

amendments Nos. 1 and 3 the Assembly made a further amendment by omitting Clause 4, in which further amendment it desired the concurrence of the Council.

*House adjourned at 7:38 p.m.*

## Legislative Assembly,

*Friday, 11th September, 1914.*

Papers presented	Page
Bills: Postponement of Debts, Council's	1287
Message	1287, 1289
Industrial Arbitration Act Amendment, Council's amendments	1288

The DEPUTY SPEAKER took the Chair at 3.30 p.m., and read prayers.

### PAPERS PRESENTED.

By the Hon. W. C. Angwin (Honorary Minister):—1, Regulations under the Game Act, 1912-13. 2, By-law of the Weston Local Board of Health.

### BILL—POSTPONEMENT OF DEBTS.

#### *Council's Message.*

A Message having been received from the Council notifying that it did not insist on its amendments Nos. 2 and 3, but insisted on amendments Nos. 4, 5, 6, and 8; that it agreed to the amendments made by the Assembly in the Council's amendments Nos. 1 and 7, but disagreed to the Assembly's amendment in amendment No. 9, the reasons for the same were now considered.

#### *In Committee.*

Mr. Price in the Chair; the Premier in charge of the Bill.

The PREMIER: Each of the amendments upon which the Council insists deal with the constitution of the court for hearing appeals against the postponement of debts. One of the objects we had in view in permitting the Governor-in-Council to appoint any person to hear the appeals was to prevent too much publicity being given to such matters. The local court procedure would mean publicity to all these matters.

Hon. Frank Wilson: Not necessarily.

The PREMIER: Yes, the courts sit publicly and the Press are entitled to comment on the proceedings. While a creditor might know that a man is not in a position to make payment, he might, in order to annoy the debtor, compel him to go to the court and declare his position, which would probably injure him considerably in his business and other affairs. The commission would have adjusted it without any publicity. In view of the fact that we are forced into the position of accepting the amendment, laying the Bill aside or asking for a conference, I propose to ask for a conference, and I hope to be able to make this point clear enough to ensure that while adhering to the establishment of courts, we will be able to provide for them sitting in camera.

Hon. Frank Wilson: Cannot they do that now?

The PREMIER: No, but even if they can there should be some direction. In some cases the costs of hearing might prove as heavy as the debt, but I hope we shall be able to avoid such expense. Under Clause 5 the Governor may make regulations, and we propose to ask conference to agree to add that these regulations shall provide that the court may in its discretion direct that any legal practitioner shall not appear or be heard and that no court fees shall be payable and that the proceedings of the court shall be in camera. I move—

*That a conference be requested with the Legislative Council on the Postponement of Debts Bill and that at such conference the managers consist of three members.*

Hon. FRANK WILSON: I do not think anyone can take any exception to the amendment, but I am rather doubtful whether the court would not have all the powers that the Premier is asking for at the present moment. What position would we be in if the Legislative Council agreed to the additional amendment? Are we in order? Are we not risking the loss of the Bill?

The ATTORNEY GENERAL: The matter might be met by saying that all these applications should be considered Chamber matters, and preventing them from thus going into open court. There may, however, be matters behind these questions which would render it necessary for them to be heard in open court.

Hon. Frank Wilson: The Legislative Council have insisted upon certain amendments, and we are now going to ask them for a conference on other amendments.

The ATTORNEY GENERAL: We could send a message to the Legislative Council saying that we no longer disagree, that we merely desire to add certain words to one of their amendments.

Hon. Frank Wilson: Can they reconsider the Bill then?

The ATTORNEY GENERAL: They can reconsider that particular clause.

Hon. Frank Wilson: I think there is a danger, and we ought to be clear in the matter.

Question passed.

The PREMIER: I move—

*That the managers to represent the Legislative Assembly be the Premier, the Hon. T. H. Bath, and the Hon. Frank Wilson.*

Question passed.

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

## BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

### *Council's Amendments.*

Schedule of four amendments made by the Legislative Council now considered.

### *In Committee.*

Mr. Price in the Chair; the Premier in charge of the Bill.

No. 1. Clause 2, Subclause (2).—Strike out the words from the beginning of the subclause to the word "Commissioners," inclusive, in lines 2 and 3, and insert "the Court of Arbitration:"

The PREMIER: I move—

*That the amendment be amended by adding the following words:—"and insert after 'award' in line 4 of the subclause the words 'and without the necessary observance of the ordinary form of procedure.'"*

The object of the amendment is to provide that while the court may adjust these matters, they will not require to use the ordinary procedure which is necessary now, such as notices, meetings, and so on.

Question passed, the Council's amendment as amended agreed to.

No. 2. Clause 2. Subclause (2), lines 4 and 5.—Strike out the word "Commissioners" in two places, and insert "Court":

The PREMIER: I move—

*That the amendment be agreed to.*

Question passed, the Council's amendment agreed to.

No. 3.—Strike out this clause:

The PREMIER: This clause is essential. Where there is no award or agreement in existence the employer can dictate terms, therefore it is essential. I move—

*That the amendment be amended by omitting from the amendment the words "Strike out" and inserting the word "Amend" in lieu thereof; and by adding after the word "clause" "by striking out the words "Commissioners" wherever appearing and inserting "Court of Arbitration" in lieu thereof; by omitting the words "may exercise the powers conferred on a Royal Commission by the Royal Commissioners' Powers Act, 1902. and its amendments" in lines 6 and 7 of the subclause, and inserting in lieu thereof the words "the ordinary forms of procedure need not be observed"; by strik-*

ing out "they" in line 4 of subclause (7) and inserting "the Court may" in lieu thereof; and by omitting the following words in lines 4, 5, and 6:—"to be recovered in a summary way before any court of summary jurisdiction by any person authorised by the Commissioner to do so."

In asking the Committee to disagree with the Council's amendment, and requesting that the clause be amended in the manner I have suggested, may I point out that unless we do this a large body of workers, perhaps the majority of them unorganised, will have no protection whatever. At a juncture such as this we are entitled to give consideration to unorganised workers. Moreover, a number of unorganised workers are working at the present time without an agreement and, deprived of this clause, they would be compelled to go through all the usual procedure necessary for having a case heard before the court. Under the circumstances, it would be better to allow the court to deal with the matter without all the ordinary procedure. No one can take exception to clothing the Arbitration Court with the power to dispense with ordinary procedure at this juncture and endeavour by conciliation to get an agreement between the employer and his employees, or, failing that, to make an order on the points still remaining in dispute. That is infinitely preferable to leaving those unorganised workers without any protection whatever.

Hon. FRANK WILSON: I do not intend to go over the whole of the ground again. It will be very interesting to see how the Arbitration Court gets along under this proposed provision. It may have a very good effect. I hope it will have. I have no objection to the Arbitration Court taking the place of commissioners to decide these matters and endeavour to bring about a mutual understanding. I am prepared to support the amendment.

Question put and passed.

The PREMIER: There is one other amendment which should be made in view

of the foregoing amendment, but it does not come under the Message and I do not see how we are going to get over that difficulty. Clause 4 provides that the Governor may make regulations, but now that the matter is to be brought under the Arbitration Court it will not be necessary for the Governor to make any regulations, for the court has all the necessary power. Of course, we could still leave the clause in, and there would be no occasion to put it into operation. Really the clause ought to be deleted.

The CHAIRMAN: It may be treated as consequential on the previous amendment.

The PREMIER: Then I move—

*That Clause 4 be struck out.*

Question passed.

No. 4. Clause 5.—Strike out all the words after "until" and insert "the 30th day of June, 1915, but it shall be lawful for the Governor by proclamation published in the *Government Gazette* at any time prior to that date to determine the operation of the Act":

The PREMIER: I move—

*That the amendment be agreed to.*

Question passed; the Council's amendment agreed to.

Resolutions reported, the report adopted, and a Message accordingly transmitted to the Legislative Council.

*Sitting suspended from 4.35 to 5 p.m.*

## BILL—POSTPONEMENT OF DEBTS.

*Conference with Council.*

Message received from the Council notifying that it had agreed to the Assembly's request for a free conference in respect to the Postponement of Debts Bill.

*Sitting suspended from 5.50 to 6.0 p.m.*

*Conference—Managers' Report.*

The PREMIER: I have to report that the Managers appointed by the Legislative Assembly have met the managers appointed by the Legislative Council, and after consideration have unanimously

agreed to recommend that the following be added to Clause 5: "and such regulations may provide that the Court may in its discretion direct that no legal practitioner shall appear or be heard on behalf of any party before the court, and that no court fees shall be payable, and that the proceedings unless otherwise ordered by the court shall be in Chambers."

Report adopted.

*In Committee.*

Mr. Holman in the Chair; the Premier in charge of the Bill.

The PREMIER: I move—

*That the Assembly no longer disagrees with the amendments made by the Legislative Council as contained in Message No. 24.*

Question passed.

The PREMIER: In accordance with the decision arrived at by the managers in conference, I move an amendment—

*That the following words be added to Clause 5:—"and such regulations may provide that the court may in its discretion direct that no legal practitioner shall appear or be heard on behalf of any party before the court and that no court fees shall be payable and that the proceedings unless otherwise ordered by the court shall be in Chambers."*

Amendment passed.

Resolutions reported, the report adopted, and a Message accordingly returned to the Council.

*House adjourned at 6.10 p.m.*

## Legislative Council,

*Tuesday, 15th September, 1914.*

	PAGE
Paper presented ... ..	1290
Question: Treasury accounts ... ..	1290
Income Tax (War Emergency) Bill ...	1291
Bills: East Perth Railway siding, 2n., Com., 3n.	1291
Postponement of Debits, Assembly's message	1293
Industrial Arbitration Act Amendment, Assembly's message, Bill dropped ...	1293
Income Tax (War Emergency) 2n., Bill defeated ... ..	1301
Adjournment, Special ... ..	1357

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

### PAPER PRESENTED.

By the Colonial Secretary: Thirty-eighth annual report of the Department of Land Titles for the financial year 1913-14.

### QUESTION—TREASURY ACCOUNTS.

Hon. W. KINGSMILL asked the Colonial Secretary without notice( )—  
1, What amount, approximately, stands to the credit on the current account of the Western Australian Government with the Associated Banks in Western Australia available at call? 2, Is this amount obtainable in gold. 3, Is it proposed to transfer these accounts to the Commonwealth Bank; and if so, when?

The COLONIAL SECRETARY replied: 1, The amount to the credit of the Colonial Treasurer's accounts with the contracting banks at the close of business on the 12th instant was £331,888. This amount is made up of notes, £120,000, and gold, £211,888. All accounts, with their balances, are to be transferred to the Commonwealth Bank on the 1st October next. It was expected with the gold at the disposal of the Government, and with the assistance of the Commonwealth Government in respect to the note issue, and providing that the Government departments keep to their reduced estimate of expenditure, and there is no falling off of Consolidated Revenue, that the State will be able to provide to the end of the calendar year, namely, the 31st December next,