

protected in the interests of security holders.

Hon. J. Mitchell: What about the poor unfortunate people who have goods under hire?

Mr. Bolton: Never mind the working man.

The ATTORNEY GENERAL: Every-one is unfortunate but the working man. It seems it does not matter what happens to him, he can go without everything, without wages, without home. The man who has a bit of paper that has a stamp on it is the unfortunate individual if he does not realise every penny the paper covers. One has flesh and blood, and the other has stamp and paper and ink, and yet the stamp and paper and ink are of more value than a human life. That is not my way of looking at it. I am going to return to the same principle at the first opportunity, and whether I am on this side or on that side of the House after the next election, I intend to fight for that principle. Under these circumstances I can only move—

That the amendment be agreed to.

Hon. FRANK WILSON: I do not think it is an occasion to go into heroics about what we will do after the general election, but I may be permitted to express my regret that we were unable to get the managers of another place to agree to any compromise suggested on this clause. It is, however, due to them to explain that under bankruptcy law wages are not protected against secured creditors. They have a preferential claim on only the unsecured portion of the debtor's estate. That is to say, a man holding a bill of sale is able to enforce the payment of his claim even before a wages claim; and in regard to the security given for wages on a mining lease, that is on the lease only, and not on the building and plant erected on the lease. It is necessary that this should be explained, because, after all, it is not quite so bad as the Attorney General would possibly infer, judging from his remarks. I agree with him that the wage-earner should have some measure of protection. It is only a moderate measure, and we agreed to it

on this side of the House. The wage-earner has, perforce, to give credit for his labour. He has to follow the usual custom of the industry in which he is employed. Men employed and paid fortnightly, for instance, cannot possibly demand their wages daily or weekly, nor can it be expected that the man seeking work should first ascertain whether there is a bill of sale over the goods and chattels of his proposed employer. Therefore, I say again I regret, with the Attorney General, that we could not come to some compromise on the matter; but I commend him for having accepted the measure, as it has some good features about it which it would be a pity to lose. Another occasion may arise later when the subject can be more fully considered and discussed, and I am convinced that after the elections it will receive very fair consideration at the hands of members of another place who have now thought fit, on a matter of principle, to throw it out.

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

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

House adjourned at 10.5 p.m.

Legislative Council,

Thursday, 10th September, 1914.

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The PRESIDENT took the Chair at 3 p.m., and read prayers.

BILL — BILLS OF SALE ACT AMENDMENT.

Assembly's Message.

Order of the Day read for the consideration of the Message from the Assembly

notifying that it no longer disagreed with amendment No. 7 made by the Council in the Bills of Sale Act Amendment Bill.

President's Ruling.

The PRESIDENT: This Order of the Day is wrongly placed upon the Notice Paper. Message No. 35 was read by me at yesterday's sitting, and it having been read, finality on the Bill had been reached and no discussion or amendment can be allowed. The Message is simply an intimation to the Legislative Council that the two Houses are now in complete agreement on the Bill, and therefore subject to the assent of the Governor, the Bill is now law. The mere fact that the message has been received after an abortive conference between the two Houses, does not in my judgment affect the position in any way. There is nothing in the Standing Orders contrary to this ruling, and there is a precedent in the Minutes of the 16th January, 1904, when the Hon. W. Kingsmill was the leader of the House; where, after a fruitless conference proposed by the Legislative Assembly on the Redistribution Bill, and the Electoral Bill, the Assembly agreed to all the Council's amendments in those Bills, and sent a message to that effect; and so the Bills became law.

BILL—POSTPONEMENT OF DEBTS.

Assembly's Message.

The Assembly, having agreed to amendments Nos. 1, 7, and 9 made by the Council subject to further amendments, and disagreed to amendments Nos. 2, 3, 4, 5, 6, and 8; the reasons for the same were now considered.

In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

No. 2.—Clause 2, line 2: Strike out all the words after "of" down to "Proclamation" in line 6 of the clause, and insert the following:—"any mortgage contracted or agreement entered into before the passing of this Act, or any purchase money (whether the whole or an instalment thereof) under an agreement for the pur-

chase of land, which payment falls due after the passing of this Act":

The COLONIAL SECRETARY: I move—

That the amendment be not insisted on.

The amendment will have the effect of restricting the operations of the measure to one section of the community, namely, those who have given mortgages over their land or purchased land on the time payment system. It is necessary that the Government should have complete powers to extend protection, not only to such people but to all classes of debtors where protection is warranted. Before long many settlers will be in very distressful circumstances and possibly some of their creditors may pounce upon them, demand payment, and practically threaten them with ruin.

Hon. J. J. HOLMES: All parties concerned have very grave doubts regarding the effect of this measure. I suggest that the Bill be dropped for the time being, that the Government appoint a commission to inquire into all phases of the financial problem, and that the commission present their report when Parliament again assembles, so that we will be able to judge whether there is a necessity for a general, or a restricted moratorium. The moral effect of the appointment of a commission would deter business people who may be inclined to take advantage of present conditions from doing so. The moral effect of a general moratorium is what I fear. It is idle to speculate what business people may do in the meantime. If they attempt to realise upon their securities, they will never get full value for their advances. Securities are considerably discounted and it would be absurd for any business man to rush in at present and try to get his money. If he did, the procedure of the court could hold him up for three months, and by that time Parliament would again be in session and we could have the advice of practical men, and their recommendation as to whether there should be a general moratorium, a limited moratorium, or no moratorium at all.

Hon. H. P. COLEBATCH: This amendment really covers the whole sub-

stance of the Bill. The only thing which prevented me from supporting the Government on this phase of the Bill lay in the speeches made by supporters of the Government. We were told that the Bill would be of no use unless it applied to all debts. It is obvious that any proclamation of the kind would have a desperate effect on the trading community. The trouble seems to be that certain members think the business man and employer will exploit the workers and make money out of the present situation. Ninety-five per cent. of the employers in this community will find themselves in extreme difficulties; not one will make a profit, all will make grave losses, and most of them will be glad if they can see the trouble through without a half or three-quarters of their resources depleted. It is most unfair to suggest that the business people will prejudice the interests of the workers. They are the people who will lose rather than the workers. The reason the amendment was moved, and the reason we insisted on a commission was not that we desired to protect these people, but that we did not wish to frighten them. If we scare them by letting it go forth that supporters of the Government desire a general moratorium applying to all debts, it will be equivalent to telling every business man that he must no longer give credit, but must do business on a cash basis. What sort of a situation will that bring about? I am prepared to trust the Government to select the members of the commission, and I do not intend to insist on this amendment. It is due to the attitude of Government supporters that many of us think it will be ill-advised to pass this Bill.

Hon. J. CORNELL: I think Mr. Colbatch has been extremely unfair. To judge from the tenor of his most recent remarks, he seems to have changed his ground. I as a Government supporter have maintained that the moratorium should apply to all debts or to none. Under the amendment it would apply to only one species of debt. Now, I have brought as good evidence to show that the moratorium should apply to all debts, as has been adduced to show that the mora-

torium should apply to only one class of debt. In contending that the moratorium should apply to all classes of indebtedness I do not necessarily imply that the commissioners will so apply it. If, however, a contingency should arise necessitating its application to all debts, then the Government must have machinery for doing so. So far as I understand the position, there is no absolutely pressing necessity for this measure at the present juncture. Mr. Holmes has suggested that the Bill should be postponed for three months, and that in the meantime a Royal Commission should inquire into the question. The effect of such a proceeding, however, would be an immoral, and not a moral, one. No doubt, one immediate result would be that debtors would be forced to pay before the appointment of the Royal Commission. House rent must be one species of debt to be taken into consideration. The workers will have to pay more for the necessities of life, while they will be earning less; and there is no prospect of the landlords voluntarily, and of their own initiative, reducing the rents of houses. Despite the sophistry of many hon. members of this Chamber, it is plain that they can see with only one eye, and that eye is turned in the direction of the interests of their own class. Those sections of the community least able to protect themselves have the first claim on the protection of the law. Many hon. members here are desirous of showing the public that they are in favour of the Bill in a limited form only—for the curtailment of one class of debt alone. Probably those hon. members adopt that attitude in order that they may have something to hide behind, but the people will in time discover the subterfuge.

Hon. J. F. CULLEN: I shall not allow the foolish things which have been said in support of the Colonial Secretary's motion to affect my judgment. As the Government have agreed to take action only on the advice of the Royal Commission, I think this provision may safely be omitted. The commission will certainly not recommend the inclusion of any

form of debt which ought not to be covered.

Question put and passed; the Council's amendment not insisted on.

No. 3.—Clause 2: Insert new sub-clause to stand as Subclause 2, as follows:—“Land” includes messuages, tenements, hereditaments, and houses, and buildings, and also includes any estate or interest (legal or equitable) in land, and any easement, right or privilege in, under, over, affecting, or in connection with land:

The COLONIAL SECRETARY: 1 move—

That the amendment be not insisted on.

Question passed; the Council's amendment not insisted on.

No. 4.—Clause 3, Subclause 1, line 2: Strike out the word “Governor” and insert “Court”:

The COLONIAL SECRETARY: I move—

That the amendment be not insisted on.

If the word “court” appears, the effect will be to confine the hearing of applications to the magistracy.

Hon. J. F. Cullen: Why would that limit it to the magistracy?

The COLONIAL SECRETARY: Under this clause the Government will appoint magistrates whom they consider competent to carry out the duties involved, and also possibly appoint other persons where magistrates are not available. It is not likely that the commission will be confined to three members; it will probably be necessary to appoint commissioners in various parts of the State. Possibly those commissioners would be magistrates in every instance, but the choice of the Government should not be limited.

Hon. D. G. GAWLER: As mover of the amendment now in question, I wish to point out that I think the Colonial Secretary is wrong in the way he has put the result of passing the amendment. The present is the first intimation we have had of what the Government propose to do regarding the Royal Commission. Whenever there is a local court

there must be a magistrate. Every local court has a magistrate, either resident or visiting.

The Colonial Secretary: The magistrate might be visiting once a month, and that would not be sufficient.

Hon. D. G. GAWLER: I fail to see why the Colonial Secretary should draw a distinction between the capability of one magistrate for dealing with these cases, and the capability of another. In my opinion, the measure is very much the better for the amendment.

Hon. J. F. CULLEN: The Government will let themselves in for endless confusion and trouble if the Governor-in-Council is to appoint someone every now and again to hear cases under this Bill. Here are the regular courts of the country, and what more natural than that the cases covered by this Bill should come before the regular courts of the country?

Hon. V. Hamersley: How if the sum of money is too large for the magistrate to deal with?

Hon. J. F. CULLEN: That is provided for. The Supreme Court would deal with such cases.

Hon. V. Hamersley: That would be very expensive.

Hon. J. F. CULLEN: It would not be nearly so expensive as a lay court, which is without rules and regulations. I shall vote against the Minister on this question.

The COLONIAL SECRETARY: Court proceedings will be fairly expensive, even if taken in the local court. Probably the parties would be represented by counsel.

Hon. J. F. Cullen: Not necessarily.

The COLONIAL SECRETARY: An ordinary commissioner who is not a magistrate would make full inquiry and investigation into the affairs of the debtor, and would have full power to demand production of books and documents under the Royal Commissioners' Powers Act.

Hon. D. G. Gawler: A magistrate has all those powers.

Hon. H. P. COLEBATCH: The objection I took to the clause when the Bill was first introduced was that it

appears an unseemly procedure that the Governor-in-Council should decide these cases. The clause as introduced apparently did not contemplate that either the Royal Commission or the court should decide these matters. If the clause as it stands will enable magistrates to dispose of the cases, then I have no objection to it; but it seems to me that the clause does not give them that power.

The Colonial Secretary: They have not the power without the consent of the Governor-in-Council.

Hon. H. P. COLEBATCH: Then every one of these cases will come before the Governor-in-Council; and the Governor-in-Council may decide in accordance with, or against, the recommendations of the commissioners. To my mind, it would be much better to insert in Subclause 2 the words "may be determined by." Then finality would be reached. As the Bill stands at present, however, the procedure will be very cumbersome. Still, I suppose the Government will have to find a way out of the trouble.

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

Ayes	..	..	..	9
Noes	..	..	..	10

Majority against .. 1

AYES.	
Hon. R. G. Ardagh	Hon. V. Hamersley
Hon. F. Connor	Hon. R. J. Lynn
Hon. J. Cornell	Hon. H. Millington
Hon. J. E. Dodd	Hon. A. Sanderson
Hon. J. M. Drew	(Teller).

NOES.	
Hon. J. F. Allen	Hon. D. G. Gawler
Hon. C. F. Baxter	Hon. J. J. Holmes
Hon. E. M. Clarke	Hon. C. McKenzie
Hon. H. P. Colebatch	Hon. E. McLarty
Hon. J. Duffell	Hon. J. F. Cullen
	(Teller).

Question thus negatived; the Council's amendment insisted on.

No. 5.—Clause 3: Strike out Subclause 2:

The COLONIAL SECRETARY: I move—

That the amendment be not insisted on.

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

Ayes	..	..	..	7
Noes	..	..	..	12

Majority against .. 5

AYES.	
Hon. R. G. Ardagh	Hon. R. J. Lynn
Hon. J. Cornell	Hon. H. Millington
Hon. J. E. Dodd	Hon. V. Hamersley
Hon. J. M. Drew	(Teller).

NOES.	
Hon. J. F. Allen	Hon. J. J. Holmes
Hon. C. F. Baxter	Hon. C. McKenzie
Hon. E. M. Clarke	Hon. E. McLarty
Hon. F. Connor	Hon. A. Sanderson
Hon. J. F. Cullen	Hon. H. P. Colebatch
Hon. J. Duffell	(Teller).
Hon. D. G. Gawler	

Question thus negatived; the Council's amendment insisted on.

No. 6.—Clause 3, Subclause (3): Strike out "Governor" and insert "court":

The COLONIAL SECRETARY: This is consequential. I move—

That the Council's amendment be not insisted on.

Question negatived; the Council's amendment insisted on.

No. 8.—Add a new clause to stand as Clause 4 as follows:—"The Court" shall mean the local court nearest the place of business or residence of the mortgagee, vendor, or creditor as the case may be; or if the amount involved shall exceed the jurisdiction of a local court, then "the court" shall mean the Supreme Court of the State:

The COLONIAL SECRETARY: This is consequential. I move—

That the Council's amendment be not insisted on.

Question negatived; the Council's amendment insisted on.

The CHAIRMAN: We now come to the amendments made by the Council to which the Assembly have agreed subject to further amendments.

No. 1.—Clause 2: (Council's amendment) "After the word "may" in line 1 insert "on the advice of a Royal Commission which the Governor is hereby authorised to appoint." (Assembly's amendment) Omit the words "which the

Governor is hereby authorised to appoint":

The COLONIAL SECRETARY: I move—

That the modification made by the Assembly in regard to the amendment be agreed to.

There is no necessity for the words "which the Governor is hereby authorised to appoint." They serve no purpose at all, because the Governor has already sufficient power. The Government resent this amendment, looking upon it as an intention to reflect upon the Governor, who, as I say, already has sufficient power to make such appointment.

Hon. D. G. GAWLER: If the Government resent this they have sat very quietly under a similar insult in regard to the Control of Trade during War Time Bill, for they accepted these words in respect to that measure. I think the Colonial Secretary should withdraw his suggestion. The reason for inserting the words was because the addition would make the provision fit in with the Royal Commissioners' Powers Act of 1902, according to which the Governor requires specific authority to appoint a Royal Commission, and these words give him that authority. If the Government are satisfied that the Governor has the power, I have no wish to insist upon the words.

The COLONIAL SECRETARY: I am pleased to hear the hon. member's explanation. The suggestion was not mine, but still I withdraw it very gladly now that I have heard from the hon. member exactly why the words were inserted.

Hon. H. P. Colebatch: Similar words are to be found in several other measures.

Hon. J. F. CULLEN: The Minister should withdraw his motion. Why strike out the words from the Bill? If the words are taken out, the Government will probably find that they have misread their powers, and that they have not the power to appoint the commission. As we have every reason to believe that the authorities responsible for putting these words into other measures regarded them as

necessary, the Minister should withdraw his motion.

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

No. 7.—Clause 4: (Council's amendment) Strike out all the words after "until" and insert "the 31st day of March, 1915." (Assembly's amendment) Strike out all the words after "until," in line 12, 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 COLONIAL SECRETARY: This was an amendment moved by myself in order to limit the operations, but it is found now that the 31st March, 1915, will not suit because weeks perhaps may now elapse before it may be necessary to proclaim the Bill, if it is proclaimed at all. It could only, therefore, get well into operation before it would expire by effluxion of time, and then perhaps do more harm than would be possible in other circumstances. I move—

That the Assembly's amendment be agreed to.

Hon. A. SANDERSON: I hope the Committee will insist on the Council's amendment. We are handing over these enormous powers to the Government, and personally I do it with very great unwillingness. It is only on account of Parliament not existing that the Chamber has agreed to the measure at all.

Hon. J. F. Cullen: A new Parliament can alter it.

Hon. A. SANDERSON: It is very difficult in circumstances such as these for a new Parliament to alter anything of the kind. It has to be introduced and has to pass both Houses before it can be altered. I am strongly opposed to the measure altogether.

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

No. 9.—(Council's amendment) Insert the following new clause to stand as Clause 5:—The Governor may make regulations for the conduct of applica-

tions to the court, and generally for carrying out the purposes of this Act. (Assembly's amendment) Strike out all the words after "regulations" down to and including the word "generally":

The COLONIAL SECRETARY: I move—

That the modification made by the Legislative Assembly in regard to No. 9 be agreed to.

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

Ayes	..	..	..	5
Noes	..	..	..	13

Majority against .. 8

AYES.

Hon. J. Cornell
Hon. J. E. Dodd
Hon. J. M. Drew

Hon. H. Millington
Hon. R. G. Ardagh
(Teller.)

NOES.

Hon. J. F. Allen
Hon. C. F. Baxter
Hon. E. M. Clarke
Hon. H. P. Colebatch
Hon. F. Connor
Hon. J. F. Cullen
Hon. J. Duffell

Hon. D. G. Gawler
Hon. J. J. Holmes
Hon. C. McKenzie
Hon. E. McLarty
Hon. A. Sanderson
Hon. A. G. Jenkins
(Teller.)

Question thus negatived; the Assembly's modification not agreed to.

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

A Committee consisting of the Hon. H. P. Colebatch, Hon. J. F. Cullen, and Hon. D. G. Gawler drew up reasons for not agreeing to amendment No. 9 made by the Legislative Assembly.

Reasons adopted, and a message accordingly returned to the Assembly.

Premier has proposed, so that all parties can have their affairs justly attended to whilst such a bad condition of affairs exists, and continues to exist. We know that awards and agreements are now in existence, but it may be necessary to make other awards of a temporary nature during the life of this Bill. Consequently, I think it is necessary to have some special arrangement made whereby the parties affected, the employer and the employee, can be brought together and amicably and peacefully settle the troubles that may arise. I want to say right here that, as far as I am concerned, I have no objection to the present Arbitration Court being appointed to deal with the cases that may arise. The present court may be styled commissioners, to deal with these cases. Possibly that may be the idea of the Government. I do not know, but it appears to me that the court, as it exists to-day, might be able to settle disputes that may arise between the employer and the employee during such an important crisis, and the trouble that the world is going through just now. The members of the court have been hearing cases for years and have all the necessary knowledge at their fingers' ends, and I hope, therefore, that the court will be appointed to act during the time of the trouble that faces us. In my opinion the present members of the court should be appointed, but whether they are styled commissioners, or not, is a matter of little moment. As far as the Bill is concerned in other directions I am completely in accord with it, but I say that I sincerely hope that the members of the Arbitration Court be granted power to deal with every case that comes along during the present crisis.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

Hon. R. G. ARDAGH (North-East) [4.10]: I merely rise to say that owing to the extraordinary condition of affairs that exists to-day, that is, owing to the European war, it is necessary to have a measure something on the lines that the

Hon. C. F. BAXTER (East) [4.14]: I feel, like other members, that something should be done in the way of giving extra facilities in connection with the Arbitration Act, to provide the necessary machinery to meet the extraordinary condition of affairs that is likely to be brought about in the near future. Whilst I agree that something should be done in that direction, I cannot agree with the Government that it is necessary to bring

down a Bill to establish a commission separate and independent of the Arbitration Court which we have in existence to-day. It is proposed, not only to establish the commission, but to give that commission extraordinary powers which are not given to the existing Arbitration Court. I maintain it is dangerous indeed to give the power it is proposed to do to gentlemen who, no matter how qualified they may be, lack certain necessary experience. When the gentlemen who constitute the Arbitration Court, and who are brought into close contact with industrial matters, find it difficult to do justice to all, how is it likely that the members of the commission, to whom it is proposed to entrust the duty of bringing about settlements, will prove successful? One of the clauses of this Bill vests the commission with the authority that they can compel employers and employees to agree to any decision that they may arrive at, and that agreement would be binding on both parties, irrespective of whether they agreed to it or not. This is an extraordinary state of affairs. It is going too far. However, I do not intend to monopolise much of the time of the House other than to say that there is no court of appeal. The whole matter lies in the hands of the commission which will have to get experience in arbitration matters, and which will be expected to deal hastily with the exigencies which may arise. Sub-clause 3 of Clause 3 states that it shall be in the power of the commissioners to include in the agreement a provision that an employer shall not reduce the number of his workers. This really means that the commissioners are vested with the power of going to any employer or manufacturer, and stating to him what number of hands shall be employed and the rate of wages which shall be paid. Although I may have the highest opinion of the three gentlemen who will constitute the Royal Commission, I guarantee that it will not be possible for them or any other person to say without at least a month's experience of a manufactory what hands are necessary to enable it to carry on. The position is similar in regard to wages. Whilst I am as much a democrat as any

member of the Chamber, we must put the employer in the position of being able to pay wages. It is going too far to give power such as that which I have just read; in fact, I think we shall be doing an injury to the people whom we are attempting to assist.

Hon. J. E. DODD (Honorary Minister): Read that clause again and tell me where such power is given.

Hon. C. F. BAXTER: It is in the Bill which I have before me. Why not give the necessary authority to the existing Arbitration Court? We have a court established, and the members of it have at their fingers' ends knowledge which they have gained since they have been constituted a court. That court is established to handle industrial matters satisfactorily, and I consider it should have extra power vested in it to meet the extraordinary conditions that may come along. There is no getting away from the fact that arbitration should be open to all under present conditions. When the Bill is in Committee I intend to bring forward an amendment which will cover the situation. I will read it to the House and members will know the effect of it when it comes forward. It is—

If to meet circumstances it is deemed necessary by the parties thereto, that any award or agreement should be suspended, either whole or in part, the Court of Arbitration shall have power to ratify such agreement, that they will have power to ratify any new agreement made by the parties.

This will give all the authority that is needed to the Arbitration Court, and they will be able to determine issues better than any outside body which can be found.

Hon. A. SANDERSON (Metropolitan-Suburban) [4.20]: Since it has been said that the Arbitration Court has been acceptable to all, I would like to put it on record that in time of peace, as well as in time of war, a considerable section of the community has been found to be opposed to it. I do not propose to discuss that question now, but I ask those members of the Government and members of the public who think that this arbi-

tration system is good, to inquire carefully into the position of affairs at the present time, and also go back to the period before war was declared. The system has hopelessly broken down. It was a failure in time of peace, and it has broken down in time of war. The only thing we can do now is to go into Committee. I am prepared to let the Arbitration Court go on rather than introduce a new system such as is proposed in the Bill. We ought to have a great deal of sympathy with the Government in the position they find themselves. I do not know that any good can be done by saying that three-fourths of the trouble is due to the Government and their method of administration. I do not wish to say that in an offensive way, but one cannot help in the circumstances giving expression to that opinion, because they are continuing this system which has brought so much disaster on the country. They refuse to allow the people to manage their own affairs. The wages question could be carried on better if there was no Arbitration Court, and no interference with the question of debts. The Government hopelessly failed in time of peace by getting all this enormous power in their hands, the power of arbitration, the power of conducting the affairs of the country, from State sawmills to butchers' shops, and all the rest of it; they hopelessly failed in time of peace, and if there had been no war our financial position would have been just as serious as we find it now. I cannot assist the Minister much as I should like to do, especially as a member of his own party, the Labour representative on the Arbitration Court, has himself declared that under existing conditions, under Clause 2 of the Bill, they will not be able to carry on. I cannot see my way to assist the Government towards appointing this commission, because I think it would be making confusion worse confounded. I shall conclude as I began by expressing the hope that the members of the Government will seriously consider, before next Parliament meets, be they in power or not, whether they will agree to the total re-

peal of all the arbitration laws which have hindered the progress and prosperity of this country.

Hon. J. DUFFELL (Metropolitan-Suburban) [5.25]: I did not intend to speak on the second reading of the Bill, but I feel in duty bound to say a few words. In view of the existing state of affairs it is absolutely necessary that something should be done. The state of affairs which we find existing to-day, I have no hesitation in saying is the turning of the rod on the backs of the Government who are compelled to bring down a Bill of this nature as a means of bringing about something in the form of a settlement of a condition of affairs which has been the outcome of outside force brought to bear upon them in raising to such a high pitch the value of labour in almost every sphere.

Hon. J. F. Cullen: The price of labour.

Hon. J. DUFFELL: The value of labour it is that I am referring to. It has been raised to such a pitch that even if there had been no war, a crisis would have come about in this State. The time would have been hastened and employers would not have been able to maintain the high standard of wages proclaimed by the Arbitration Court at the dictates of the various unions, and therefore, they are revolting against it. This is to a very great extent the reason why we have so many unemployed in the community at the present time. Coming to the Bill itself, I recognise that we have a proper tribunal in existence, a tribunal which is better fitted to deal with matters such as these than any special commission which may be appointed. I shall support anything in the way of an amendment in the direction of appointing the Arbitration Court to deal with these matters instead of the commission. Further, whilst Clause 2 is practically sufficient in itself to meet the case, I am satisfied that the whole of Clause 3 is not required, and when the time comes I shall move for its deletion or support any amendment having that object in view.

Hon. H. MILLINGTON (North-East) [4.28]: In considering an amend-

ment of the Industrial Arbitration Act I think we have first to decide whether this emergency legislation is necessary, and in listening to the Honorary Minister when introducing the measure he stated that already owing to the present crisis over 600 people had been dismissed from their employment, I presume in the metropolitan area. Also we have to take into consideration the present circumstances, and I presume we are allowed to look into the future, and to assume that the position instead of mending, will become worse. Therefore, considering that Parliament is about to come to an end, I maintain that it is necessary on the part of the Government to make provision for what may arise in the near future, even if it is contended that the present condition does not warrant it. From what I can learn from outside sources this will be necessary, if not now, in the near future. The existing Act does not provide for unorganised workers, and I see there a very great danger to the industrial affairs in this State. The Government have set out certain methods as to how affairs in the industrial world shall be dealt with. I do not know that the Government consider they have solved the problem, but I presume they will accept any amendment, if it can be shown that it will produce better effects than their proposal. It is open to debate as to what particular form the control of industrial affairs should take during the crisis. I am willing to listen to what has influenced the Government in proposing the appointment of a commission, but whilst not desirous of hampering the Government, I think the Arbitration Court would be in a better position to deal with these matters. We are to a great extent working under certain awards and agreements. The awards have been determined by the Arbitration Court after hearing evidence and taking the whole of the circumstances into consideration. The agreements have been mutually arrived at as a result of meetings of the two parties concerned, and have been registered under the provisions of the Act. Industrial agreements can

be varied by mutual consent of the two parties by making joint application, and probably they would not need the assistance of the commission, and would not require to take advantage of this amendment. The Arbitration Court, however, is capable of deciding these questions in normal times, and I fail to see how a new body can come in, without having the experience of the Arbitration Court, and do better than the court. The court would have the advantage of knowing why certain awards had been granted. They are already acquainted with the position in the industrial world in normal times, and would have to decide in what manner the position had altered. Consequently, the court, which has been closely in touch with these matters and has the necessary information and records and personal knowledge of what has influenced present awards and agreements, would be in a better position to vary them than the commission who might not have the necessary experience in regard to industrial affairs, although they might be well versed in commercial affairs. I understand that the difficulty in connection with the shop assistants' award has been overcome. That was brought about on account of the award providing for a weekly wage, but this difficulty would not be experienced in cases where a daily wage is paid, because in the event of it being necessary to work fewer hours, it could be arranged without appealing to the court, as there is power to dismiss employees or work them part time at a moment's notice. This is not so under the shop assistants' and similar awards, where a weekly wage is paid. There appears to be an impression that, in view of the existing situation, it is justifiable to reduce the actual rate of wages paid for the time worked. I do not agree with this, but it may be necessary to reduce the number of hours worked. If 100 men were employed at a given rate, working under an award, in the event of it being necessary to reduce the output, the fairer way would be to reduce the number of hours and allow the actual rate of wage to continue. If a man was working for 1s. 6d. an hour, that rate of pay should still con-

tinne, although his earnings would be reduced as a result of working fewer hours. We have heard a good deal about consideration being extended to those who cannot meet their liabilities, but we now come to the question whether the worker should not receive some consideration also. Although it is coolly stated that the workers should be willing to accept a less rate than is provided for under awards and agreements, I have not heard of any one proposing to provide the necessities of life at a less rate, or reduce the amounts they have to pay for rent, and the workers will still have to purchase the necessities of life. It is all very well to propose that wages should be reduced, but no one proposes to make the wages which the workers receive worth a little more to them. This is the position which will have to be faced by the court or the commission. I hope consideration will be given to this phase of the question, and although it may be necessary, in the interests of the whole of the workers, that less time should be worked, I fail to see how any argument can be brought to prove that the actual rate for the time worked should be less than is provided for under the awards. The hon. Mr. Sanderson stated that he objected to the whole system of arbitration. There are many workers who do not entirely agree with the present system of regulating wages and conditions of work, but this is hardly the time to speak of varying the methods by which industrial affairs are regulated. In Western Australia, and practically throughout the Commonwealth, the rates of wages and conditions of employment are regulated by law, and if we do away with this law at such a time, we will have industrial chaos with a vengeance, and even those who, under ordinary conditions, may not be too much enamoured of the Arbitration Act and Court, should not raise this question at the present time. The Government have to face the situation, and they are endeavouring to deal with it by the only methods which can be adopted at this juncture. A good many people consider that in abnormal times the regulation of industrial affairs should not be interfered with by the State; in other words, that industrial

affairs should be regulated, I presume, by what is called the law of supply and demand. I do not know what the position in Western Australia would be if such a state of affairs were brought about. The danger is that pressure is being brought to bear upon those who are anxious to work and, in fact, who must work in order to obtain a livelihood, and when the employees are at this disadvantage it is hardly a fair thing to say that such is the time to fix up agreements. The fact of the employees coming to an agreement does not prove that the agreement is a just one. If ever there was a time when employers could take advantage of employees, it is at a time when there is a surplus of labour, as we are told there is to-day, and which will probably be increased in future.

Hon. J. J. Holmes: That is what the employees have been doing all along.

Hon. H. MILLINGTON: The actions of the Government show they are not willing that there should be industrial chaos. The Government have brought this measure forward and if anyone can suggest better methods, they will be prepared to adopt them. Although I favour control by the Arbitration Court, I do not wish to hamper the Government, as I recognise they have a very serious problem to solve, and I sincerely hope that a way will be found out of the difficulty, but it is useless, at a time like this, even for those who do not favour arbitration, to say that arbitration should be thrown to the winds and that we should allow industrial concerns to work out their own salvation. When the measure reaches the Committee stage, I think we shall be able to arrive at some practicable decision.

Hon. H. P. COLEBATCH (East) [4.43]: I intend to support the second reading of this Bill. As far as Clause 2 is concerned, I think it will probably be better to refer industrial matters to a tribunal other than the Arbitration Court, because under this clause the functions of the controlling body are to be purely conciliatory. If these matters were referred to the Court, I think we should have to provide that the Court might vary an agreement, although one or both parties

did not favour it. Possibly it may be desirable to do this, but to submit to the Court the matter of trying to bring two parties into agreement with each other, is quite unnecessary, and probably a better and quicker result will be obtained by a commission. So far as Clause 3 is concerned, I intend to oppose it. There is no justification for dragging people before the Arbitration Court at this juncture. Whatever I have to say on this clause, however, I will reserve until the Committee stage. I do not suppose that any suggestion made by myself, or by this Chamber, will have any effect in those circles which dominate the legislation introduced into Parliament at the present time, but I would like hon. members to turn over in their minds the obvious economic absurdity of trying to surmount a great crisis by reducing the hours of work. It is an obvious economic absurdity to endeavour to meet a great crisis simply by these means. Mr. Millington has said that although it may be necessary to reduce the hours of work it should not be necessary to reduce the amount of payment per hour. I can give the hon. member one reason which I think should be quite sufficient to show that it may be necessary to reduce the payment per hour.

Hon. H. Millington: I said there might be exceptional circumstances.

Hon. H. P. COLEBATCH: It may be necessary, and that not only in exceptional circumstances but almost in all circumstances, for the simple reason that the work per hour will not at the present time be of the same value as it would be under normal conditions. Surely that is a sufficient reason for reducing the payment for that work. Mr. Cornell, a day or two ago, told us that the reason why there was likely to be so much distress, and such pressing necessity for the Postponement of Debts Bill, was that the people have been spending so much money on dress, amusements, theatres, and picture shows. I do not know that it is possible for us to reduce, at a time like this, the cost of the bare necessities of life, but I do say it is possible, and even compulsory on

the community as a whole, to cut down some of the luxuries which I am glad to know the worker is able to afford in normal times. It is possible for all sections of the community to live much more cheaply than they have done in the past. Personally, I am not at all dismayed at the prospect of this State and Australia generally living a simpler life than we have been living in the past. I am, however, appalled at the idea of the community working half time. What on earth are the people to do during the time they are not working? Absolute degeneration must result from half time work. The employing section of the community certainly will have to work much harder during the crisis than they worked before; and they will not be getting half pay for their harder work—in many cases no pay at all. The employing section of the community certainly will have to live on their surplus of assets over liabilities, and in many cases they will have to see their accumulation dwindling away until there is little or nothing left. And they will submit to that cheerfully. I venture to say the chief worry of the great majority of employers in this State at the present time is how they are going to provide the necessities of life for the employees who have been loyal to them in good times, and whom they want to stand by in bad times. If we are going to get up the proposition that no man is to submit to any reduction of payment unless accompanied by a reduction of hours of work, then, if the war lasts, it may be a year or two, what will be the position of the community at the end of that time? Many of our resources will have become absolutely depleted, and we shall be practically bankrupt as a community. This time of crisis is a time when everybody should, if possible, work harder than before; and if the immediate results of a man's work will not at the present time be as much as previously he must be content to take less. If we can do as I have suggested, if we can keep everybody working, not half time, but the whole time, although not for full pay, what will be our position at the end of the crisis? The

position will be that our work will have created wealth, and that we shall all share in that wealth in course of time. There never was and there never will be a good time that the worker will not share. I do feel, however, that if the leaders of the workers direct their efforts now to resisting any reduction of pay unless accompanied by a corresponding reduction of hours, then at the end of a year or two it will be found that the wealth of this country has been depleted and that there will be nothing for anyone. Apparently the expectation is that it will be all right if people take half pay and work half time. If we come down to that generally, we shall come down to a very deplorable state of affairs indeed; and I wish that amongst the leaders of the Labour movement in this State there were men possessing the courage to tell the workers that they must not stand out for reduced hours of work, but that they must aim at the largest possible production, and that they must be prepared to make sacrifices during the crisis. If that course is adopted, then at the end of the trouble the wealth will be there and we shall all share in that wealth.

Hon. J. E. DODD (Honorary Minister—South—in reply) [4.50]: I am very pleased indeed with the support that is being given to the Arbitration Court. I think it is a very striking sign of progress, so far as this House is concerned, to see member after member rising to support the court, as has been done. It is especially pleasing to me, because I have been one who has fought hard in the past for the principle of arbitration, and for an Arbitration Court. I may say that, while my opinions have to some extent changed, yet on the principle of arbitration they have not changed in any respect whatsoever. What I do say, I said before some of those people concerning whom Mr. Colebatch declared that we should have the courage to tell them certain things. I have said it to those people under circumstances which, perhaps, might have caused some hon. members to refrain from expressing such an opinion. I have said that if arbitration is to break down—and it

seemed likely, at the time, that arbitration would break down—it would be broken down simply by the employee on the one hand and the employer on the other entering into a sort of compact that they would not obey the decisions of the Arbitration Court. I do not know that this is quite relevant to the question before the House at the present time, but many hon. members have referred to the Arbitration Court and to the economic question as a whole. When a body of men do as was done in connection with the carpenters' strike here recently, flout arbitration awards and break the law of the land and disregard all the advice that is given them and go back on their policy, and when employers do as they did in connection with the shop assistants' citation and the clerks' citation, as well as others—use every possible device and every means conceivable, resort to every technicality and expend vast sums of money in order to break down arbitration and to prevent large sections of the community from deriving any benefit from arbitration, I say we are justified in doing away with arbitration. I have said, further, that I am satisfied if arbitration is done away with both parties would very soon be petitioning the Legislature to provide some Constitutional method of settling industrial disputes. I am prepared to take that stand, not only here, but also in the councils of the party of which I am a member. If the workers are prepared to flout the law, and if the employers try to do the same as regards the weaker bodies of workers, I say, let us do away with arbitration. It has been found that the employee can get reforms, though at a good deal of sacrifice; and it seems to me that because the community has enjoyed a few years' prosperity people get an idea into their heads that they are not obtaining their just dues, that they can obtain something better. Consequently, they want to revert to other methods than arbitration of settling disputes. If that is the case, I am prepared to say we will drop arbitration. I am prepared to say, let us go back on the old ground and very soon the people will send men to the Legislature

to enact some Constitutional method of settling industrial disputes. Returning now to the subject of this Bill, I do not know that personally I am particularly keen on the substitution of a Royal Commission for the Arbitration Court. At the same time, to my mind the commission are the best qualified body, during this crisis, to deal with industrial troubles. The commission are at the present time inquiring into the cost of living; they are making a speciality of that; and if there is one consideration which is a deciding factor in arriving at an arbitration award or agreement, it is the cost of living. The commission are composed of men who, I think it is generally conceded, are qualified to carry out the work which they have to do; and I think they are also well qualified to make inquiry into the cost of living in this State at the present time. It appears to me that they are equally well qualified to bring about agreements between the parties in industrial matters. Various remarks have been made by hon. members to which I must take exception. Mr. Cullen in the course of his speech stated that several *ex parte* statements had been made here in reference to what had been said by the leader of the Opposition; and Mr. Cullen implied that the leader of the Opposition had said nothing in the nature of what was attributed to him. It would be just as well if Mr. Cullen would come out straight and say what are the statements implied by either of the Ministers in this House as having been made by the leader of the Opposition which that gentleman has not made. Personally, I object to being branded as one who would make an untrue statement regarding what the leader of the Opposition has said or done. There is nothing we have attributed to the leader of the Opposition that we cannot bear out in evidence. I am pleased to say that as the result of my association with the leader of the Opposition in the present crisis, I hold him in very high regard for the manner in which he has acted. Certainly, we are most anxious not to attribute to Mr. Wilson any statement that he has not made. Again, Mr. Cullen has alleged motives for the Gov-

ernment's not desiring the settlement of these matters by the Arbitration Court. It seems to me that the political depravity of the hon. member's mind, brought about by his individual bias, is such that he cannot possibly recognise any good emanating from any persons other than those whom he represents, or is said to represent; namely, the Liberal party. For any member to say in this Chamber that the Government will not go to the Arbitration Court in this trouble because they fear the Arbitration Court would have to reduce wages and that therefore the workers would be prejudiced against the Arbitration Court in future, or something to that effect, is to make a statement which is entirely wide of the mark, and one which should not be made at all. I do not know that the Arbitration Court, or any other tribunal, is going to reduce wages even at the present time. Reduction of wages may be necessary, or it may not be. Undoubtedly, it would be better if we could carry on without reduction of wages; but to attribute such a paltry, miserable motive as that to the Government for seeking to refer these matters to a Royal Commission instead of the Arbitration Court, is very childish. Let me say here that a conference was held between the two parties interested—the Employers' Federation and the Australian Labour Federation. The Premier was also present. The commission was decided upon, instead of the Arbitration Court, in order to try and arrive at something agreeable to both parties. I do not think any member of the Government is in any way pledged to the appointment of a Royal Commission to supersede the Arbitration Court for this purpose. We are appointing the commission because we think the commission the best means of dealing with the difficulty. Some hon. members have referred to the experience of the Arbitration Court in industrial matters, as opposed to the experience of the Royal Commission. I wish to point out that the Arbitration Court has had no experience whatsoever of industrial matters in such a crisis as this. The only experience

which the Arbitration Court has gained relates to industrial matters in normal times. The present situation, however, is abnormal, and differs entirely from anything the Arbitration Court have had to deal with in the past. Therefore, to say that the members of the Arbitration Court have the whole case at their fingers' ends is to assert something that is entirely erroneous. They have nothing of the kind. If the cases contemplated under this Bill were heard before the Arbitration Court, that court would have to decide them on lines entirely different from those which it has followed in the past. Therefore, I maintain that it is entirely wrong to say that the members of the Arbitration Court have experience which the members of the Royal Commission have not. Again, Mr. Sanderson, with his habitual gloom—a gloom which pervades the House whenever he speaks—has asserted that three-fourths of the present trouble is due to the present Government. That is a statement such as one would expect from Mr. Sanderson. One would hardly expect any other statement from that hon. member. According to that hon. member, no doubt this war was caused by the action of the Western Australian Cabinet. I fancy there is not the slightest doubt in Mr. Sanderson's mind on that point. Equally, the hon. member will have no doubt that the failure of the rain to fall is due to the existence of a Labour Ministry in Western Australia. And now that Australia is again going to place its destinies in the hands of the Labour party, no doubt Mr. Sanderson's gloom has deepened to such an extent that he does not know where he is. However, when Mr. Sanderson makes these statements he immediately leaves the Chamber, and consequently is not here to hear any reply. Mr. Duffell referred to the high value placed upon labour by the Arbitration Court. I was astounded to hear that statement made here, and especially by Mr. Duffell. For Mr. Duffell to say that wages are too high in Western Australia as compared with the other States of the Commonwealth shows a somewhat deplor-

able ignorance of the position. The value placed on labour in this State is no higher than it is in any other State, having regard to the condition of the various States. As far as I have any knowledge of economics, the higher the value we can give for our labour the better it is for the country. We are in an infinitely better position than the other States in respect to employment. In South Australia they are pretty well on the rocks, and in New South Wales the same state of affairs exists, while in Victoria it is fast coming about. No State is standing better than are we in regard to this important matter. I agree with the remarks made by Mr. Colebatch in many respects. We can as a whole cut down our expenses considerably and still exist in a very satisfactory way indeed. A community that is paying £55,000 per week in drink, as this community is doing, can stand a considerable reduction in expenses. I think there are many other ways, too, in which expenses can be reduced in order to meet the times. I do not know that I have anything further to say upon the subject except that if an amendment is carried providing that the Arbitration Court shall take the place of the commissioners I think the best way to get over the trouble will be to set up a conference between the two Houses. Whatever may be done in that direction, something must be done in regard to the provisions of Clause 3. It is useless to tell me that at this time in our history we are going to deal only with the stronger units of industry or society, and let the weaker go to the wall. If this were to be done, personally I would oppose the Bill being passed at all; because we could say to the Arbitration Court, "You have extreme powers; use those powers." Probably the court has wider powers than any of us know of, if those powers were only tested. If we are to deal only with the stronger units, and let the weaker go to the wall, when so many hundreds are walking about, I think we ought to shut up shop. I hope that nothing will be attempted in the direction of cutting out relief for

those poor individuals to whom I referred, who are being cut down almost to the last penny.

Question put and passed.

Bill read a second time.

In Committee, etcetera.

Hon. W. Kingsmill in the Chair; Hon. J. E. Dodd (Honorary Minister) in charge of the Bill.

Clause 1—agreed to.

Clause 2—Power to make agreements temporarily superseding industrial agreements and awards:

Hon. D. G. GAWLER: I move an amendment—

That in lines 1, 2, and 3 of Subclause 2 the words "Commissioners appointed under the Control of Trade in War Time Act (hereinafter referred to as the Commissioners)" be struck out, and "Court of Arbitration" inserted in lieu.

In regard to the lack of experience mentioned by the Honorary Minister it will be found that under Section 66 of the principal Act power is given for the appointment of assessors to assist the court. So, if the amendment be agreed to, under that section the court will have an opportunity of consulting the commissioners, if deemed necessary.

Hon. J. F. CULLEN: I understand that hon. members usually supporting the Government in everything are in favour of this amendment. If the Minister will consent to it, no more need be said.

Hon. J. E. Dodd: Yes. I accept.

Hon. H. P. COLEBATCH: I do not see the necessity for the amendment. Under the old Arbitration Act we had a board of conciliation and the Court of Arbitration. The functions of this commission will be very much more similar to the old board of conciliation than to the Arbitration Court. Moreover, I think that the cases will be heard more expeditiously by the commission than by the court, while if it comes to an appeal the Arbitration Court is there to refer to. I do not see why the commission should not do the work just as well as the Arbitration Court, if not better, be-

cause they are more intimately acquainted with the conditions which have given rise to the Bill.

Hon. J. E. DODD: The reason why I agree to accept the amendment is that I am convinced that the Committee desire the Arbitration Court in preference to the commission. I do not know what attitude will be adopted in another place; but I hope that a conference of the two Houses will be held, to decide this question. We are not likely to arrive at a satisfactory conclusion here. Considerable powers are given under Section 66 of the principal Act, but I hardly think those powers would be used in such a time as this, for the assessors contemplated in that section are usually appointed for the purpose of dealing with trade technicalities. Moreover, in view of the amendment, it will be necessary to amend the Arbitration Act in order that something may be done regarding these proposed compulsory conferences.

Hon. J. F. CULLEN: Mr. Colebatch assumes that so simple will be the questions for decision that simple men will be able to deal with them, without any court technicalities. There could not be a bigger mistake. If the trouble continues any length of time, there will be an immense volume of business under this measure, and men not accustomed to deal with such cases will waste much time over it, and will have to be clothed with all the powers and paraphernalia of a court, while the Arbitration Court will be sitting idle.

Hon. V. HAMERSLEY: I understand from the Minister that the parties most concerned in this prefer the commissioners to the Court.

Amendment put and passed.

Hon. D. G. GAWLER: I move a further amendment—

That in lines 1, 2 and 3, the words "Commissioners appointed under the Control of Trade in War Time Act (hereinafter referred to as the Commissioners)" be struck out and "Court of Arbitration" inserted in lieu.

Hon. J. E. DODD: The difficulty comes in in fixing up a matter such as

this in full Committee; the court has power at the present time to do, I think, what is stated here in this Clause 2, and they may, at the request of any party to any industrial agreement or award summon any person to attend the court. I think they have power to do that; but I do not think it matters much in any case.

Amendment put and passed.

Clause also consequentially amended in lines 4, 5, and 9, by striking out "Commissioners" and inserting "Court."

Hon. H. P. COLEBATCH: I would like to suggest to the Minister that subclause 7 should be amended. If the court is going to do all this surely it must be allowed to reach finality, and if the parties to an agreement cannot arrive at a decision amongst themselves the court ought to be able to do it for them. If the parties cannot agree I think the court should have the power that it is contemplated the commissioners should have. I move an amendment—

That in lines 3 and 4 of Subclause 7 the words "the industrial agreement or award shall wholly or partially, as the case may be, continue in force" be struck out.

Hon. J. E. DODD: I do not think it would be wise to amend the subclause in this way. It gives considerable leverage in the way of bringing about an agreement. The very fact that an agreement can only be arrived at by conciliation would, I think, be sufficient to cause the parties to come to some arrangement. The employer will not seek to impose conditions which he ought not to impose. I think the very fact that a large number of employees realise perhaps that by coming to some agreement at such a time as this the greater number may reap whatever benefits there are to reap than would otherwise be the case, would be a big leverage in the way of forcing them to arrive at an agreement. I do not think we ought to stop this power.

Hon. D. G. GAWLER: I would like to explain what subclause 7 really means. This Clause 2 with which we are dealing

was passed for the purpose of remedying a defect in the principal Act. Under that Act the Court of Arbitration had no power to vary an award except for certain purposes. This clause is brought in for the purpose of allowing the commissioners, or the court—as the clause has now been amended—power that was not previously enjoyed by the Arbitration Court. It was found necessary by the draftsman to say in subclause 7 "If no agreement is arrived at under this section as to all or any of the matters to which an industrial agreement or award relates the industrial agreement or award shall wholly or partially as the case may be continue in force." It seems redundant, but appears to have been considered necessary. Except in so far as an agreement or award is altered by agreement it will remain in force. I do not think there is any harm in the words.

Hon. A. SANDERSON: I would like to give an intelligent vote on the matter. I would like to ask the Hon. Minister what the position would be in regard to this court. Let us suppose that two parties come together. Is it possible for the court to say that the wages will remain the same and the hours be increased?

Hon. J. E. DODD: It depends on what the parties decide by agreement.

Hon. A. SANDERSON: The parties then can make an agreement by themselves and come to the court to have it confirmed. Having this agreement arrived at under this section the court will then have power to make any award regarding the wages and hours. Is that so?

Hon. J. E. DODD: The court would have no power to make it where awards and agreements are in existence, unless the parties agree.

Hon. J. J. HOLMES: The circumstances which have arisen will cause a compromise.

Hon. J. CORNELL: I oppose the striking out of the words if their striking out means the inserting of the words proposed by the hon. Mr. Colebatch. The words in this section are unnecessary because the parties to an agreement can come to a fresh agreement if they like. The parties to an award, however, cannot

do that. Therefore it is necessary to give power to vary awards. Power is given to the court to call parties together for the purpose probably of bringing them to some understanding. Those who do not belong to a labour union cannot enter into an agreement or award under the present Act. If the court calls a conference two things can happen to those who enter into an award or agreement. If the employer asks the court to call a conference it will be necessary for him to make an adjustment, or, if the workers do, it will be the same thing. Those who are working under an award are faced with this position: that if they will not make an adjustment the existing state of affairs still stands, probably with a reduction in the number of workers employed. If the parties come together in conference they will immediately see the necessity of possibly employing the same number of men at a less wage or of employing a smaller number at the old rate. If the parties agree that it is not necessary to amend the award or agreement I do not see why you should not give the power to the court to do so. If the words are put in I would prefer to see the Arbitration Act set aside for 12 months. I am in rather a peculiar position as I have agreed to pair with Sir Edward Wittenoom, whereas if he was here he might be in accord with me on this point.

Hon. H. P. COLEBATCH: I am prepared to withdraw the amendment if it is the wish of the Committee.

Amendment by leave withdrawn.

Hon. J. E. DODD: It will be necessary for some amendment to be made to obviate the necessity of approaching the court in cases where the court has to be approached now. If the court has to be approached under the Bill, all the technicalities that now have to be gone through should be swept away.

Hon. D. G. GAWLER: I think Clause 4, which provides for the making of regulations, will meet that case.

Clause as amended put and passed.

Clause 3—Power to make agreements on matters to which industrial agreements and awards do not relate:

Hon. J. CORNELL: It is necessary that this clause should be amended now that certain alterations have been made in the previous clause.

The CHAIRMAN: The consequential amendments will be made in consequence of amendments to Clause 2.

Hon. J. CORNELL: I move an amendment—

That in lines 3 and 4 the words "whether such persons do or do not belong" be struck out, and "not being members of" be inserted in lieu.

If this amendment is agreed to the clause will only have effect so far as unorganised workers are concerned. So far as members of unions are concerned, they are safeguarded by Section 120 of the Act; but the president of the court has no power to give legal effect to any agreement that any unorganised body of workers may come to. If it is not desired to give this power to unorganised workers, the whole clause might as well be struck out.

Hon. J. E. DODD: The amendment ought not to be agreed to. Clause 3 deals principally with unorganised labour, but it also deals with members of unions who are not working under an agreement or award. Members of unions who have not any agreement or award might try to come to some arrangement, and this would be impossible if the amendment was carried.

Hon. A. SANDERSON: I hope the Committee will not accept the amendment. If this amendment is agreed to it will only enable the unorganised labour to come under the clause, but persons in unions who have not an agreement might desire to come to some arrangement.

Hon. J. CORNELL: I recognise, as the Minister has pointed out, that it may be necessary to do something that will bring these men under Clause 2, but any trades unionist not being subject to an award or agreement can avail himself of the Arbitration Court.

Hon. H. P. COLEBATCH: I refuse to force employers and employees who manage their own affairs to go before a court to agree to an award.

Hon. J. E. DODD: As regards awards and agreements which have expired and under which parties may be working at the present time, they will not be affected. I have taken the advice of the Crown Law authorities on this aspect of the question, and it is fairly well known that agreements or awards which have expired and which have not been renewed remain in force until they are renewed, or varied or cancelled.

Hon. J. CORNELL: By leave of the House I will withdraw my amendment.

Amendment by leave withdrawn.

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

Ayes	..	..	..	4
Noes	..	..	..	11

Majority against .. 7

AYES.

Hon. R. G. Ardagh	Hon. H. Millington
Hon. J. E. Dodd	(Teller).
Hon. J. M. Drew	

NOES.

Hon. J. F. Allen	Hon. J. J. Holmes
Hon. C. F. Baxter	Hon. A. G. Jenkins
Hon. E. M. Clarke	Hon. C. McKenzie
Hon. H. P. Colebatch	Hon. E. McLarty
Hon. D. G. Gawler	Hon. J. Duffell
Hon. V. Hamersley	(Teller).

PAIR.—For, Hon. J. Cornell; Against, Hon. Sir E. H. Wittenoom.

Clause thus negatived.

Clause 4—agreed to.

Clause 5—Duration of Act:

The CHAIRMAN: I would point out that this clause is out of order.

Hon. J. E. DODD moved an amendment—

That all the words after "until" in line 1 be struck out and the following inserted in lieu: "the 30th 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."

Amendment passed; the clause as amended agreed to.

Title—agreed to.

Report Stage.

Hon. J. E. DODD (Honorary Minister): I move—

That the Chairman do now report the Bill to the House.

I may state that I do not think there is much hope of the Bill being accepted by another place in the form in which it is leaving us now, but it may be possible to do something in the way of relieving the conditions by a compromise being arrived at.

Question passed.

Bill reported with amendments, and the report adopted.

Sitting suspended from 6.3 to 9 p.m.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Read a third time and returned to the Assembly with amendments.

MINISTERIAL STATEMENT—WAR NEWS.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [9.0]: I would like to read to the House a cable message which the Premier has received through the Prime Minister from the Secretary of State for the Colonies, dated London 9th September, 1914, 7.10 p.m. It is as follows—

The following review of the war is sent for the information of your Ministers and for general publication: After one month of war command of sea is left unchallenged in hands of Great Britain and her allies. Main German and Austrian fleets remain in harbour under shelter of mines and batteries. Four German cruisers, one auxiliary cruiser, two destroyers, one submarine, and one Austrian cruiser have been sunk. German dreadnought and a cruiser have fled without fighting to Dardanelles. Loss of British ships has been insignificant. In consequence of this naval supremacy, over 300,000 troops have crossed the sea in different parts of the world without losing a man. British expeditionary force has been carried to France. Expeditions have been sent to attack German colo-

nies in Africa and Pacific, and French troops protected by Anglo-French Mediterranean fleet have been escorted from Algiers to France. Armies in Europe will be reinforced without ceasing by troops from Canada, Australia, New Zealand, Africa, India. German mercantile marine has disappeared from the seas, which are open freely to British commerce everywhere. In China, Pacific, Atlantic, German ships have avoided action with British cruisers, and their depredations have been small. British navy will be increased within the next twelve months by not less than ten first-class ships, fifteen cruisers, twenty destroyers. During same period Germany will not add more than one-third of this number to her fleet. Meantime in answer to call of Government, large number of fresh recruits have voluntarily joined British Army. Eagerness to enlist has grown markedly since British troops have actually engaged enemy. During last week in London alone number of recruits averaged nearly 4,000 daily, and on Monday last number exceeded 4,800. Enthusiasm for recruiting is increasing everywhere. Position in France dealt with in previous telegrams. Russian armies have invaded Prussia. Austrians have been decisively beaten by Servians and Russians. Outside Europe Japanese fleet and troops blockade Tsing Tou. Togoland has surrendered to Anglo-French force, and Samoa to a force from New Zealand.

ADJOURNMENT—SPECIAL.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [9.5]: I move—

That the House at its rising adjourn until to-morrow at 3 p.m.

The Premier is most anxious that Parliament should be adjourned to-morrow. The general elections are closely approaching, and it is necessary that members should go before their constituents. Already they have been delayed here through no fault of the Government, but through the necessity for introducing

legislation of an urgent character. I think all hon. members are acquainted with the Bill which has been introduced in another place. Copies have been in circulation, and I will exert every effort, if necessary, to see that members are supplied here early to-morrow with a clean print of the Bill if it passes another place to-night. It is a very important Bill, and I clearly recognise that members require some time to consider its provisions, but the Premier's speech in introducing it in another place has been pretty fully reported in the *West Australian*. Only a few amendments have been proposed in another place, and if the Bill passes to-night members will be able to see a clean print to-morrow.

Hon. D. G. GAWLER (Metropolitan-Suburban) [9.7]: May I ask the Colonial Secretary to reconsider his decision. Many members have already explained to him that we are faced with a most important measure, in fact, members reading the Premier's speech in this morning's paper will have seen that he said it had cost him a considerable amount of pain and an immense amount of thought, and he admitted that it would do some harm to some sections of the community. It is too much to ask this House to consider to-morrow a Bill which has affected the Premier in this way. It is all very well to say that the Bill has been in print, but members have been bombarded with questions and suggestions regarding this measure which no one is able to answer. Probably the Bill will come from another place with amendments. In any case we are asked to consider it to-morrow without having a proper opportunity to master its contents and certainly without an opportunity to make ourselves acquainted with the bewildering suggestions in regard to it. I assure the Minister that in suggesting an adjournment until Tuesday there is not the least intention to burk discussion. We want to give the measure the fullest and fairest consideration. We feel that we cannot do so unless we have time to fully and fairly consider it. That is why we ask for this lapse of time until Tuesday, and I am certain that these few

days will not make any great difference to the Government, certainly not in connection with the elections, but will enable this House to pay very much better attention to it than will otherwise be the case. I ask the leader of the House to reconsider his decision.

The COLONIAL SECRETARY (Hon. J. M. Drew) [9.10]: I cannot alter my decision. I am giving the decision of the Premier that it is proposed to adjourn some time to-morrow.

Hon. F. Connor: There is no such thing as a decision.

The COLONIAL SECRETARY: There is a decision by the Government to adjourn to-morrow. If the adjournment of the Council extends over to-morrow it will defeat the Bill. This must be clearly understood.

Hon. D. G. Gawler: Then it cannot be our fault.

The COLONIAL SECRETARY: The Government have carried on Parliament as long as possible, in fairness to both parties.

Hon. W. Kingsmill: There are no dates fixed for the election.

Hon. C. F. BAXTER (East) [9.12]: I am getting tired of the threats thrown at us by the Colonial Secretary.

Hon. R. G. Ardagh: You will get more before you have been here long.

Hon. C. F. BAXTER: This House cannot be blamed if the Bill is thrown out. We had no hand in fixing the elections. It is not our fault that the elections will be held on the 21st October.

Hon. W. Kingsmill: The dates are not fixed.

Hon. C. F. BAXTER: The Colonial Secretary has said that they are. We had the assurance of the Premier, through the Press, that last Tuesday's sitting would finish the business. That being the case we did not contemplate any fresh legislation. A number of country members have returned home, and some did not attend this week thinking that only the few small measures on hand would be dealt with. Now one of the most vital Bills which can be brought before any Legislature is to be introduced, and I ask, is it fair that we should not give them an

opportunity to deal with it? They should have an opportunity, and I urge the Colonial Secretary to withdraw his motion. We do not want to adopt extreme measures, and there is no chance of country members reaching here by to-morrow. Personally I do not think I could do justice to the Bill at such short notice. I believe copies of the Bill were distributed, but the question is how many amendments will be made.

The COLONIAL SECRETARY (Hon. J. M. Drew — Central) [9.14]: On Tuesday last I was approached by several members and I told them that probably another very important emergency Bill would be introduced. Some members who wished to go away desired particulars of the measure, but I was not in a position to give them details.

Hon. A. SANDERSON (Metropolitan-Suburban) [9.15]: I strongly urge members to leave the conduct of the business in the hands of the leader of the House. The least we can do is to come here as the Minister asks and conduct the business of the House.

Hon. D. G. Gawler: What is the objection to adjourning till Tuesday?

Hon. A. SANDERSON: The conduct of the business is in the hands of the Minister.

The Colonial Secretary: I have stated the objection.

Hon. D. G. Gawler: I have not appreciated it.

Hon. A. SANDERSON: If the leader of the House calls us here, in fairness to him and justice to the country at the present juncture, whatever the inconvenience to ourselves, we ought to obey.

Hon. D. G. Gawler: What is the inconvenience to them?

Hon. A. SANDERSON: It is for the Government to judge. With regard to the absentees, if hon. members thought it advisable to return to the country, the responsibility is on them.

Hon. A. G. Jenkins: They knew nothing about it.

Hon. A. SANDERSON: They knew perfectly well that the country is going through a very serious crisis.

Hon. D. G. Gawler: That does not indicate any knowledge of this Bill.

Hon. A. SANDERSON: We know the condition of affairs now prevailing, and every independent member is bound to support the leader of the House with regard to the conduct of the business.

Hon. C. F. Baxter: It is not possible to pass a Bill of this importance at once.

Hon. A. SANDERSON: That is another matter, but this is a question of permitting the Minister to conduct the affairs of the House as he thinks best in the interests of the country. It is our bounden duty to fall in with the wishes of the Minister, and I will support him, whatever step he takes to bring forward any business.

Hon. A. G. JENKINS (Metropolitan) [9.17]: There is not the slightest wish on the part of any member who desires an adjournment till Tuesday to take the business out of the hands of the Minister, but where is the difference between meeting to-morrow, having the second reading moved, and adjourning the debate till Tuesday, as will assuredly happen, and deciding at once that the House shall not meet till Tuesday. That is the position. Carrying the hon. member's remarks to a logical conclusion, if the Government desired to force the Bill through to-morrow, he would vote for them, and would not vote for the adjournment of the debate, although he might be opposed to the Bill. Members simply desire time to consider the Bill and to allow those who went away under the impression that no fresh measures would be introduced an opportunity to consider it.

Hon. E. McLARTY (South-West) [9.18]: I scarcely think it is fair that the House should be asked to consider at such short notice a Bill of such vast importance as the one about to come before us. Scarcely a member of this House has ever seen the Bill, or had any opportunity of considering its provisions. I, for one, am prepared to attend here to-morrow if the Colonial Secretary desires it; but I am not prepared to rush the measure

through simply because the Premier desires that Parliament shall prorogue. The matter is of too great importance, affecting, as it does, the business people of this State to a very considerable extent.

Hon. F. CONNOR (North) [9.19]: I will follow Mr. Sanderson's example, and support the leader of the House in the conduct of the business of the House. At the same time, I would advise him to agree to the expressed wish of the majority of members that consideration of the Bill should be adjourned until Tuesday. If the Minister presses the matter to a division, I will vote with him.

The Colonial Secretary: You are asking an impossibility.

Hon. F. CONNOR: I do not think it is in the best interests of the people that the Bill should be forced through. However, as I have said, I shall vote with the Colonial Secretary on a division, because in my opinion it is not a fair thing to take the conduct of business out of the hands of the leader. Nevertheless, if we meet to-morrow, the position will not be improved, because the majority of members will not accept a Bill of which they know nothing.

The PRESIDENT: The question is the adjournment; not the Bill.

Hon. F. CONNOR: The leader of the House has asked us to adjourn until to-morrow because of the fact that a Bill is about to come up from another place. I would urge the Colonial Secretary to accept an adjournment until Tuesday.

Hon. H. P. COLEBATCH (East) [9.21]: I should certainly support the Colonial Secretary if he gave any reason why we should not adjourn until Tuesday. So far as I know, the only reason advanced by the Minister is that the elections are coming on. However, the date of the issue of writs is not until a fortnight after next Tuesday. Possibly it might not be desirable to alter the date, because the public have been given to understand that they can enrol up to a certain date. However, the date mentioned is a fortnight distant from

next Tuesday; and, personally, I am to some extent influenced by the fact that the last three sessions of this Parliament have been brought to a hurried conclusion weeks before the time that it was generally supposed we were to conclude our legislation. On each occasion an attempt has been made to rush legislation through at the last moment, without opportunity for members to give it adequate consideration. Unless some good reason is given why we should not adjourn until Tuesday, I shall certainly vote in that direction.

Hon. E. M. CLARKE (South-West) [9.23]: I join with other members in desiring to support the Minister so far as I can, but I regret that the hon. gentleman should say, in effect, that discussion of this Bill must be finished to-morrow. I agree with other members that the measure is one likely to call for careful and mature consideration, and for that reason I was sorry to hear the Minister make that statement. I do not like in any way to take the conduct of business out of the Minister's hands, but I do join with other members in requesting him to let the Bill stand over until Tuesday. In my opinion, it is hardly a correct thing to say that the Bill must go through to-morrow.

The Colonial Secretary: We can sit on; we can go on all to-morrow night.

Hon. W. KINGSMILL (Metropolitan) [9.24]: If this question goes to a division, I shall be forced, as an officer of the House, to give a most unwilling vote in favour of the leader of the House. At the same time, I want to point out to the hon. gentleman that, beyond his statement that this thing is impossible, we have no evidence before us; and I absolutely refuse to recognise the impossibility of it. The Colonial Secretary says that the general elections are coming on; but, so far, the general elections are merely nebulous. Certain dates have been mentioned, but no dates are fixed. Why, therefore, if certain dates have been mentioned, cannot those dates be altered? At all events, it is taxing to the utmost point, to the breaking

strain, the loyalty of this House to its leader, to ask us to consider perhaps the most important measure the House has had before it during its whole existence, in the short space of a few hours, and with practically no notice whatever. The impossibility of adjournment until Tuesday I refuse to believe in, if that impossibility is in any way connected with the general election, because, as I have already pointed out, the date of the election is not fixed; it has simply been mentioned.

Member: No other reason is given.

Hon. W. KINGSMILL: Then I say that is absolutely no reason whatever. Under those circumstances, while, as I have already said, I shall give my vote for the Minister, I can assure him it is with a sense of injustice done to this House that I will do so.

Hon. H. MILLINGTON (North-East) [9.26]: I hope that hon. members will fall in with the wishes of the leader of the House. We have had a good deal of emergency legislation, and we must remember that Ministers are desirous that, before the prorogation, matters shall be placed in order, so that the Government can carry on during recess. I do not think we have had a particularly hard time during this session, and I fail to see what reason members can give to their constituents for a refusal to sit to-morrow. The leader of the House desires that we shall sit to-morrow, and it is our plain duty to fall in with his wishes in that respect.

Hon. C. McKENZIE (South-East) [9.27]: I trust that the Minister will, if possible, reconsider his decision. Last week the House was given to understand that that week would be the last of the session. Therefore I was rather surprised by the receipt of a telegram advising me that we were to meet again this Tuesday. Should the leader of the House be able to reconsider his decision I am sure it will be esteemed by hon. members as a great concession, and certainly it will afford them time to study the very important Bill which is to come before us.

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

Ayes	10
Noes	9

Majority for	1
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AYES.

Hon. J. F. Allen	Hon. J. Duffell
Hon. R. G. Ardagh	Hon. V. Hamersley
Hon. F. Connor	Hon. W. Kingsmill
Hon. J. E. Dodd	Hon. H. Millington
Hon. J. M. Drew	Hon. A. Sanderson

(Teller).

NOES.

Hon. E. M. Clarke	Hon. R. J. Lynn
Hon. H. P. Colebatch	Hon. C. McKenzie
Hon. D. G. Gawler	Hon. E. McLarty
Hon. J. J. Holmes	Hon. C. F. Baxter
Hon. A. G. Jenkins	

(Teller)

Question thus passed.

House adjourned at 9.30 p.m.

Legislative Assembly,

Thursday, 10th September, 1914.

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The DEPUTY SPEAKER took the
Chair at 2.30 p.m., and read prayers.

BILL—INCOME TAX (WAR EMER- GENCY).

Second Reading.

Debate resumed from the previous
day.

Hon. FRANK WILSON (Sussex) [2.35]:
I must confess that the introduction

of this proposed emergency tax on the assessment of incomes came to me somewhat as a thunderbolt last night. The question was not submitted to me in any shape or form, and the Premier did not tell me until the tea adjournment that he proposed to introduce the Bill. I had no idea what the purport of the measure would be, hence after hearing his speech I deemed it absolutely necessary to ask for some slight adjournment in order that I might read the measure through. I have been able to do that, and also to peruse the Premier's introductory remarks, but beyond that I have not had sufficient time to thoroughly assimilate the whole position. I am, however, satisfied that the proposal of the Government is one which must of necessity create consternation and hardship amongst the people generally, and I am very much afraid, if insisted upon, will cause widespread ruin and bring our trade and commerce to a great extent to a standstill. I recognise that the Government have a grave responsibility to face at the present juncture, and knowing that, I have endeavoured to assist them in every way in my power with their necessary urgent legislation. This evidently was not in that category so far as the Government were concerned, because they did not think it necessary to consult me as to their proposals in this direction. I can quite understand the Premier's pain at introducing a Bill of this description, and I can assure him that the feeling is mutual, so far as I am concerned. I cannot look upon the suggestion as a fair measure of taxation. I look upon it more as an attempt to take from the people a large sum of money which at the present juncture they are ill-equipped to provide. The Premier reckoned that the matter had been before the public for some time.

The Premier: I did not say that.

Hon. FRANK WILSON: In his introductory remarks last night the Premier said that the measure had been before the public for some time. I want to join issue with him in that respect, but I do not think the public