

man worked half a day the amount he would receive would be his weekly earnings.

Mr. Triat: Suppose he worked six days?

The MINISTER FOR MINES: This does not presume anything of the sort. In view of our arbitration awards, is the hon. member suggesting that if a man works for an employer for a full week the employer has the right to employ him at 25s. or less? If a man works half a day or one hour in a week and is paid for that time, surely that comprises his weekly earnings. If he worked a week and the week's wages in that particular industry amounted to £4 10s., the payment of the difference between what he received and this 25s. would not come into the matter at all. The medical profession says, "Whatever you do, encourage these men to work. Under no circumstances get them into the idea that they are not to work." The whole basis of this occupational therapy is that they should work, if only for one or two hours. At Wooroloo, workshops and gardens are being established and the Treasurer has provided money for an orchard. Everything is being done to encourage men to work for a certain number of hours, and this provision is designed to achieve the same purpose.

Mr. MARSHALL: These paragraphs provide for rates to be paid on the basis of £3 10s. and 25s. Here we have the principle of getting men to work while they are being treated. When they finish being treated and get a certificate they have to paddle their own canoe.

The Minister for Mines: They are not under this provision being asked to work while they are being treated.

Mr. MARSHALL: Yes. In my second reading speech I made that statement, and the Minister said, "No," and he is saying it again. Let the Minister read the clause and see what it does say. Would he be prepared to pay benefits to men not under treatment when they get a certificate?

The Minister for Mines: Yes, until they are able to work.

Mr. MARSHALL: Then let that be put in the Bill. Let me read the proviso—

Provided also that when a prohibited mine-worker has been supplied with a certificate as provided for by subparagraph (ii) of paragraph (a) of Subsection (3) of Section 13 of this Act the benefits prescribed in this paragraph of this subsection shall cease—

That is when he gets the certificate. Let the Minister keep that in his mind.

—as soon thereafter as shall be determined by the board; and, if, before the abovementioned benefits have been determined by the board as aforesaid—

The proviso says "before" not "after," because after they have finished the miner ceases to get benefits—

the prohibited mineworker engages in any kind of gainful occupation or employment from which the gross amount of his weekly earnings is less than the gross amount of the weekly benefit under this Act which he has been receiving the board may pay to such mineworker an amount not exceeding the difference between his said weekly earnings and his said weekly benefit under this Act.

That is before the board determines that his benefits shall cease he obtains gainful employment and not after. The Minister has a wrong conception of this proviso. These men have to be employed before the board determines the cessation of their benefits. They cease to get benefits when the board determines. They may be unemployed for any given period; the Minister is finished with them other than to give them a medical examination every six months. They do not get benefits while they are seeking employment because the board says the benefits have been determined. The last lines of the proviso indicate the position clearly.

Progress reported.

House adjourned at 11.1 p.m.

Legislative Council.

Wednesday, 15th September, 1943.

	PAGE
Questions: Daylight saving, as to application to Western Australia	501
Phosphate supplies, as to local deposits	501
Bills: Lotteries (Control) Act Amendment, 1R.	501
Education Act Amendment, 1R.	501
Electoral (War Time), 1R.	501
Public Service Appeal Board Act Amendment, 3R. passed	501
Farmers' Debts Adjustment Act Amendment, 3R. passed	501
Trade Unions Act Amendment, 2R.	501
Industries Assistance Act Continuance, 2R., Com., report	504
Public Authorities (Postponement of Election) Act Amendment, 2R., Com., report	504
Public Authorities (Retirement of Members) Act Amendment, 2R., Com., report	505
Companies, 2R.	505

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

QUESTIONS (3).**DAYLIGHT SAVING (2).**

As to Application to Western Australia.

Hon. L. B. BOLTON asked the Chief Secretary: In conformity with the resolution passed unanimously by both Houses of this Parliament in opposition to the reintroduction of daylight saving, and the strong public opinion expressed in support of that attitude, has the Premier yet acquainted the Commonwealth authorities of the foregoing facts?

The CHIEF SECRETARY replied: The resolution passed by the State Parliament was transmitted by telegram to the Prime Minister on the 8th September, 1943. The opposition to daylight saving was reiterated in a further telegram to the Prime Minister on the 10th September, 1943.

Hon. C. B. WILLIAMS asked the Chief Secretary: 1, Has the Government requested the Commonwealth Government to omit Western Australia from any nit-wit daylight saving Bill? 2, If not, why not?

The CHIEF SECRETARY replied: The resolution passed by the State Parliament was transmitted by telegram to the Prime Minister on the 8th September, 1943. The opposition to daylight saving was reiterated in a further telegram to the Prime Minister on the 10th September, 1943.

PHOSPHATE SUPPLIES.

As to Local Deposits.

Hon. G. B. WOOD asked the Chief Secretary: 1, What was the cost to the British Phosphates Commission and the State Government, respectively, of the recent research operations with regard to the Dandarragan phosphatic rock deposits? 2, What was the cost to each authority for the chartering of a vessel at Geraldton to explore the Recherche Archipelago with a view to finding phosphatic rock deposits?

The CHIEF SECRETARY replied: 1, Cost to State Government, £461 9s. 7d. This does not include salaries of Government geological officers undertaking the examinations. The State Government has no record of the costs incurred by the British Phosphates Commission. 2, Cost of chartering of the vessel, including insurance of crew, totalled £330 3s. 5d. This was reimbursed by the British Phosphates Commission.

BILLS (3)—FIRST READING.

- 1, Lotteries (Control) Act Amendment.
- 2, Education Act Amendment.
Introduced by the Chief Secretary.
- 3, Electoral (War Time).
Received from the Assembly.

BILLS (2)—THIRD READING.

- 1, Public Service Appeal Board Act Amendment.
- 2, Farmers' Debts Adjustment Act Amendment.
Passed.

BILL—TRADE UNIONS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. A. THOMSON (South-East) [4.43]: The Bill proposes to amend an Act that came into existence in 1902 and conditions today are very different from those then prevailing. The House has before it a measure designed to bring company law up to date, and I think that in view of the altered conditions under which trade unions are now operating, this Bill might have been framed in such a way as to make it more in keeping with present-day conditions. When the original legislation was introduced, unionism was voluntary. Today it is an accepted principle; the Arbitration Court approves of preference being given to unionists, and I imagine that any non-unionist who accepted employment on any public work or constructional work of any kind would not remain there long. The unions are sufficiently strong to enforce obedience to their rules.

According to a report tabled in the House, there are 57,240 members of trade unions in this State. That total conveys some idea of the strength of these organisations. The Bill seeks to bring in three other unions that cannot be registered under the Arbitration Act. The Minister should inform us why the Railway Officers' Union has not been granted registration by the court. Ever since I have been in Parliament I have adopted the practice, in cases where doubt exists, of casting my vote in the direction of leaving things as they are until we could ascertain how the proposed legislation would affect the parties concerned. As I remarked, the membership of the unions indicates the power of those organisations. I am not

raising any objection to that, but seemingly under the powers to be conferred by this Bill, the three unions not eligible to be registered under the Arbitration Act will be embraced. The Minister should say why those unions have not been granted registration.

An enormous amount of money is represented in the payment of union subscriptions. In the "Daily News" we often read of inquiries by taxpayers as to the amount of income taxation for which they will be liable after allowing for their respective deductions. Union fees are an allowable deduction, and, according to these inquiries, the fees vary from £1 5s. to £2 10s. a year. Taking £1 10s. as the average—

The Honorary Minister: It would be less than that.

Hon. A. THOMSON: I am making only a rough and ready calculation. On the average the total amount paid in union fees would be £85,860.

The Honorary Minister: Some pay as much as £3 a week.

Hon. A. THOMSON: I have based my calculation on the average of figures available to me. I should like to be informed whether each member of a union is supplied with a copy of the balance sheet. That would be interesting. We are providing in the Companies Bill now before this House that a shareholder shall have the right to inspect the balance sheet and statement of affairs of a company. In my view unions are today, in effect, companies, especially when one considers the enormous revenue which apparently they are receiving. I ask the Honorary Minister, when he replies, to indicate what exactly is meant by the proposed new Section 32A, which reads—

All fines, fees, levies and dues payable under its rules to a registered union by any member thereof. . . .

Apparently, that means a member may be fined for not paying his fees, levies and dues, and that the whole amount may be recovered in a local court or in a court of summary jurisdiction. I shall leave the legal members of the House to deal with the matter of a court of summary jurisdiction. What levies are likely to be imposed upon a member of a union? Ordinary dues would, of course, be permissible; but the word "levies" might cover anything. That is a point on which the Honorary Minister might give us information.

I am in a quandary over the measure. Mr. Williams, who is an extremely experienced Labour man, moved that the Bill be read this day six months and he stated his reasons. I therefore am wondering what attitude to adopt towards the measure. I shall reserve to myself the right to vote as I think fit when the Honorary Minister has replied. Personally I feel that levies may inflict hardship upon individual members of a union; and, after all, our duty is to protect as well as to assist. When introducing the Bill, the Minister mentioned the Railway Officers' Union and the Western Australian Branch of the Electrical Trades Union, which is a Commonwealth organisation. Surely the latter union could recover fees under the Commonwealth Arbitration Act, instead of using our local legislation. Would not the Commonwealth Act over-ride this measure, if passed? In view of the fact that we have 57,240 unionists in this State, it seems sensible to bring into line the three unions whose members do not come under the same rules and conditions; but the Arbitration Court will not register those three organisations, for what reason I do not know. There are the two I have mentioned, besides the Tributers' Union. I suggest that tributers would not for a moment come within the category of trade unionists. They might do so.

The Chief Secretary: There are unions of employers as well as unions of employees.

Hon. A. THOMSON: Very well. If the Minister can satisfy me on the points I have raised, I may vote for the Bill.

HON. G. B. WOOD (East): I can see no harm at all in this simple Bill. Mr. Thomson said just now that unions representing 57,000 unionists could go to the court to recover fees and dues. There are, however, 1,300 unionists who do not enjoy similar opportunities, and I can see no reason at all why Parliament should not give them those rights and privileges. Certainly, their unions are not registered, but some reason may exist for that.

Hon. V. Hamersley: What are the unions?

Hon. G. B. WOOD: The Railway Officers' Union, the W.A. Branch of the Electrical Trades Union, and the Eastern Goldfields Tributers' Union. They may be prevented from being registered because of the nature of their constitution. I do not know, but personally I do not think it matters. Unionists are unionists, whether their unions

are registered or not. I am quite prepared to support the Bill, because I think that 1,300 unionists whose organisations are not now registered should be placed on the same footing as the 57,000 unionists mentioned by Mr. Thomson.

HON. C. F. BAXTER (East): There is more in this Bill than Mr. Wood has discovered.

Hon. G. B. Wood: Tell us all about it.

Hon. C. F. BAXTER: I shall before I finish. Legislation was passed by this House—in fact, by both Houses of Parliament—in 1932 dealing with imprisonment for debt. The object was to do away with imprisonment for debt, but this Bill would seem to revive that principle. That is the main objection I have to the measure, which first seeks to amend the principal Act by striking out paragraph (b) of Subsection (1) of Section 5, reading—

Any agreement for the payment by any person of any subscription or penalty to a trade union,

The measure then seeks to strike out subparagraph (1) of paragraph (c)—

To provide benefits to members; or . . .

The 1932 legislation prevented a person from being imprisoned for debt. It would be interesting to read extracts from the speech made when the measure was introduced—

The purpose of this Bill is to amend the Justices Act, 1902-26, particularly in relation to imprisonment for debt. In a great number of measures, most of which are set forth in the schedule to this Bill, sums of money which are really civil debts are made recoverable in the police court. Whenever this is done the order made by the court under the Justices Act must be in the following terms:—(1) An order for the amount to be paid. (2) That in default of payment, distress shall issue against the property of the defendant. (3) In default of sufficient distress to pay the amount, imprisonment at the rate of 3 days for every one pound.

That is what this Bill will do.

The result of such an order is that if the defendant is too poor to pay the debt he must go to gaol forthwith. This, in the instances set forth in the schedule, means imprisonment for debt.

In times of financial stress such as we are now experiencing, it is possible that people who under ordinary circumstances would not run into debt may find it impossible to pay such charges as excess water, medical fees, etc.; and under the present Act they can be imprisoned. It is apparent that such debts should not be subject to recovery in a police court, and it is to be hoped that Parliament

will in future carefully scrutinise all Acts, and see to it that the remedy for what is really a civil debt is never made recoverable in the police court or before justices or in a court of summary jurisdiction or in a summary way.

That was a portion of my introductory speech as Chief Secretary when that Bill was passed through Parliament. The measure before the House brings in again the court of summary jurisdiction which provides for imprisonment for debt. Mr. Thomson has dealt with compulsory unionism. The position is difficult. Here we have a person who may be forced in the first place to join a union, and then if he cannot pay his subscriptions or levies he is imprisoned for debt. I am not objecting to that, because debts that are due must be collected. However, we should be very careful in the Committee stage to strike out the words "or court of summary jurisdiction"; otherwise we will undo all the good that Parliament achieved in 1932. The Act of 1932 applied to debts even incurred under the enactment dealing with pawnbrokers, and indeed to all civil debts. In Committee I shall urge members to strike out the words to which I have referred, otherwise the position will be created whereby we shall be voiding in this Bill that which in 1932 afforded relief where it should have been given in such cases.

HON. V. HAMERSLEY (East): I am not altogether satisfied with this measure, which sets out a position contrary to what we have understood concerning the Trade Unions Act in the past. It tends to revolutionise the system under which these organisations have been working for many years. That is especially unfortunate in these days when we are fighting for freedom. It seems to me that this measure is going to bring about a reverse position. It will tighten the grip upon all men who are forced to join trade unions and are brought under their control. If such men are not able to keep up the payment of their fees, they can be followed right through the courts. I doubt if any one of them can get out of a union once he joins it.

Hon. A. Thomson: The question is sometimes that of getting into a union.

Hon. V. HAMERSLEY: Men may perhaps embark upon some other calling, but they will be subject to control for all time if they have not paid their fees. I do not even know whether a man can resign from

the union he has joined, or whether, having joined, he will have to go on paying fees to it for the rest of his life. That point has not been explained satisfactorily to me. I presume that even if a man got out of the country he could still be followed. It seems to me that this is making slaves of trade unionists, but I dare say we shall have some of these points thrashed out in Committee. According to the original Act members of unions could not be sued for their fees, and there must have been good reasons for having it framed in that way. I cannot understand why it is now desired to alter those terms and put this form of slavery over the people concerned with regard to the payment of fees. I do not oppose the Bill, but hope this matter will be looked into.

(On motion by the Honorary Minister, debate adjourned.)

BILL—INDUSTRIES ASSISTANCE ACT CONTINUANCE.

Second Reading.

Debate resumed from the previous day.

HON. A. THOMSON (South-East) [5.6] : I have no objection to offer to the measure. The principal Act has been with us a long time, and the Bill merely provides for the continuation of existing legislation.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment and the report adopted.

BILL—PUBLIC AUTHORITIES (POSTPONEMENT OF ELECTIONS) ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER [5.11] in moving the second reading said: By this Bill it is proposed to amend the Public Authorities (Postponement of Elections) Act, which was passed in the early part of last session for the purpose of authorising the postponement of elections of certain public authorities during the war. Section 3 of that Act provides that the Governor, on the recommendation of the Minister, may at any time by proclamation direct that any election required by the governing Act, or Acts, to be held by any public authority, shall be post-

poned for such period not exceeding twelve months as shall be specified by proclamation. Subsequently, in March, 1943, after representations had been made by certain authorities, the Public Authorities (Retirement of Members) Act was passed, by which the term of office of some local authorities was extended for two years. This was done in order to maintain the rotation system.

To remove the conflict between the two Acts it is proposed by Clause 2 to delete the words "not exceeding twelve calendar months" from Section 3 of the principal Act. The amendment will then adjust the position. Clause 3 seeks to repeal Section 6, which provides that the term of office of all members of public authorities shall expire on the date of the postponed election. It is now proposed to amend this section to bring it into line with Sections 44 and 45 of the Municipal Corporations Act, which provide that the mayor shall remain in office until the 30th November next following the election, and that the councillors shall be elected from the first day of December in the year of their election and not on the date of the election. This would continue the time for retirement and give the councils a few days' grace to make administrative changes and to comply with the requirements of the Municipal Corporations Act. In effect, the amendment seeks to restore the position as it stood under that Act.

The only other matter dealt with also relates to Section 6. The Road Districts Act provides that the chairman and vice-chairman of a board shall be elected at the first meeting following the annual election. With the postponement of many elections, some confusion has arisen in that some boards have held their several elections of chairman and vice-chairman on the date of the first meeting after the day upon which the election would have been held had it not been for the postponement, whereas other boards have retained their chairmen and vice-chairmen without holding fresh elections for those offices. Requests have been received from the Road Board Association and several members for the matter to be clarified and for the past actions of the boards to be validated. This explains the provisions of this small Bill, which has been requested by the local authorities themselves, and has the approval of the Government. I trust that Parliament will agree to it. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment and the report adopted.

**BILL—PUBLIC AUTHORITIES (RETIREMENT OF MEMBERS) ACT
AMENDMENT.**

Second Reading.

THE HONORARY MINISTER [5.18] in moving the second reading said: This is another small Bill to amend wartime legislation passed last session, its purpose being to preserve the principle of continuity of retirement in rotation, which is prescribed in Section 27 of the Road Districts Act, and relates only to members of road boards. The position regarding municipal councils is adequately covered by the provisions of the principal Act. It will be recalled that all road board elections which ordinarily would have been held in April, 1942, were first postponed under an Order issued by the Premier under National Security Regulations for twelve months from April, 1942, to April, 1943. Last session Parliament passed the Public Authorities (Postponement of Elections) Act under which public authorities and ratepayers could determine whether any further postponements of elections should be ordered.

In accordance with the provisions of that Act, notice of intention to postpone elections was published, and 115 boards agreed to a further postponement, whilst 12 boards decided to proceed with elections. By a proclamation gazetted in January, 1943, and issued under the Public Authorities (Postponement of Elections) Act, which stipulates that no postponement shall be for a longer period than twelve months, the 1942 elections of the 115 boards were further postponed until April, 1944. The other 12 boards held their 1942 elections in April, 1943. The principal Act as it now stands makes adequate provision for the 12 boards which held their 1942 elections in April, 1943, in that those elected in 1943 hold office until 1946 and those due to retire in 1943 and 1944 have had their terms extended to 1944 and 1945, respectively, with the result that elections will be held annually for the prescribed number of retiring members.

In connection with the 115 boards whose 1942 elections have been postponed for a period of two years, the position is that the 1942 elections have been postponed until 1944 by order and proclamation and by Section 3 (b) of the Public Authorities (Retirement of Members) Act now sought to be amended. The 1943 elections have also been extended to 1944, with the result that unless the amendment embodied in the Bill is passed, two lots of members—the 1942 and 1943 sections—will have to go up for election in April, 1944. If this Bill is passed, the position in relation to these 115 boards will be that the 1942 members will come up for election in 1944 for the period 1944-47; the 1943 members will come up for election in 1945 for the period 1945-48; and the 1944 members will come up for election in 1946 for the period 1946-49.

As the war situation has improved, it is not anticipated that there will be any need for further postponements of the elections of local authorities. That deals with the proposals in the Bill, and as was the case with the proposals set out in the Public Authorities (Postponement of Elections) Bill, which the House has just dealt with, they have the approval of the local authorities and the Public Works Department. I am very pleased that I have had the opportunity of moving the second reading of this Bill and the one just agreed to. When the original measures were passed, the outlook for the nation was very black and the amending Bills may be regarded as signs of the times. We are introducing legislation that will enable us to revert to the old order. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment and the report adopted.

BILL—COMPANIES.

Second Reading.

Debate resumed from the previous day.

HON. J. A. DIMMITT (Metropolitan-Suburban) [5.25]: My reason for seeking the adjournment of the debate yesterday was to enable me to inquire whether the Chief

Secretary had any objection to the Committee stage of the Bill being postponed for some days. No doubt members will realise that the Bill first came before us eight or nine days ago. It is comprehensive and a very different measure from that which was originally the subject of an inquiry by a Joint Select Committee, which was subsequently converted into an honorary Royal Commission. The desire of many interested parties, most of whom gave evidence before that body, is to study the Bill in its present amended form. Many of the recommendations of the Royal Commission have not been embodied in the Bill.

Hon. L. Craig: You mean that they were deleted.

Hon. J. A. DIMMITT: Yes, either not included or struck out in another place. In any event the Bill is vastly different from the measure that was considered by the representatives of various city commercial interests. The desire is to place amendments on the notice paper in conformity with the request of the Chief Secretary, and some time will be necessary to consider the measure and frame the amendments. I appreciate the action of the Chief Secretary in agreeing to delay the Committee stage of the Bill, the second reading of which I support.

HON. A. THOMSON (South-East): As one of the members of the Joint Select Committee that inquired into company matters, I would like to endorse the remarks of Mr. Craig regarding the difficult task that confronted the Minister for Justice in handling the details of such an important Bill. I regard it as one of the most important submitted to this House. After listening to the evidence submitted to us by experts and framing alterations to the measure, I consider the legislation as subsequently placed before the Legislative Assembly met with the point of view of the majority of those who gave evidence before us. I take this opportunity of expressing my appreciation—I am sure I can speak for my fellow members as well—of the excellent services rendered by Mr. Watts, M.L.A., in the task that confronted us. He is a solicitor and was most helpful to us, as also was Mr. Walker, K.C., the Solicitor General. I think it only fitting that I should also place on record my deep appreciation of the services of Mr. A. S. Cowan, who acted as the committee's secretary. His was a very difficult task and he performed his duties with credit to him-

self and with advantage to the Joint Select Committee. Our general desire was to protect the public from the operations of such concerns as Litchfields (A/sia), Ltd., which gave rise to the inquiry. That company unquestionably robbed a considerable number of people.

I suggest that we pass the second reading of the Bill as it stands. It will not be proclaimed until such time as may be deemed advisable. The point is that unless the measure is passed and goes back to another place and there obtains approval for any minor amendments made here, the labours of three years will be lost and the State will not have the benefit of this new measure which combines the best features of the Acts of South Australia, New South Wales and Victoria. If only for one reason I would like to see the Bill passed, and that is that we want to prevent the return of investment companies such as that which was the cause of the appointment of the Select Committee. I trust, therefore, that members will accept the Bill as it is now. If only two or three minor amendments are made here, there should be no question about the passage of the Bill. The Minister for Justice, Hon. E. Nulsen, as a layman had a most difficult task. I do not suppose any Minister ever had one more difficult. Therefore I hope we shall not show ourselves unduly critical and thus place an undue burden on the Chief Secretary. I support the second reading.

THE CHIEF SECRETARY (in reply): It is very pleasant to find that members generally are anxious that the measure should pass the second reading stage. I recognise that it lends itself to full discussion in Committee. I hope the second reading will be passed this afternoon, in order that the Committee stage may be taken next week. I have no intention of proceeding with the Bill in Committee either this afternoon or tomorrow. I shall be glad if members who have amendments to move will place them on the notice paper, so that I may have an opportunity of acquainting myself with them. I have nothing to add except that I am very hopeful that the Bill will not be delayed but be brought to fruition for the benefit of the people.

Question put and passed.

Bill read a second time.

House adjourned at 5.34 p.m.