want that to happen. We must accept the amendments proposed by the Minister, because he knows full well that they will be accepted in another place.

The Hon. J. M. Thomson: Is not that parliamentary practice?

The Hon. F. R. H. LAVERY: Yes, but it is not permitted in this Chamber. If a Labor Party member rises to his feet he is advised almost immediately by innuendo, if by no other way—

Point of Order

The Hon. H. K. WATSON: On a point of order, Mr. Chairman, is it proper for a member in Committee, dealing with a particular clause in the Bill, to make what is, in effect, a second reading speech?

The CHAIRMAN (The Hon. N. E. Baxter): I would like to point out that this is a major clause, and it has been the custom in this Chamber to allow some latitude in discussing major clauses of Bills. That is why I have permitted the honourable member to continue in the way he has. I suggest, however, that Mr. Lavery should try to keep to the clause under discussion.

Committee Resumed

The Hon. F. R. H. LAVERY: I will try, Mr. Chairman. I see that Mr. Watson is walking out of the Chamber. That is the best place for him.

The Hon. R. Thompson: I hope he doesn't return.

The Hon. F. R. H. LAVERY: The clause deals with the constitution of the commission, and the establishment of the Western Australian industrial commission. I am on my feet because of the provision contained in proposed new subsection (3) on page 20. When Mr. Schnaars was appointed to the Arbitration Court as a commissioner, I well remember the agitation that took place at the Employers Federation, and in trade union circles, generally, because we had the audacity to appoint a man from the trade union movement. If that gentleman has not performed his duties to the satisfaction of the employers and the employees, at least we must give him credit for being impartial. He has given decisions which he believes to be correct, and has tried to keep industrial conditions healthy, and to bring employers and employees together. There is no doubt that employer-employee relationship has been on a very good footing since the end of the war.

I am fast reaching the conclusion that it is a waste of time trying to get the Government to accept any amendments, or any suggestions, that might improve the Bill. I am expected to give some service for the salary I receive, but because of the attitude of the Government over the last 24 hours, I feel I have not been able to give the service expected of me.

The Hon. F. J. S. WISE: For many reasons I have refrained from entering into debate in Committee, nor do I intend to do so now. When I look around the Chamber I realise that no matter how much argument is put forward, or practical suggestions made for the betterment of the Bill, and for a more reasonable approach to human beings, scant consideration will be given to our suggestions. It is hardly necessary for us to further injure our health in such matters; but this is my place, and here I propose to remain until the debate on the Bill is completed, if that is the Minister's wish.

To my mind it is quite futile to discuss the matter. Though I analysed the provisions of the Bill fully yesterday, I received no answer to my queries from the Minister. Mr. Watson took 14½ minutes to deal with the 156 clauses of the Bill, and he did not examine the clauses or explain their purport. When replying to the debate the Minister took seven and a half minutes. Is that the game we are to play? Is that the sort of thing upon which we are expected to co-operate? The Bill deserves no consideration! Not only have we received scant treatment in the suggestions we have made, but the attitude adopted has been positively rude. No matter how much we might differ, we are entitled to adhere to our principles and to express our views.

One could speak for an hour on this clause, which seeks to destroy the Arbitration Court as it exists today; a court that has meant so much to the industrial peace of the community, and to the standing of the State's economy, both here and in other countries. Almost every edifice we can see from this hill on which we stand has been built by skilled artisans in Western Australia who have made a contribution, and who have been paid at the rates decided by the Arbitration Court—rates which were considered reasonable and acceptable to both employer and employee.

That is what the Arbitration Court has done for the man and his master. But the Government does not seek to foster that relationship. It seeks to destroy it by means of this legislation. I repeat what I said yesterday, that retribution will overtake the authors of this Bill; it will overtake those who sit so smugly opposite and who, when a division is called, merely walk across without giving a thought to what they are doing. That is a fine sort of way to legislate on a national basis.

I wish one could turn the clock back in years, and in health. I regret that certain physical circumstances impose limitations on me, because if that were not so there would be no going home tonight as far as I am concerned. It is not a sick mental state that thwarts my objective, but another state which I find quite serious; and which my good friend, Dr. Hislop, advised me about yesterday. I make no plea on my own behalf. I care not.

I abhor the attitude of the Minister; I abhor his smugness and the reply he made to 20 speeches. His attitude was, "This is all I have to say. I will not be bothered." There was not even a flimsy argument advanced in support of the Bill by the Minister. I challenge the Minister to select the best speech made from his side of the House, and the best speech made from this side of the House, and place them before an independent authority to see who has won the argument.

The Hon. R. Thompson: And who has lost the votes.

The Hon. F. J. S. WISE: We would then be able to see which of us examined the Bill. But of course the Minister will not accept my challenge. I ask those who have so faithfully supported me with their votes and with their voices certainly to remain, but not to bother with moving any more amendments, because we know what the result will be.

The Hon. F. D. WILLMOTT: My remarks will be brief. I wish to refer to the statement made by Mr. Lavery when mentioning the amendments appearing on the notice paper in the name of the Minister for Mines. Mr. Lavery knows full well why the amendments are on the notice paper. They are there because of an undertaking by the Minister in another place that they would be included in the Bill.

The Hon. F. R. H. Lavery: I know of no such undertaking.

The Hon. F. D. WILLMOTT: The honourable member will be told. It is because the Minister seeks to honour that undertaking that the amendments are here. The Minister in another place was not able to include them, because of the fact that the Labor Opposition talked away the time. If that is to be the attitude adopted by Mr. Lavery, I suggest to the Minister that he should not worry about the amendments.

Mr. Wise accused the Minister of not making a lengthy reply to the debates in this House. I think Mr. Wise invited that himself when he laid down in his second reading speech that he was prepared to stay here and debate every clause in this Bill, this week, next week, and the week after. So I think the Minister adopted the right attitude in leaving his reply until the debate took place on the clauses.

The Hon. R. F. HUTCHISON: I agree with my leader. I have never heard such a bad debate in this Chamber as there has been on this Bill. We cannot camouflage the fact that it is might against right. This Chamber has always been referred to as a House of review; and I think Labor members here are ashamed of that word. There is absolute power on one side. Labor has always been in the minority. The best exhibition we saw of that was when our own Labor leader at the time (the late Gilbert Fraser) was fighting a Bill on local government. He was a dying man and the Minister, who was then on the opposite side of the Chamber, showed no mercy to him.

The CHAIRMAN (The Hon. N. E. Baxter): Order! The honourable member is right away from the subject matter of the Bill.

The Hon. R. F. HUTCHISON: No, I am not!

The CHAIRMAN (The Hon. N. E. Baxter): The honourable member should come back to the subject matter before the Chair.

The Hon. R. F. HUTCHISON: I am talking about democracy in this Chamber. Last night I heard Mr. Watson, a man who tried to slam me before I became a member here and against whom I took a court order—

The CHAIRMAN (The Hon. N. E. Baxter): Order! Will the honourable member please resume her seat. We are discussing the Industrial Arbitration Act Amendment Bill and we are on clause 37.

The Hon. R. F. HUTCHISON: I am speaking to clause 37. Last night I heard Mr. Watson call out to me, "fly tox" and other insulting remarks. Before I came here Mr. Watson tried to take my character away. He never dreamed that I would be a member here. I took a court order out against him.

The CHAIRMAN (The Hon. N. E. Baxter): I ask the honourable member to resume her seat. I have been fairly tolerant on this clause, equally to both sides, and I do not want the debate to develop into an argument. The honourable member will have to come back to the Bill and not indulge in personal invective of this nature. This is the principal clause in the Bill, and I ask members to keep somewhere near it. The honourable member may continue.

The Hon. R. F. HUTCHISON: This is the last clause to which I will speak unless I am asked to by Mr. Ron Thompson. This clause does a great injustice to the workers in this State, and it is surrounded by secrecy. The names of the commissioners are not mentioned. We do not know whether they will be extremely unsympathetic or not. Why does not the Minister tell us who they are? The Government is getting rid of the best man who has ever been on the Arbitration Court. He will be beheaded and put out. This provision has caused more resentment than the Minister realises. It amuses me to think that Mr. Willmott rose to speak. He never speaks when other Bills come here. We see the silent members; they never rise to speak to a Bill.

I am wholeheartedly in agreement with Mr. Wise. This is not Government; this is not dignity; this is not what Parliament stands for when an attempt is made to make monkeys of the Opposition.

The CHAIRMAN (Hon. N. E. Baxter): Order! I ask the honourable member to come back to the clause.

The Hon. R. THOMPSON: Clause 37 is the meat in the sandwich of the Bill as it deals with the future set-up and appointments. Therefore, I am going to ask the Minister now, to tell us who these commissioners will be.. It is no good his saying he does not know, because that would be a strange situation. Even before the water board legislation was before Parliament, Sir Alex Reid had been selected. Who will the other commissioners be? One is going to be the ace. He has gone out of the gallery again. I would like him to hear what I have to say. I refer to the reactionary person by the name of Kelly who has crucified young female employees of Government departments. Is he going to be a commissioner?

Is the employers' representative, Mr. Cort, going to be a commissioner? And who is the fourth commissioner going to be? I say Kelly was the architect of this Bill. He is a person who is Queensland-happy, and the sooner he shifts there the better, because Western Australia will be a better place without him. The Minister knows who these commissioners are going to be, but I doubt whether he will tell the Chamber.

The Hon. A. F. GRIFFITH: On a number of occasions I have been asked who is going to be the chief conciliation commissioner and who are going to be the other three commissioners. I want Mr. Thompson to know that he cannot stand in this Chamber and make the sort of accusation he made against me and get away with it. I tell you, Mr. Thompson, with all the sincerity I have in my body, that the chief conciliation commissioner is known to the Press, because his name has been published in the Press; and I can tell you, Mr. Thompson, there has been no determination made in respect of the other three commissioners; and don't you impugn my character again by saying I know, because I do not know; and God can strike me down if I know!

The Hon. R. C. Mattiske: Who has the supercilious grin now?

The Hon. A. F. GRIFFITH: Mr. Thompson can call Mr. Kelly anything he likes, but Mr. Kelly cannot come here and say anything. However, he is not going to talk to me like that. Mr. Wise, I do not know who the conciliation commissioners are going to be, because no determination has been made.

The Hon. F. J. S. Wise: I did not ask you.

The Hon. A. F. GRIFFITH: In that case, I ask the honourable member to accept my statement. Mr. Thompson's move is one which will delete clause 37 from the Bill and take the guts out of the measure, because there will be nothing left in the Bill if this goes out.

I have been told that I do not give good reasons for not accepting amendments. These amendments are just intended to take clauses out of the Bill in order to kill the measure so that it cannot be put into operation. Members of the Opposition have made no secret about it; and I have no argument about that, because I know they do not like the Bill. However, I do have an argument when my sincerity is questioned, because I have gone to endless limits while I have been Minister in charge of this Chamber—and so has my colleague, Les Logan—to give members the information they want. I was back here today at about 10.30 a.m., going through this Bill so that I could further understand the amendments Mr. Ron Thompson had on the notice paper in order to give him the Government's explanation of the situation. I will continue to do this sort of thing; but do not impugn my honesty!

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

Ayes—13

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. A. F. Griffith	Hon. J. Murray
Hon. J. Heitman	Hon. H. R. Robinson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. R. C. Mattiske
Hon. A. L. Loton	*(Teller)*

Noes—11

Hon. G. Bennetts	Hon. J. D. Teahan
Hon. J. Dolan	Hon. R. Thompson
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchinson	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. J. J. Garrigan
Hon. H. C. Strickland	*(Teller)*

Pairs

Ayes	Noes
Hon. J. M. Thomson	Hon. R. H. C. Stubbs
Hon. S. T. J. Thompson	Hon. D. P. Dellar

Majority for—2.

Clause thus passed.

Sitting suspended from 6.16 to 7.30 p.m.

Clauses 38 to 54 put and passed.

Clause 55: Section 61 repealed and section substituted—

The Hon. R. THOMPSON: I move an amendment:—

> Page 26, line 28—Insert after the word "the", where secondly occurring, the words "days and".

I am perhaps more interested in this clause than in any other clause of the Bill. If the provisions contained in section 61 of the Act were to be retained they would provide a bit of meat for the Bill and would engender confidence in it.

The Hon. A. F. Griffith: Is this the clause in connection with which you said I had misled the Chamber?

The Hon. R. THOMPSON: Powers were previously given to inspectors to inquire into any industrial matter or dispute. I would refer the Committee to the wording of the various paragraphs of the clause and to the wording of the relevant section of the Act. I would like to see section 61 retained, and I would like to hear the Minister's views on the matter.

The Hon. A. F. Griffith: You have a number of amendments to this clause. Are you going to move them one by one?

The Hon. R. THOMPSON: I do not want to move for the deletion of any words at this stage. I would like the Minister to give consideration to the whole clause and to say whether or not he would be prepared to do something to the whole clause. It would be useless for me to delete or insert certain words if something could be done to the whole clause.

The CHAIRMAN (The Hon. N. E. Baxter): I would point out to the honourable member that there is nothing in his amendments on the notice paper concerning the deletion of words; only to add words.

The Hon. R. THOMPSON: That is right.

The Hon. A. F. GRIFFITH: The honourable member has a number of amendments on the notice paper in connection with clause 55. I was under the impression that he would move them one by one and we would debate each amendment as it was moved. I now take it that he would rather deal with the clause as a whole.

The Hon. R. Thompson: I would like your views on the clause as a whole.

The Hon. A. F. GRIFFITH: What does the honourable member wish me to do with the clause? Perhaps he had better not answer that!

The Hon. R. Thompson: I would prefer to see the whole clause go out and section 61 of the Act retained.

The Hon. A. F. GRIFFITH: I cannot undertake to have the clause taken out, but I would be satisfied if the honourable member wished to deal with his amendments one by one.

The CHAIRMAN (The Hon. N. E. Baxter): I would suggest that the honourable member move his first amendment.

The Hon. R. THOMPSON: I have already done so. According to the Bill the commission will fix the number of hours and days to be worked and the rates of wages to be paid to the workers. This is a very controversial clause. People are under the impression they will have to work on Wednesday, Thursday, Friday, Saturday, and Sunday, and have Monday and Tuesday off. I have accused the Minister of misleading the House in connection with this clause. The Minister claims he has not misled the Chamber. If my amendment is accepted, then that doubt will be removed. The amendment would provide that paragraph (b) would say what it means, fixing the number of hours and days, and the time to be worked, to entitle workers to the wages fixed.

The Hon. J. DOLAN: I support the amendment. This is another clause where conciliation between members here could take place. There is doubt as to the meaning of the clause and the powers of the commission under the clause; and we feel that the amendment will remove any doubt. It will give the commission power to fix the hours, the days, and the times to be worked, and it will satisfy employers and union as to what is really intended, and in regard to what powers the commission will be given.

The Hon. A. F. GRIFFITH: This was a clause regarding which Mr. Thompson said my explanation was not clear and concise.

The Hon. R. Thompson: That is so.

The Hon. A. F. GRIFFITH: Perhaps I can read again what I said. I said—

> A clause in the Bill will prevent the commission from prohibiting work on weekends, but I wish to emphasise that this will not prevent the commission from prescribing a 40-hour five-day week. Nor will it prevent the commission from prescribing a Monday to Friday week. It will, however, prevent the commission from prohibiting an employer from working on his own premises at the weekend.

I do not think there is anything misleading about that; at least not to my way of thinking. It simply provides that the commission will not be able to prevent an industry from working on any day of the week.

I am told that 75 per cent. of our existting awards are so framed that they provide for a five-day week, Monday to Friday; and they also provide for overtime rates to be paid in the weekend where work in an industry is necessary. I regret to say it appears that in some quarters people have been trying to indicate that the commission could fix a five-day week, Monday to Friday, for which a man will be paid a rate of pay, but if the commission says, "You should work from Wednesday to Sunday," the man who works his five days, Wednesday to Sunday, will be paid only the same amount as the man who works Monday to Friday. That is not true.

The Hon. J. Dolan: That is not understood.

The Hon. A. F. GRIFFITH: Thank you. But it is misunderstood in some quarters. I have a copy of the *W.A. Industrial Gazette*, and on page 214 of this issue, which is for the second quarter ended the 30th June this year, there are set out a number of applications to vary awards. It is interesting to see that in a list of 20 or more, two applications for variation have been made by employers; namely, from the Wyndham Meat Works, and the Butchers—(Metropolitan) Retail and Wholesale), and all the rest have been made by employees.

On page 315 we find provision for an award in regard to Construction and Maintenance (A.W.U.), and it lays down that 40 hours shall constitute a week's work, and that it shall, except in the case of cookhouse personnel, camp orderlies, and shift workers, be worked from Monday to Friday inclusive each week between the hours of 7 a.m. to 5 p.m.; and it provides, by agreement between the union and the employer, that work may commence earlier than 7 a.m. On page 316 the overtime rates are prescribed, and the basis is set down because of the necessity of the industry to work on a Saturday or a Sunday. Provision for the overtime rates is laid down in the overtime section of the award.

There is nothing unusual in the clause of the Bill. We could not do without it, anyway.

The Hon. F. J. S. Wise: This won't be safe unless the word "days" goes in.

The Hon. A. F. GRIFFITH: I think it will. I think the honourable member was not here when I explained the position to Mr. Thompson.

The Hon. F. J. S. Wise: If you had been here as long as I have, then you would have been here a long time.

The Hon. A. F. GRIFFITH: I am sorry, I was talking to Mr. Ron Thompson, and I was saying that, on the part of some people, there seems to be a misconception that if a worker worked from Wednesday to Sunday, as an example, he would be paid only the same as a Monday to Friday worker. That will not be the case.

The Hon. R. Thompson: Wouldn't my amendment remove any doubt? It is still giving the commission power to fix the days, and it is not altering the Bill at all. You have a look at the clause.

The Hon. G. C. MacKinnon: It is covered under paragraph (g), anyway.

The Hon. F. J. S. Wise: No, it is not.

The Hon. A. F. GRIFFITH: The commission already has power under paragraph (e) on page 27, I think.

The Hon. R. Thompson: I would say, No.

The Hon. A. F. GRIFFITH: I am advised that it has, but the effect of the amendment would be to enable the court to fix the number of days on which a worker may be employed in order to earn the wages fixed by the award.

The Hon. R. Thompson: That is so.

The Hon. A. F. GRIFFITH: It is considered that the commission already has this power under paragraph (e), and the wording is the same as that which exists in the New South Wales Act. Furthermore, if we look at page 27 we will see under paragraph (a) of subclause (2) that it provides—

> but nothing in this paragraph prevents the exercise by the commission of its powers under paragraph (d) of subsection (1) of this section.

I do not think there should be any concern about this.

The Hon. J. DOLAN: The Minister says there is no reason for concern, but we feel there is. If the Minister feels there is no reason for concern, I see no reason why he cannot agree to the amendment. We feel that any commission should have, just the same as the Arbitration Court has, the power, if necessary, to declare that the working week should be Monday to Friday. I think it is showing a deal of mistrust in the commission if it is not to be allowed to fix the days as well as the hours and the times.

The Hon. R. C. MATTISKE: I must have a different Bill from the honourable member, because in my Bill it clearly states in paragraph (d)—

> Fixing the rates for overtime, work on holidays, shift work, weekend work, and other special work . . .

It clearly provides that the commission has the power to fix the rates for weekend work; and weekend work is quite clearly understood.

The Hon. J. Dolan: We are not talking about weekend work.

The Hon. R. C. MATTISKE: Members have been talking about it.

The Hon. R. Thompson: No.

The Hon. R. C. MATTISKE: Members have a fear that as the clause is printed it means that there could possibly be a week, say, from the Wednesday to the following Monday or the Tuesday.

The Hon. R. Thompson: That is so.

The Hon. R. C. MATTISKE: But that automatically includes the weekend work, and the court has power to fix the rates for weekend work. If it so happened that there was work from Thursday to Tuesday, the court would have the power to fix the rate for the portion done on the weekend. I think it is perfectly clear.

The Hon. F. R. H. LAVERY: In the omnibus industry, or the passenger carrying industry, in the days before the M.T.T. took over the Metro buses, the unions went before the court and were given a five-day week of 44 hours, and later a five-day week of 40 hours; but at the same time it is what is known as a seven-day industry.

The union and the employers came to a type of agreement which allowed for the five-day week with normal wages, but it also allowed the company to roster the workers over the weekend. In about the year 1953 or 1954, I think it was, the companies found that paying overtime rates for weekend work was not as satisfactory to them as it could have been; and by an amendment taken before the court it was agreed that instead of paying overtime rates over the weekend a certain increase in pay would be given, and days would be added to the annual holidays in lieu of the days worked.

It is within the jurisdiction of the employer and the union to come to an agreement in the industry in which they are involved. The addition of the words sought by Mr. Thompson will make the clause more workable. It will not preclude the court from making an order as to which days shall be worked during the week. It will also allow the court to fix all rates for holidays, shift work, and other special work.

Following the growth of one-brand service stations it was found that the companies were paying about £6,000 or £7,000 per vehicle which worked from 8 a.m. to 5 p.m., and for perhaps a few hours in excess; but they remained idle for the rest of the evening. The oil companies suggested that if the unions were prepared to work shift work, they would increase the rates for the afternoon and the night shift. That was accepted by the union, and the employees have worked to it for some time with great satisfaction to themselves and to the oil companies.

I am sure that other companies will try to do the same thing. Members have heard me say that Bell Bros. have, in my opinion, received a raw deal through the traffic laws. Its employees are paid at shift rates; at increased rates. The amendment moved by Mr. Thompson will make it clear that the working week shall be from Monday to Friday, or from Monday to Saturday, because there are still some six-day industries, such as those which involve shop assistants. The court will also have jurisdiction to fix overtime rates. Unless the words sought to be added are added, we could find that in practice some industrial concerns might try to save themselves overtime rates at weekends. We all know that the members of the Police Force, and the employees of the Water Supply Department work excess hours, but do not receive overtime rates under certain conditions; though they do receive time off.

Complaints have been received from workers on Rottnest Island, who say they have to work on Saturdays and Sundays without being paid overtime, but instead they are given time off during the week. If a man works extra time he is entitled to overtime rates. I commend the amendment to the Minister.

The Hon. G. C. MacKINNON: This clause gives the Commission power to inquire into industrial disputes. I would refer members to the definition of, "industrial matters," in the principal Act. They will find the definition on page 8 of the Act. All that is required is laid down in that definition, and it will be inappropriate to insert in the Act the words suggested. I oppose the amendment.

The Hon. J. M. THOMSON: From the arguments advanced I gather that unless these words are inserted employers will attempt to get around paying overtime rates at weekends. That cannot be the case. The fears expressed are quite groundless. I can see no necessity for writing these words into the Act and I oppose the amendment.

The Hon. J. G. HISLOP: This is an interesting clause, because in a way it introduces fear in the minds of individuals; but, on the other hand, it produces a certain amount of alarm in me, particularly if the words suggested are written into the Act. If the amendment is accepted it could mean that the entire habits of the community will be changed overnight, and we might reach the point where it would be considered immoral to work outside the hours of nine to five from Monday to Friday.

The Hon. R. Thompson: That is for the commissioner to fix.

The Hon. J. G. HISLOP: We have seen commissioners do it in other industries. For years we did not agree with the banks closing on Saturdays. This should not be done by arbitration but by Parliament.

The Hon. R. Thompson: The Minister claims they do it now.

The Hon. J. G. HISLOP: The commission can proclaim Monday to Friday, but it cannot prohibit. We should not take away the right of the individual to work in his own business.

The Hon. R. Thompson: No-one is taking that away.

The Hon. J. G. HISLOP: It was a pretty close thing in the bakers' award. The time may come when, because of the growth in population, industry may find it necessary to work beyond the normal Monday to Friday working week. There is sufficient protection in the Act. I would be prepared to give the clause a trial for twelve months, to see whether anything untoward happened. We are not a large community yet but we are growing rapidly.

While I was overseas I noticed that some organisations employed a second staff on Saturdays in order to help the people who normally work from nine to five during the week, and who were thus unable to do their shopping. They are known as Saturday stores. They close on a day to be fixed by the employers and workers during the week. It is a flourishing business and helps those workers who cannot shop during the week.

I feel that the provisions in the Bill protect the worker. So long as the employers and employees agree, I can see no harm in the arrangement arrived at. It is necessary for some industries to carry on through half of Saturday at least, while others must keep their engines going to ensure continuous production. We should not limit this legislation by the insertion of these words. As the Bill stands I feel the commission has all the powers it requires to assist the worker and I believe this will work quite amicably in the future.

The Hon. F. R. H. LAVERY: This clause repeals section 61 of the Act. Therefore I would draw the attention of the Committee to the annotation to section 61 which reads as follows:—

> The Court is a statutory Court and its jurisdiction is limited by the statute which created it. It cannot by any legal process give itself jurisdiction over any matter which the Legislature has not authorised it to deal with, and thus any attempt to deal with matters which are not "industrial matters" is *pro tanto* beyond the jurisdiction of the Court.

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

Ayes—11

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. J. Dolan	Hon. R. Thompson
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. J. D. Teahan
Hon. F. R. H. Lavery	*(Teller.)*

Noes—13

Hon. A. F. Griffith	Hon. R. C. Mattiske
Hon. J. Heitman	Hon. J. Murray
Hon. J. G. Hislop	Hon. H. R. Robinson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. C. R. Abbey
Hon. G. C. MacKinnon	*(Teller.)*

Pairs

Ayes	Noes
Hon. R. H. C. Stubbs	Hon. J. M. Thomson
Hon. D. P. Dellar	Hon. S. T. J. Thompson

Majority against—2.

Amendment thus negatived.

The Hon. R. THOMPSON: I move an amendment—

> Page 27, lines 34 to 36—Delete the passage "(i) the worker is taking part in a strike; or (ii)".

This clause deals with a worker who is taking part in a strike. The only thing a worker has to sell is his labour, and the only way he can claim justice for himself is to withhold his labour when he deems it necessary for him to do that. Therefore why should an employer be able to hold an employee or a group of employees to ransom? Employees are completely shackled by this Bill.

The Hon. A. F. GRIFFITH: When a number of workers are involved in a strike is the time the court should have the power to order them back to work. I may be wrong, but I think it is an accepted principle that if people go on strike, before anything is done about negotiating, they have to go back to work. That can be in the interests of the workers as well as the industry in which they are employed. I think that is the extent of the provision. Once the workers go back to work negotiations can proceed.

The Hon. R. THOMPSON: I have been in a few stoppages and strikes in my day, and most stoppages are caused because a principle or a safety measure is involved. We cannot treat this lightly. We have just passed a new Factories and Shops Bill, and the inspectors appointed under that measure have no powers to institute proceedings in regard to anything they see wrong in a factory. They cannot even ask questions. They can only report to the chief inspector, and if the under-secretary considers action should be taken, just think how long it will take.

If the men at Learmonth went on strike over a safety measure, look how long it would take for the officers to get there. It could take days under certain circumstances. This provision is not just. Men do not go on strike for the sake of going on strike. I have never met anybody who wanted to go on strike. I certainly did not want to go on strike unless I was fighting for a principle or a safety measure. I think the provision is a retrograde step.

The Hon. R. F. HUTCHISON: I have seen this sort of thing happen on the goldmines where men went on strike over the faulty winding on a shaft; and had they not done so they would have lost their lives. I think this amendment should be considered in a humane way, because the person involved in an accident could be anybody's husband, boy, or girl. We have to remember that today factories handle high explosives and deadly chemicals; so the provision in this Bill should be altered. We must remember that this clause covers work of a diverse nature, and it is necessary that safety measures be enforced. Risks are taken every day in small factories, and I think the Government should bend over backwards to protect the lives and limbs of the workers.

The Hon. G. C. MacKINNON: This is the clause by which the commission cannot order any man to work for any particular employer unless he happens to be taking part in a strike, which may be over a safety measure. The commission would probably order the safety measure to be taken and the men would automatically resume work.

The Hon. R. F. Hutchison interjected.

The Hon. G. C. MacKINNON: Would the honourable member make her interjection and get it over with? This section specifies that no man can be made to work for an employer, but if a group of men have gone on strike they can be ordered back to work. They might conceivably be on strike over a safety measure, but in those circumstances I should imagine their wrongs would be righted before they were sent back to work.

The Hon. A. F. GRIFFITH: I think it is presupposed that the commission is going to order people back to work even though they are on strike because of a safety measure. I do not think that any commission is likely to do that. Mr. Garrigan, who is a practical man in the mining world, knows that would not be the case. On every mine there is a workmen's inspector, is there not?

The Hon. J. J. Garrigan: Yes, there is.

The Hon. A. F. GRIFFITH: In addition to the inspector for mines, there are departmental men looking after the workmen's interests.

The Hon. R. F. Hutchison: There are not representatives in a number of factories.

The Hon. A. F. GRIFFITH: The honourable member was talking about mines and the danger to the men employed therein. I have stated in this House previously and I will repeat: People who work underground are entitled to everything they get. They deserve good conditions and good rates of pay because the work is extremely difficult. I have been underground more than once and I have seen the conditions.

However, the workmen elect a representative who is the workmen's inspector. He is there to ensure that conditions are not dangerous. If there are any dangers, that representative points them out to the management, and the district inspector for mines comes into the picture. I do not think it is the lot of any mine owner to jeopardise the health and welfare of his workers.

The Hon. R. F. Hutchison: I have quoted cases which I have seen. I spent my young life in the mining districts.

The Hon. A. F. GRIFFITH: I am replying to the points raised by the honourable member. I do not think it can be presupposed that the commission is going to order people back to work in the face of danger.

The Hon. R. Thompson: We are not dealing with mines only.

The Hon. A. F. GRIFFITH: No. We are dealing with all those who engage in a strike. The commission can send the people back to work and then the matter can be talked about. It is very difficult to discuss a problem when the people are actually on strike.

The Hon. J. J. GARRIGAN: I did not want to enter this argument, but I have been drawn into it. It was only because of this legislation that we had the first strike in the industrial part of the goldfields for 25 years. For once in my life, I agree with Mr. Griffith. In the event of any danger occurring in a mine, there are workmen's inspectors and Government inspectors. After a fatal accident, or even a minor accident, the part of the mine concerned is barred off until it is deemed safe to work there. I repeat· The only industrial trouble we have had for 25 years has been brought about by this legislation.

The Hon. R. F. HUTCHISON: I would like to explain my point. I mentioned the mines because I am familiar with them. What Mr. Garrigan said is true. The miners are strong enough to get legislation to protect them. However, I also want to mention other places like Alcoa and even small factories. I know of an engineering factory where there is a lot of risk taken by the workers. Those are the men I am talking about. I do not think any trouble should be too much to preserve life and limb.

The Hon. R. THOMPSON: My final word is this: Two or three weeks ago workmen employed by Alcoa were ordered back to work by the President of the Arbitration Court. The strike was over a safety measure. It was later proved that the man concerned in the dispute should not have been placed in the particular position. I leave it at that.

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

Ayes—11

Hon. G. Bennetts	Hon. J. D. Teahan
Hon. J. Dolan	Hon. R. Thompson
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. H. C. Strickland
Hon. F. R. H. Lavery	*(Teller.)*

Noes—13

Hon. A. F. Griffith	Hon. R. C. Mattiske
Hon. J. Heitman	Hon. J. Murray
Hon. J. G. Hislop	Hon. H. R. Robinson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. C. R. Abbey
Hon. G. C. MacKinnon	*(Teller.)*

Pairs

Ayes	Noes
Hon. R. H. C. Stubbs	Hon. J. M. Thomson
Hon. D. P. Dellar	Hon. S. T. J. Thompson.

Majority against—2.

Amendment thus negatived.

The Hon. R. THOMPSON: The next amendment is most vital. It deals with the victimisation clause of the Bill. The Bill prescribes that only two types of people can be reinstated by the commission and ordered back to their place of employment. They are a union officer or a member of a society, or someone who is entitled to claim benefits under an industrial award.

About 4 a.m. today, I explained to the House that under this clause people will be victimised. Many cases have come before the court regarding victimisation, and in the majority of cases the worker, or employee, has had to be re-employed. The case I explained last night—or rather this morning—was about a girl who was disliked by a forewoman. The girl got the sack. We took the case to court and the magistrate ordered her back to her job. He also ordered that the Fremantle Hospital should pay her wages for the lost time. That was a genuine case of victimisation. Therefore, I move the following amendment:—

> Page 28—Insert after subparagraph (ii) in lines 12 to 23 the following new subparagraph:—
>
> (iii) the worker has been or is being victimised by the employer.

That will safeguard the position. If this was the only amendment to be placed in the Bill by the Labor members it would be a just one and should be considered by the Government. The Government has illustrated, through 55 clauses up to date, that it does not intend to accept any Opposition amendments. However, I think second thoughts should be given to this particular amendment.

The Hon. H. K. WATSON: I would suggest to Mr. Thompson that whatever may be the purpose behind his proposed amendment, this is not the proper place for it. Proposed subsection (2) declares what the commission shall not do. That is the

prime object of the clause. There may be room for the amendment in some other clause, but I suggest it is quite out of place here.

The Hon. R. Thompson: I maintain that the amendment is being inserted in the correct place.

The Hon. E. M. HEENAN: I do not think there is any question that if the amendment is as meritorious as it is considered to be, this is the correct place for it to be inserted.

The Hon. H. K. Watson: Yes; I was looking at (c) instead of (d).

The Hon. E. M. HEENAN: We are asking that the court be empowered to re-employ a worker in certain instances, and the first instance is where the employer is taking part in a lock-out. That is surely correct and proper. Again, if an employer has dismissed a worker because he belongs to a union, or because he is taking part in certain union activities, the court can order the employer to re-employ the worker. That is fair and reasonable.

Mr. Thompson wants to go a little further and in those cases where it is established to the court's satisfaction that a worker has been victimised by his employer, give the court power to order the employer to re-employ the worker. That is eminently fair, and is an amendment to which the Committee should agree. There will be a heavy onus on the worker to establish to the court's satisfaction that he has been victimised. He will only be able to do that if he has been genuinely victimised by an employer. If he does so satisfy the court, it should be empowered to order the employer to re-employ the worker. This is one amendment which the Committee should accept.

The Hon. G. BENNETTS: Only three months ago I heard of a similar case, which involved a large company. The manager of this company is quite unapproachable, and the shift bosses under him know that they can act like pigs towards the workers because any worker that is victimised has no possible chance of gaining access to the manager. In this case it was a question of pure victimisation. If a worker is victimised by any shift boss, he can approach the boss above him and the shift boss and the worker are brought before the manager for the case to be considered.

The case I am citing was going to be taken to the court by one of the mining unions as a test case, but eventually it was decided that even if the worker were re-instated he would never be able to live it down under the management of that company. Such cases of victimisation can happen in any company. Often a worker who refuses to pay his union dues is, as a result of scabbing and crawling to the boss, often made a shift boss; and it sometimes happens that he has a snout on the workers. It is in such instances that cases of vicitimisation occur.

The Hon. A. F. GRIFFITH: I would suggest to Mr. Thompson that he give me further time to examine the amendment more closely, and if he agrees I will move that the consideration of this clause be postponed until a later stage of the sitting. I therefore move—

That further consideration of the clause be postponed.

Motion put and passed.

Clause 56: Section 61B added—

The Hon. R. THOMPSON: Yesterday evening we heard Mr. Wise give an extremely fine exposition of conscientious objectors and conscientious believers, and this is the clause which distinctly departs from the provision in the principal Act. This clause, if agreed to, will leave it open for any union hater to attack a union. Under this Bill he could be classed as a conscientious objector. The clause provides that he will contribute the same amount to Consolidated Revenue as he would to the union in union dues. I do not think this is a fair and reasonable proposal.

Any worker in an industry, under the award governing it, will receive and enjoy the benefits which have been fought for by the union and obtained by it after the expenditure of thousands of pounds. Yet such a worker can apply to the registrar to refrain from contributing to union funds. I do not know whether this clause was placed in the Bill because of the old conception that all unionists contributed to the funds of the Australian Labor Party. It should have been realised that the present structure of the Australian Labor Party has been completely changed by the industrial wing being divorced from the political wing. If that were the reason for the introduction of this clause, it has been introduced on wrong premises, because there are now two separately controlled organisations and there is no need for this clause.

Even on the question of dealing with a person holding religious beliefs, there is no reason why a worker should not belong to a trade union. He is quite prepared to enjoy the fruits of the hard work and endeavour which a union has made to obtain the good conditions under which he works, and yet he is not obliged to contribute to the union's funds if he is granted relief by the registrar. I oppose the clause.

The Hon. G. BENNETTS: There is another aspect associated with this clause. Let us assume that a worker with a wife and five or six children refuses to pay the union fees while still enjoying the conditions and privileges obtained for him under the mining award. If he is injured, or he is killed on the mine, he will expect

the union to fight for his rights or support any claim for compensation that he makes, or to fight for the rights of his dependants.

At one time a scab union of workers was formed in Coolgardie, through a provision similar to the one we are discussing. Some workers did not want to join the A.W.U., and they formed their own union. Many strikes and fights followed, and even today some of the members of that scab union, who are as old as I am, are discredited. They are still referred to as the Coolgardie scabs.

If industrial unions have to fight for the conditions of workers, and for benefits for their dependants should they be killed in accidents at work, then they should make contributions to their unions. I experienced a lot of trouble when I was secretary of a Commonwealth Railways union, in getting the workers to pay their union dues. Yet on every occasion when they were required to work over the allotted time, or to work when they should be off duty, they came to me for assistance, but some of those workers were too mean to subscribe to their union.

The Hon. A. F. GRIFFITH: This provision enables a worker to obtain a certificate of exemption from union membership if he has a genuine conscientious objection to belonging to a union. Some time ago I took up a case in this House concerning a worker who refused any longer to join his union. I did not know him personally; he was referred to me by other electors. I was told that this person had taken unto himself a conscientious belief and had joined a religious order. From that time his conscience would not allow him to remain a member of the union.

I found it difficult to understand such an attitude of mind, especially in the case of this person who had been employed for 14 years as a warder in Fremantle Gaol. I understand he had been a member of the union up till that time. Because the award conferred preference to unionists, and he had to be a member of the union before he could be employed, the Government of the day sacked him. He lost not only his job, but also his superannuation benefits and the long service leave due to him. This person was advancing in age.

The Hon. F. R. H. Lavery: He was 55 at the time.

The Hon. A. F. GRIFFITH: He was at an age when jobs were difficult to find. This clause has been taken from the New South Wales legislation where apparently it has not had the adverse effect on industrial unions, that some people claim it will have in Western Australia. Although there is no provision made in the legislation of Western Australia to cover conscientious objectors, this is not a new concept. The preference to unionists clause has been inserted in not too many awards. Under the standard clause the registrar can grant exemption not merely on grounds of conscientious belief, as has been implied by some people, but also on grounds which the registrar deems sufficient. It is suggested that the matter should not be left to the whim of the registrar, and that the person concerned should be able to make application to obtain a certificate of exemption.

The Hon. J. G. HISLOP: The unions should make a gesture and accept this provision. It is a form of human behaviour which is difficult to understand; but sometimes conscientious belief becomes very fixed in the mind of a person, to the extent of injuring his health.

I understand that Mr. Wise has said that the Australian Medical Association would not stand for such a provision being in its constitution. We have quite a number of medical practitioners who are not members of that organisation, and we have to accept the position. In relation to the overall membership the number is not great, but there is no prohibition on them to practise as medical practitioners, and they are registered by the Medical Board. On occasions some of them drft back to the association.

Through a quip in their mental makeup, through a feeling of rejection by society, through an inferiority complex, through a disbelief in any type of compulsion, these people develop a peculiar mental attitude, and they hold conscientious objections. To take action against these people would only make it more difficult for them to be accepted by society. If they lose their employment they will find it difficult to obtain other jobs. The loss of their membership to the trade unions will not amount to very much financially.

In Australia in recent years we have had a class of people known as migrants, and some of them have deep objections to becoming members of unions. Largely that is based on their fear of what happened to them in their countries of origin during the last World War. I have encountered about half a dozen of such types in the last year or so, and I found it was very difficult to convince them that they should join a union.

With a little tact on the part of union organisers it could be pointed out to those individuals that there would be advantages in joining trade unions. They could be persuaded to look at this question in a different light. I feel sorry for migrants who do not join trade unions.

I recall one case concerning a migrant who did not join a trade union. He was working for a firm in this city and he was involved in an accident caused by an explosion at work. He was told by the doctor subsequently that there was nothing wrong

with him, and that he could return to work. He was not prepared to return to work. A good deal of medical work had to be done on him, but his command of English was very poor and it was difficult to make him understand that had he joined a union he would have been able to obtain the services of the union secretary to look after him in his distress. We were not able to persuade him to join a union when he was undergoing treatment, because by that time he did not have any money and was living on unemployment relief.

Such people in their countries of origin have a prejudice against compulsion and against joining unions. They feel that if they joined a union there would be a degree of compulsion which would govern their lives. In particular the Albanians come within this group. Many of them seem to have a definite objection to joining unions. This trait is also found in some Italians, and I remember seeing it in a Yugoslav who had migrated to this country.

The Hon. R. THOMPSON: Migrants, when they come to this country, should observe our ways of life. They should make sure that Australia was the country of their choice before they came. It is part of our way of life for trade unionism to be recognised.

I refer to another group of people who have religious objections to blood transfusions, but it has been found necessary to pass legislation to prevent them from stopping their children from receiving blood transfusions. It has been found necessary to legislate for the saving of the lives of children. Migrants will have to accept that legislation, and they should similarly accept the way of life of this country.

They should be prepared to become members of trade unions. It does not behove Parliament to write provisions into Acts so that people can be told they can come into the country and enjoy, without being prepared to make their contribution to the union, the fruits of our industrial conditions that have been won by the workers. I have been approached on numerous occasions and I get disgusted from time to time. These people will not pay their union fees, but immediately an employer underpays, they come running to a Labor member of Parliament.

The Hon. F. R. H. Lavery: How fast they come, too!

The Hon. R. THOMPSON: That is true. We have to put up an argument against our own principles. These people flout every obligation, but the moment the employer does something wrong they come and ask us to get their money for them. They do not have their union protection.

The Hon. J. G. Hislop: They are not likely to get it under this clause.

The Hon. R. THOMPSON: They will, because they will run to us, when really the battle is the prerogative of the union. I certainly hope the Committee will not agree to this clause.

The Hon. F. R. H. LAVERY: I have a great respect for the religious opinions of other people, as long as they do not try to influence me. Unions have fought for preference to unionists for years. Perhaps they have fought for that more than anything else. Some members have said that this provision will not be affected under this Bill; but, of course, we know that is not correct.

I would not object at all myself, and I do not think the union to which I belong and of which I have spoken often—the Transport Workers' Union—would object to a religious conscientious objector. However, religion is not always the real objection. I mentioned last night the case of Mr. Sapelli, and there are many others like him. He caused an upheaval in the milk industry—an industry which we cannot afford to have stopped for one day or one hour.

This provision has not been included before, and is not in any other Act as far as I am aware, except in the legislation dealing with enlistment in the services.

The Hon. R. Thompson: That only deals with conscientious objectors on religious grounds.

The Hon. F. R. H. LAVERY: That is so. That is not the case with this particular clause in the Bill. As I have said, I do not object to the religious objector, but I strongly object to the inclusion in the proposed new subsection (1) of the words "are or are not of a religious character". The words "are not" are the ones to which I particularly take exception. I would respectfully ask all members to at least give us this. We have been pleading; we have been on our bended knees; we have done everything; we have lost our tempers and then kissed the Blarney stone; but we have not been conceded one point. That is not strictly true. The Minister has said that he will postpone one clause to give it further consideration.

The Hon. G. Bennetts: Don't think I have been on my knees pleading!

The Hon. F. R. H. LAVERY: We have been on our knees in principle. We have pleaded with the Government to allow us some amendments to this legislation. In the course of those pleadings there has been some unseemly behaviour and some very tense and terse moments as when my leader spoke before the tea suspension.

No person should be permitted to refrain from joining a union merely because he does not want to belong to it. Why, Mr. MacKinnon who is a Liberal member in this House, has been a member of a union, and a financial member. He was proud to say so. Of course he would be. No decent citizen would object to

being a financial member of a union. Under proposed new subsection (4), the fee paid by a member who does not want to join a union will be placed in Consolidated Revenue. The Government is not going to let a man get away without paying his just dues, but merely with joining the union, and the money will be placed in Consolidated Revenue.

I leave it at that. I believe the inclusion of a provision like this will make the third piece of history in this Chamber this week.

The Hon. E. M. HEENAN: I think there is a great deal of merit in the argument advanced by Mr. Lavery. This clause is a fairly lengthy one, and, in my opinion, is one which could be wisely left out. It did not previously exist. We have had cited a case which many of us remember; but there is a maxim in law which states that hard luck cases make bad law. Most of us will agree that that was an unfortunate case, but to legislate for such a case would be dangerous.

The lack of desire to join unions is something which is faced all the time. Dr. Hislop stated that the B.M.A. experienced it. So does the Law Society. There are just a few who will not pay although they expect all the benefits which derive from the respective organisations. In a few instances their objections are worthy, but the minor number which would be catered for does not justify the inclusion of the provision, because it leaves the way wide open for the unscrupulous. History has demonstrated that we have got on quite all right without these provisions. The unions are against the clause because they fear it will open the door, as I believe it may, to unworthy applications.

I am sure the Government does not intend this, but it could be the thin end of the wedge which could damage a principle that unionists hold very dear. That, I think, is one of the weaknesses. The Government has altered the whole system because of its policy, and to play around with a relatively minor matter such as this, and create ill-feeling and doubt in the minds of the community, is unwise and unjustifiable.

I do not really think it is worth fighting over from the Government's put of view. If it were to concede the point and the views that are generally held by unionists, I think it would be applauded, and its *bona fides* realised. I would like to see the Minister postpone this clause and give it second thoughts.

The Hon. J. J. GARRIGAN: I, too, hope that the Minister will not proceed with this clause. I make no excuses for conscientious objectors. Those who pay their union dues should not have to pay for benefits for those who do not pay their dues. In the event of an accident the conscientious objector, who does not pay his dues, gets the same benefits as the man who does pay his dues. Therefore it is not fair that the unions should have to fight their cases unless they pay their union dues.

We could reach the stage where 99 per cent. of the unionists had religious beliefs, or were conscientious objectors of some sort or another. If a person is a conscientious objector, and he has an accident, and the union will not fight his case, the only people who will lose will be the medical people. I have no sympathy for conscientious objectors, and I only hope the Minister will allow the clause to be defeated.

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

Ayes—13

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. A. F. Griffith	Hon. J. Murray
Hon. J. Heitman	Hon. H. R. Robinson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. N. E. Baxter
Hon. G. C. MacKinnon	*(Teller.)*

Noes—11

Hon. G. Bennetts	Hon. J. D. Teahan
Hon. J. Dolan	Hon. R. Thompson
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. R. F. Hutchison
Hon. H. C. Strickland	*(Teller.)*

Pairs

Ayes	Noes
Hon. J. M. Thomson	Hon. R. H. C. Stubbs
Hon. S. T. J. Thompson	Hon. D. P. Dellar

Majority for—2.

Clause thus passed.

Clause 57: Section 61C added—

The Hon. H. K. WATSON: In this clause, on page 30, the Factories and Shops Act is referred to as the "Factories and Shops Act, 1904". We have just passed a Factories and Shops Act which, certainly has not been assented to, but it has occurred to me that we should have 1963 after it instead of 1904.

The Hon. A. F. GRIFFITH: I think the Interpretation Act would cover a situation like this, otherwise we would be introducing amendments to all sorts of Acts every time this sort of thing happened.

The Hon. R. Thompson: This is a starting-off point.

The Hon. A. F. GRIFFITH: I am sure it is.

Clause put and passed.

Clauses 58 to 60 put and passed.

Clause 61: Section 65 amended—

The Hon. R. THOMPSON: This clause gives the Minister the right to intervene in order to safeguard the public interest. Section 68 of the principal Act gives the Minister the right to intervene, but that has been mainly concerned with the Railways Department, and little intervention has taken place over the years. Under the Bill where, in the opinion of the Minister, the terms of an agreement adversely

affect the public interest, or are likely to do so, he can intervene in any proceedings before the commission.

This is a complete departure. Our arbitration system has been built up on conciliation. That has always been the starting point with most new industries in Western Australia over the last 40 or 50 years. It is because of agreement between employers and employees that many of our Acts of Parliament are at present on the Statute book.

A few years ago, when there was a labour shortage in Western Australia, on many occasions over-award payments, site allowances, and special margins were offered to workers. But if a union or an organisation made such an agreement, and took it to the commissioner, under this provision in the Bill the Minister could intervene, and such intervention could nullify or declare void any such agreement.

The Hon. A. F. Griffith: If it was in the interests of the public purse.

The Hon. R. THOMPSON: It is not the interests of the public purse at all. It was originally put into the principal Act to safeguard Government instrumentalities. I am too young to know of this personally, but I am told that at one stage people were leaving Government employment because of a condition such as this, and because outside employers were acting to the detriment of the Government by offering inducements to workers to work for them.

That is what I am told, but I cannot vouch for the truth of it. The Minister says this is for the benefit of the public purse.

The Hon. A. F. Griffith: I am sorry. I made the remark to my colleague; I did not interject.

The Hon. R. THOMPSON: It is not really for the public purse, it is for the workers remaining in public employment. On second thoughts, I suppose it could be said that it is to protect the public purse. But this provision is tantamount to political interference, and this will seriously upset the employer-employee relationship that has been established over the years. Once it is written into the Act it will have to be complied with, and it could be detrimental to the workers. It might not be so right away, but it could be detrimental in time to come. I think political interference in matters of this kind is quite wrong. I move an amendment—

> Page 33, lines 1 to 18—Delete subsection (4).

The Hon. A. F. GRIFFITH: This subsection enables the Minister to oppose the making of a consent award either by way of intervention before the Commission, or by appeal to the Commission in court session. Mr. Thompson suggested that its purpose was not to protect the public purse.

The Hon. R. Thompson: I said that it could be argued that it was.

The Hon. A. F. GRIFFITH: The honurable member is then on my side.

The Hon. R. Thompson: I am not on your side.

The Hon. A. F. GRIFFITH: We are in agreement that the public purse could be affected. It is not unreasonable for the Minister to protect the public purse. The provision is designed to ensure that the public purse is protected against irresponsible arrangements entered into by contractors who know they do not have to foot the bill. In fact the public purse has to foot the bill. As long as the responsibility is not theirs, the contractors are prepared to enter into consent arrangements for which they do not pay. The necessity for this arose in regard to long-term Government contracts, by which the contract price is adjustable as a result of increases in wages guaranteed under an award of an arbitration tribunal.

The Hon. R. Thompson: This will be actually brought about by Kununurra. The Minister referred to that in the newspaper article.

The Hon. A. F. GRIFFITH: I would not make a contradiction, or an admission, on that point. I have merely said what could happen.

Amendment put and negatived.

Clause put and passed.

Clauses 62 to 81 put and passed.

Clause 82: Section 86 repealed and section substituted—

The Hon. A. F. GRIFFITH: I move an amendment—

> Page 43, line 17—Delete the passage, "exemption from,".

This was one of the amendments which the Minister for Labour informed the Trades and Labor Council he would include in the Bill. It was not possible to include it in another place, because of the circumstances that existed. There were about eight or nine arrangements arrived at on the basis of a conference between the Minister, his department, and the Trades and Labor Council. Most of the amendments were included in another place, but it was not possible to include the one I have just moved.

The Hon. R. THOMPSON: It will not be my intention to offer any objection to this amendment. We have been attempting for some six and a half hours to have some amendments included in the Bill. So I will heartily agree with anything that is taken out of it.

Amendment put and passed.

The Hon. A. F. GRIFFITH: I move an amendment.

Page 43, lines 20 and 21—Delete paragraph (a).

Amendment put and passed.

The Hon. R. THOMPSON: I move an amendment—

Page 43, line 35—Insert after the word "application" the words "providing that no such application may be made after six months have elapsed since such award was made."

According to the provision in the Bill, there is no time limit in which an employer can apply. It could be three years or five years after an award is made. He is not concerned about the award, then all of a sudden he says, "I was not a party to this award so I think it should be varied in my favour." He can then make application. The amendment I propose will place a limit of six months after an award is made. I think that is fair and reasonable, because workers can only make a claim for underpaid wages retrospectively for 12 months. I see no real reason why an employer should have the right to vary an award after an award has been made.

The Hon. A. F. GRIFFITH: Many employers do not know that an award has been issued until they receive a visit from the union organiser; and if this visit occurred at a period which was longer than the six months existence of the award, then the employer would not be able to do anything about it at all. This could be harsh on an employer who had only recently started in business. He may be in a situation where he knows nothing about an award, the six months have elapsed, and he cannot do anything about it.

The Hon. R. THOMPSON: I would be prepared to extend the period to 12 months, because the Minister has raised the point that this will have to act fairly for both the employer and the employee. If we agree to the 12 months' provision in regard to the back pay of employees, then it is fair enough to provide for 12 months in the case where an employer does not know an award exists. We cannot have it both ways, and I think there should be a limitation of 12 months.

The Hon. A. F. Griffith: Will you give me time to think about this?

The Hon. R. THOMPSON: Yes.

The Hon. A. F. GRIFFITH: I move—

That further consideration of the clause be postponed.

Motion put and passed.

Clauses 83 to 96 put and passed.

Clause 97: Section 99 repealed and section substituted—

The Hon. R. THOMPSON: Since clause 82 has been postponed I am wondering whether the Minister would postpone consideration of this clause until a determination has been made on the other clause.

The Hon. A. F. GRIFFITH: I move—

That the clause be postponed.

Motion put and passed.

Clauses 98 to 118 put and passed.

Clause 119: Section 129 amended—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 60, line 32—Insert after the word "employer" the words "or is due to the inability of the apprentice to attend to his duties at any time during the term of his apprenticeship, whether on account of illness or other lawful reason."

This is one of the amendments about which an undertaking was given that it would be moved in this Chamber. I take it that it will be acceptable.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 120 to 156 put and passed.

Postponed clause 6: Section 4A added—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 3, line 34—Insert after subsection (2) the following new subsection:—

(3) Where the hearing of any application, matter or thing, other than an appeal—

(a) has not been commenced before the date referred to in subsection (1) of this section, the application, matter or thing shall be heard and determined by the appropriate authority under the provisions of this Act as those provisions exist after that date; or

(b) has been commenced before that date, the application, matter or thing shall be heard and determined under the provisions of this Act as those provisions existed immediately before that date.

This clause deals with the question of existing applications other than appeals. It is thought that this amendment will make the situation clearer.

The Hon. R. Thompson: We are in agreement with it.

Amendment put and passed.

Posponed clause, as amended, put and passed.

Sitting suspended from 10.22 to 11.10 p.m.

Postponed clause 55: Section 61 repealed and section substituted—

The CHAIRMAN (The Hon. N. E. Baxter): The clause was postponed after The Hon. R. Thompson had moved the following amendment:—

Page 28—Insert after subparagraph (ii) in lines 12 to 23 the following new subparagraph:—

(iii) the worker has been or is being victimised by the employer.

The Hon. A. F. GRIFFITH: I suggested to Mr. Ron Thompson that we should postpone this clause to see whether or not the amendment he suggested, could, in fact be accepted. I said that quite genuinely because I do appreciate circumstances in which victimisation may take place. However, it is difficult to know what Mr. Thompson means by victimisation in an industrial sense. There are many reasons why a worker may be dismissed, including slovenly work, inefficient work, insubordination, etc. In such circumstances, it could not be maintained that the worker was victimised. Whilst I am not unsympathetic, there is a difficulty with the use of the word victimisation. What does it mean in its broadest sense?

The Hon. R. Thompson: It is the hardest thing in the world to prove, I know.

The Hon. A. F. GRIFFITH: Yes.

The Hon. R. Thompson: Perhaps I should have used the words "wrongfully dismissed", or something like that.

The Hon. A. F. GRIFFITH: I think that is already covered, but the same difficulty would arise. I have honestly tried to co-operate with the honourable member, but I cannot, I am sorry, agree to the amendment.

The Hon. R. THOMPSON: I have dealt previously at length with this clause and my amendment. I think I have given sufficient reasons why an amendment of this nature is desirable. However, I do not want to cover the whole ground again because I think it would be useless to do so. I want to make the point that I realise that victimisation against an employee is the hardest thing in the world on which to win a case. As the Minister said, it is difficult to define victimisation. I hope the Minister will agree to the amendment in the hope that within the next eight or nine months a more suitable amendment can be framed. However, I think the safeguard should be put in the Bill to protect people like the little girl at the hospital whom I mentioned. I am sure there would not be many cases, but this would be a safeguard to cover the few that there might be.

The Hon. A. F. GRIFFITH: I will use the honourable member's own argument and say to him that if there will be few cases of victimisation, then the amendment will not be of great value. I will put the case in reverse and say to him that if a more satisfactory amendment can be found, and which is acceptable to both sides, I am sure it will be accepted by the Minister in another place.

The Hon. R. C. MATTISKE: Section 61 as it is in the Act did not have the provision the honourable member seeks to insert by his amendment, and that section seems to have worked satisfactorily so far. The section, as it has been rewritten in clause 55, is a great improvement on the old section in the Act; and I agree with what the Minister had to say about an amendment being made if it is found necessary.

Amendment put and negatived.

Postponed clause put and passed.

Postponed clause 82: Section 86 repealed and section substituted—

The CHAIRMAN (The Hon. N. E. Baxter): The clause was postponed after The Hon. R. Thompson had moved the following amendment:—

Page 43, line 35—Insert after the word "application" the words "providing that no such application may be made after six months have elapsed since such award was made."

The Hon. A. F. GRIFFITH: I have had a look at Mr. Thompson's amendment, but I make this suggestion to him: That he withdraw his amendment and at the end of line 35 after the word "application" add the following words:—

but no such application may be made after a period of 12 months has elapsed—

(a) since that award was made; or

(b) since that employer became bound by that award.

I suggest the inclusion of the last paragraph because it will give some protection to a man who just starts out in a new industry and who may be unaware of award conditions.

The Hon. R. THOMPSON: I agree with the Minister's suggestion. It brings the clause very much into line with what I proposed in my amendment. I ask leave of the Committee to withdraw my amendment.

Amendment, by leave, withdrawn.

The Hon. R. THOMPSON: I move an amendment—

Page 43, line 35—Insert after the word "application" the following passage:—

but no such application may be made after a period of twelve months has elapsed—

(a) since that award was made; or

(b) since that employer became bound by that award.

Amendment put and passed.

Postponed clause, as amended, put and passed.

Postponed clause 97: Section 99 repealed and section substituted—

The Hon. R. THOMPSON: I oppose this clause in its entirety. Much has been said about it before, and I do not intend to delay the Committee by discussing it any further. I will simply vote against it.

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

Ayes—13

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. A. F. Griffith	Hon. R. C. Mattiske
Hon. J. Heitman	Hon. J. Murray
Hon. J. G. Hislop	Hon. H. R. Robinson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	*(Teller)*

Noes—11

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. J. Dolan	Hon. R. Thompson
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchinson	Hon. J. D. Teahan
Hon. F. R. H. Lavery	*(Teller)*

Pairs

Ayes	Noes
Hon. J. M. Thomson	Hon. R. H. C. Stubbs
Hon. S. T. J. Thompson	Hon. D. P. Dellar

Majority for—2.

Postponed clause thus passed.

Title put and passed.

Bill reported with amendments.

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [11.30 p.m.]: I move—

That the report be adopted.

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

Ayes—14

Hon. C. R. Abbey	Hon. A. L. Loton
Hon. N. E. Baxter	Hon. G. C. MacKinnon
Hon. A. F. Griffith	Hon. R. C. Mattiske
Hon. J. Heitman	Hon. H. R. Robinson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. Murray *(Teller)*

Noes—11

Hon. G. Bennetts	Hon. J. D. Teahan
Hon. J. Dolan	Hon. R. Thompson
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchinson	Hon. H. C. Strickland
Hon. F. R. H. Lavery	*(Teller)*

Pairs

Ayes	Noes
Hon. J. M. Thomson	Hon. R. H. C. Stubbs
Hon. S. T. J. Thompson	Hon. D. P. Dellar

Majority for—3.

Question thus passed.

Report adopted.

Third Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [11.33 p.m.]: I move—

That the Bill be now read a third time.

THE HON. R. F. H. LAVERY (West) [11.34 p.m.]: Before this Bill is read a third time I would like to say a few words in case somebody has not heard me speak on the measure before. In the many years of experience I have had in the industrial world in Western Australia since 1915, I have been associated with many disputes. I have been associated with many union worries and troubles; I have been associated with many employers who have always attempted to do the right thing by their staffs; and I have been associated with one or two employers who were not worthy of the name of employer.

I think I would be lacking in my duty if, for, and on behalf of, all the people we represent, I did not pay a tribute to the members of the Labor Party in the Legislative Assembly for the wonderful effort they made on this Bill on behalf of the workers of this State. We have in our Chamber one of the leading statesmen of this State, whose monuments are spread from Darwin to Esperance. I refer, of course, to Mr. Wise. I wish it to be recorded that we, of the Labor Party, are very proud of the leadership he has given us throughout this fight we have made for, and on behalf of, the workers of this State, against a strong though subdued Government which had no intention of easing one bit.

I want to make it clear that I am not a very happy member of Parliament tonight. I have heard it so often said that a House of review is where Bills receive fair and unbiassed treatment. That has not occurred on this Bill, and I am disgusted.

The PRESIDENT (The Hon. L. C. Diver): Order! The honourable member cannot cast a reflection on the decisions of this House.

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

Ayes—14

Hon. C. R. Abbey	Hon. A. L. Loton
Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. A. F. Griffith	Hon. J. Murray
Hon. J. Heitman	Hon. H. R. Robinson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. G. C. MacKinnon *(Teller)*

Noes—11

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. J. Dolan	Hon. R. Thompson
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchinson	Hon. J. D. Teahan
Hon. F. R. H. Lavery	*(Teller)*

Pairs

Ayes	Noes
Hon. J. M. Thomson	Hon. R. H. C. Stubbs
Hon. S. T. J. Thompson	Hon. D. P. Dellar

Majority for—3.

Question thus passed.

Bill read a third time and returned to the Assembly with amendments.

CONVICTED INEBRIATES' REHABILITATION BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

TAXI-CARS (CO-ORDINATION AND CONTROL) BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 1 to 3 and 6 to 12 made by the Council, had agreed to No. 4 subject to an amendment, and had agreed to No. 5 subject to an amendment being made to clause 7 of the Bill.

ELECTORAL DISTRICTS ACT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

MIDLAND RAILWAY COMPANY OF WESTERN AUSTRALIA LIMITED ACQUISITION AGREEMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [11.44 p.m.]: I move—

That the House at its rising adjourn until 2.30 p.m. Tuesday, the 3rd December.

Question put and passed.

House adjourned at 11.45 p.m.

Legislative Assembly

Thursday, the 28th November, 1963

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