

Legislative Council,

Friday, 2nd February, 1934.

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

LEAVE OF ABSENCE.

On motion by Hon. C. F. Baxter, leave of absence for six consecutive sittings granted to Hon. Sir Charles Nathan (Metropolitan-Suburban) on the ground of urgent private business.

BILL—FINANCIAL EMERGENCY.

Assembly's Request for Conference.

Message from the Assembly received and read requesting a conference on the amendments insisted on by the Council, and stating that if a conference were agreed to, the Assembly would be represented by three managers.

The HONORARY MINISTER: I move—

That a conference be agreed to, that the conference be held forthwith in the President's room, and that the managers for the Council be selected by ballot.

Question put and passed.

Ballot resulted in the appointment of the Honorary Minister, Hon. H. Seddon, and Hon. J. Nicholson.

Sitting suspended from 5.15 p.m. to 5.15 a.m.

Conference Managers' Report.

The HONORARY MINISTER: I desire to report that your managers have met the managers from the Legislative Assembly and have agreed that amendments Nos. 1 to 7, 10 to 13 be not further insisted upon, and that a new clause, to stand as Clause 18, reading as follows, has been added to the Bill:—

18. (1) In the case of every award and industrial agreement existing at the commencement of this Act and which had been varied

by an order of the Arbitration Court under the authority conferred by the provisions of Part V. of the Financial Emergency Act, 1931, upon the application of an employer for an order of the court to vary such award or industrial agreement under the said Act, it shall be lawful for any employer or employers who employ either singly or in the aggregate a majority of the employees engaged in the particular industry to which such award or industrial agreement relates, within one month after the date of this Act being assented to, to apply to the Arbitration Court by a notice in writing signed by such employer or employers for an order amending such award or industrial agreement under and in accordance with the provisions of the Industrial Arbitration Act, 1912-1925, and in such case the following conditions shall apply:—

(a) A copy of such notice shall be served by the applicant or applicants upon the industrial union concerned in such application.

(b) Upon receipt of the notice the Court shall appoint a day for hearing the application not less than fourteen days after the receipt of the notice, but otherwise as soon thereafter as possible having regard only to other specially urgent matters then pending in the Arbitration Court, and shall cause not less than seven days' notice thereof to be given in writing to the applicant or applicants and the industrial union concerned.

(c) On the hearing of the application the parties concerned may appear either personally or by their agents in accordance with the provisions of the Industrial Arbitration Act, 1912-1925.

(2) The provisions of subsection one hereof shall apply and have effect notwithstanding anything to the contrary contained in the Industrial Arbitration Act, 1912-1925, or the regulations made thereunder.

(3) It shall be competent for the Arbitration Court to hear and determine any such application and to make such order in respect of the industrial award or agreement to which the application relates as it may think fit under the provisions of the Industrial Arbitration Act, 1912-1925, in the same manner and to the same extent and for the same purpose as if such application had been made under and in accordance with the provisions of the said Act and the regulations made thereunder and not under the authority of this section.

I move—

That the report be adopted.

Question put and passed.

Assembly's Further Message.

Message from the Assembly received and read notifying that it had agreed to the conference recommendations.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [5.22]: I move—

That the House at its rising adjourn to a date to be fixed.

.Question put and passed.

House adjourned at 5.23 a.m. (Saturday).

by the Council; the managers for the Assembly to be the Premier, Mr. Latham and the mover.

Question put and passed, and a message accordingly returned to the Council.

Sitting suspended from 4.35 p.m. to 5.15 a.m.

Council's Further Message.

Message from the Council received and read notifying that it had agreed to the request for a conference, had appointed Hon. W. H. Kitson, Hon. J. Nicholson and Hon. H. Seddon as managers, the President's room as the place for holding the conference, and the time forthwith.

Sitting suspended from 1.53 p.m. to 5.15 a.m.

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| BILL: Financial Emergency, Council's message, request for Conference, Council's further message, Conference Manager's Report, Council's further message | 106-7 |
| Adjournment, special | 197 |

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

BILL—FINANCIAL EMERGENCY.*Council's Message.*

Message from the Council notifying that it insisted upon its amendments, to which the Assembly had disagreed, now considered.

In Committee.

Mr. Sleeman in the Chair; the Minister for Works in charge of the Bill.

The MINISTER FOR WORKS: I move—

That the Committee continue to disagree with the amendments insisted upon by the Council.

Question put and passed; the Council's amendments again disagreed to.

[The Speaker resumed the Chair.]

Resolution reported, and the report adopted.

Request for Conference.

The MINISTER FOR WORKS: I move—

That the Council be requested to grant a conference on the amendments insisted upon

Conference Managers' Report.

The MINISTER FOR WORKS: I desire to report that the managers of this House have met the managers of the Legislative Council, and that the Bill in the form it was last approved by this House has been agreed to, with the addition of a new clause—I do not think I need read it at length—which provides that those 47 industrial awards or agreements which have been subject to orders of the Arbitration Court for cuts under the old Financial Emergency Act are now all open for review under the Arbitration Act itself. The new clause provides that the employer can make application to the Arbitration Court for a review without going through the usual preliminaries—that is, the creation of a dispute and awaiting the lapse of a given time before papers are filed. Under the new clause, by a letter to the Arbitration Court from an individual employer or a number of employers employing in the aggregate the majority of men in the industry, application can be made to the court to have the case heard without going through the usual preliminaries: and the court will hear the case, and the whole case and the decision shall be within the four corners of the Arbitration Act. So that Part V. of the Financial Emergency Act is gone altogether. The court and its powers and deliberations and decisions will be within the Arbitration Act, and not outside it. That, shortly, is the effect of the new clause. The new clause will merely save time for the employer in getting before the court. He is entitled to go to the court, and the new clause will expedite his getting there; but the decision will