Legislative Assembly

Thursday, 12th November, 1953.

CONTENTS.

The SPEAKER took the Chair at 2.15 p.m., and read prayers.

QUESTIONS.

HOUSING.

As to Commission's Employees and Salaries.

Mr NIMMO asked the Minister for Housing:

(1) What was the number of employees of the State Housing Commission for the years 1947, 1948, 1949, 1950, 1951, 1952, and at the present time?

(2) What were the total salaries paid for each of the years shown above, and the salaries at the present time?

The MINISTER replied:

(1) The number of employees of the State Housing Commission were as follows:—

As at the 30th June—	
1947	91
1948	157
1949	209
1950	297
1951	327
1952	320
1953	338
and as at the 12th November, 1953	345

(2) The salaries paid were as follows:—

12 Months ended the 30th June—	£	s.	d
1947	41,375	15	9
1948	64,142	3	9
1949	94,993	18	8
1950	132,167	5	0
1951	181,365	1	1
1952	229,815	6	7
1953	251,702	17	11
From the 1st July, to the 31st October, 1953	96,318	17	11

The costs of administration of the various schemes administered by the commission are provided for from those schemes and not from State funds.

RAILWAYS.

As to Cost Formula, Government Workshops.

Mr. COURT asked the Minister for Railways:

(1) What is the flat rate to cover overheads, machine costs, etc., referred to in the answer to my questions on the 10th November, 1953, regarding the W.A. Government railway workshops costing formula?

(2) Did the formula in use result in a full recovery of total direct labour cost and total overheads costs for the year ended the 30th June, 1953?

The MINISTER replied:

(1) One hundred per cent. on direct labour.

(2) Yes.

EDUCATION.

As to Glenorchy and Duranillin Schools, Attendance and Bus Transport.

Mr. NALDER asked the Minister for Education:

(1) How many children attend Glenorchy school?

(2) How many are brought by school bus?

(3) What is the weekly cost of transport?

(4) How many children attend Duranillin school?

(5) How many are brought by school bus or subsidised bus?

(6) What is the weekly cost of transport?

The MINISTER replied:

(1) Fifty-three children.

(2) Fifty-three children.

(3)—

	Children.	Per Week. £ s. d.
(a) Glenorchy-Capercup bus	23	36 8 4
(b) Malcolm's feeder bus to Capercup bus	6	15 0 0
(c) Glenorchy West	20	24 10 0
(d) Glenorchy South	10	24 16 8
Total	53	100 15 0

(4) Twenty-six children.

(5) Nil.

(6) Nil.

NATIVE WELFARE.

As to Citizenship Rights, Granted and Cancelled.

Mr. NALDER asked the Minister for Native Welfare:

(1) How many natives were given citizenships rights between 1944 and 1951?

(2) How many natives were given citizenship rights between 1951 and the present time?

(3) How many natives had their citizenship rights cancelled during the same periods?

The MINISTER replied:

The particulars requested are set out in the following table:—

CITIZENSHIP STATISTICS.

	Applications.	Withdrawn by applicant.	Granted.	Refused.	Adjourned Sine Die.	Awaiting Hearing.	Cancelled.	Suspended.	Application granted, person since deceased.
Period from 1944 to 31st December, 1950	610	12	476	74	13	35	11	1	2
Period from 1st January, 1951, to 11th November, 1953	265	14	186	46	35	19	1	1	12
Totals as at 11th November, 1953	875	26	662	120	48	19	12	2	14

Number of persons holding Certificates of Citizenship as at 11th November, 1953—634.

SUPERPHOSPHATE.

(a) As to Consignment to War Service Settlers, Duranillin.

Mr. NALDER asked the Minister for Lands:

(1) How many tons of superphosphate were consigned to war service land settlers on O'Meehan's Estate at Duranillin recently?

(2) What were the carting costs?

(3) Who was responsible for ordering the superphosphate to Duranillin and who arranged the carting?

The MINISTER replied:

(1) Sixty-nine tons of superphosphate.

(2) £88 4s. 6d.

(3) The local field supervisor.

(b) As to Quantity Railed, etc., Duranillin.

Mr. NALDER asked the Minister for Railways:

(1) How many tons of superphosphate were railed to Duranillin in a recent consignment to the following:— Messrs. West, Pritchard, Matthews, Hogan, war service land settlement?

(2) How many rail trucks were used?

(3) How many days elapsed before the superphosphate was carted?

(4) How much demurrage was charged?

(5) Who paid the demurrage in each case?

The MINISTER replied:

(1), (2), (3), (4) and (5) Information of this nature is confidential between the department and its clients and it is the policy not to divulge it, but if the hon. member calls at my office the matter can be discussed.

ROADS.

As to Widening Great Eastern Highway, Greenmount Hill Section.

Mr. OWEN asked the Minister for Works:

(1) Have plans been prepared for the widening of the Greenmount Hill section of the Great Eastern Highway?

(2) Is it intended to resume further privately-owned land for this purpose?

(3) Will it be possible to utilise the old York-rd. for the purpose of one-way traffic over this section?

(4) Will he indicate if it will be possible to proceed with these road improvements in the near future?

The MINISTER replied:

(1) Some plans are in the course of preparation.

(2) A building line has been established by the local authorities and resumption will be effected from time to time as may be necessary to meet traffic requirements.

(3) This proposal has been examined and it is not feasible.

(4) Some improvements are proposed on the lower section of the Greenmount Hill late this summer.

TRAFFIC.

As to Accident Rate and Medical Care.

Mr. JOHNSON asked the Minister for Transport:

(1) Is he aware that the rate of persons killed per 10,000 motor vehicles in Western Australia is the highest in Australia?

(2) Is he aware that the rate of persons injured per 10,000 motor vehicles in Western Australia is lower than in Queensland, Tasmania and Victoria?

(3) Does this variation indicate that medical care in Western Australia is less efficient and speedy than elsewhere?

The MINISTER replied:

(1) and (2) It is difficult to arrive at comparative figures in this regard. It is only since the 1st July, 1952, that accurate accident statistics from outside the metropolitan area have been able to be obtained. It must also be remembered that traffic hazards vary in the different States, examples being varying road conditions, population densities, etc.

The only comparative figures available are those for the six months ended the 31st December, 1952. These are—

	Fatal Accidents.		Injuries.	
	Per 10,000 motor vehicles.	Per 100,000 of population.	Per 10,000 motor vehicles.	Per 100,000 of population.
W.A.	6	13	109	248
Queensland	7	14	140	294
N.S.W.	5	9	100	178
Victoria	5	11	110	256
Tasmania	5	10	107	204
South Australia	3	8	44	120
Commonwealth Average	5	11	103	217

(3) No.

ROYAL VISIT.

As to Water Concessions for Garden Competition, Eastern Goldfields.

Mr. McCULLOCH (without notice) asked the Minister for Water Supplies:

(1) As West Australian Newspapers Ltd. has indicated that it will make available £1,500 as prize money for an extensive gardening competition for the purpose of home gardeners beautifying their gardens for display during the Royal tour of next year, will he give consideration to a reduction in water rates to entrants in the competition from the Kalgoorlie-Boulder area for a period of three months prior to the tour, whereby such entrants would be encouraged to enter the competition, knowing that they would have an equal chance with competitors of the metropolitan area?

(2) Will he give a provisional assurance that no water restrictions will be applied to such bona-fide entrants during the period prior to the tour?

The MINISTER replied:

Consideration will be given to both requests.

TRAM AND BUS SERVICES.

As to Mt. Lawley Route.

Hon. A. V. R. ABBOTT (without notice) asked the Minister for Transport:

(1) When is tram 19 to be replaced by buses?

(2) What route will the buses follow?

The MINISTER replied:

(1) On the 29th November, 1953.

(2) From river end and via William-st., Vincent, Beaufort, Walcott Learoyd and Thongsbridge-sts., Alexander Drive, Dumbarton Crescent, Clyde-rd., Elstree Avenue, Carnarvon Crescent, Beverley-st., terminating at Meenaar Crescent and returning via Marradong-st., Armadale Crescent to Carnarvon Crescent and then as routed. At peak periods some buses will run via William-st. and Walcott-st. before entering or after leaving the Mt. Lawley estates.

BILLS (6)—FIRST READING.

1, Royal Visit, 1954, Special Holiday.

2, Factories and Shops Act Amendment.

3, Trade Descriptions and False Advertisements Act Amendment (No. 1).
Introduced by the Minister for Labour.

4, Public Works Act Amendment.
Introduced by the Minister for Works.

5, Licensing Act Amendment.
Introduced by Mr. O'Brien.

6, Bulk Handling Act Amendment (No. 2).
Introduced by Mr. Perkins.

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

1, Pig Industry Compensation Act Amendment.

2, Local Courts Act Amendment.

3, Royal Style and Titles Act Amendment.

4, Western Australian Government Tramways and Ferries Act Amendment.

5, Collie-Griffin Mine Railway.

BILLS (2)—MESSAGE.

1, Aborigines Welfare.

2, Cattle Industry Compensation.

Received from the Governor recommending appropriations.

BILL—ELECTRICITY ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILL—WAR SERVICE LAND SETTLEMENT SCHEME.

Second Reading.

THE MINISTER FOR LANDS (Hon. E. K. Hoar—Warren) [2.35] in moving the second reading said: I foreshadowed the need for this Bill some two or three months ago either when answering a question or during a debate. This measure has been introduced to legalise a set of conditions which have been imposed upon the State by the Commonwealth Government with respect to war service land settlement. Members will recollect that from 1945 to 1951 an agreement existed between the State and the Commonwealth for the purpose of placing on the land returned soldiers desiring that mode of life. But no agreement exists today and the conditions are those which have been drawn up by the Commonwealth Government; they are the only conditions under which that Government is prepared to advance money for war service land settlement purposes. Therefore an entirely different situation exists now to what prevailed previously.

Perhaps at this stage it would be better if I gave a brief history of the legal arrangements between the Commonwealth and the State which led up to the present position. In 1945 this State entered into an agreement with the Commonwealth Government and this Parliament passed the War Service Land Settlement Agreement Act. To give effect to the agreement we also passed, at that time, the War Service Land Settlement Agreement (Land Act Application) Act, which was read in conjunction with the War Service Land Settlement Agreement Act and the Land Act of the State. The War Service Land Settlement Agreement (Land Act Application) Act authorised the Governor to make regulations as regards the issue of leases, and those regulations were gazetted in 1947.

I think members will recall that some considerable time ago the Commonwealth Government was challenged in respect of certain matters affecting war service land settlement and the case was taken to the High Court of Australia. The challenge largely affected the power of the Commonwealth in regard to the acquisition of land for war service land settlement purposes. The judgment went against the Commonwealth Government at that particular time and because of that decision by the High Court, the 1945 Act, and therefore the 1947 regulations became inoperative and of no legal value. So that the settlement scheme existing at that time between the Commonwealth and the States could proceed, the Commonwealth continued its advances to the States under Section 103 of the Federal Re-establishment and Employment Act. That is why, in 1951, we in this House agreed to what was known as the 1951 Bill which affected the whole of the relationship between the Commonwealth and the States as regards war service land settlement and was, in effect, a ratification of all previous actions. An agreement, such as it was, was prepared to cover future activities in connection with putting returned soldiers on to the land.

Even under Section 103 of the Re-establishment and Employment Act the Commonwealth felt that there was some legal doubt as to its position regarding the acquisition of land and, as a consequence, that section of the Act was repealed. Today the Commonwealth is making advances to the States under Section 96 of the Commonwealth Constitution. That section, unlike the provisions of any other previous Acts, gives to the Commonwealth power to insist on certain conditions. Prior to that, all other Acts relevant to war service land settlement allowed for an agreement to be made between the Commonwealth and the States. But as Section 96 of the Constitution gives full power to the Commonwealth to impose conditions on the States, that is exactly what the Commonwealth is doing in respect of this scheme.

Mr. Nalder: Has not the State any say at all?

The MINISTER FOR LANDS: The State has no say so far as the conditions are concerned. That is why, as the hon. member will probably remember, having been a member of the select committee that inquired into this matter last year, that one of our chief points of criticism was that the Commonwealth did not enable State legislators, such as those in this House, to be aware of exactly what was going on under the scheme. In fact, the conditions which existed then by agreement between the Premier of this State and the Prime Minister were not tabled in this House and were not made available to the Minister for Lands of the preceding Government until the 25th October, 1952.

That was the time we were debating the question of the appointment of a select committee to inquire into war service land settlement. That debate followed upon many questions from a number of members who were seeking information with regard to the scheme, but which obviously the Minister in this State did not have in his possession. Other members of the select committee and I felt very keenly indeed to think that a set of conditions could exist whereby none of us in this State at any time knew what the agreement implied and how far the regulations should go. Further, we knew nothing whatever about the most important part of the agreement, namely, the Commonwealth's intentions regarding valuations.

Mr. Nalder: Were you aware that that agreement was in existence last year?

The MINISTER FOR LANDS: The hon. member must have been aware of the conditions that existed from the time they were tabled but, as I have said, the Minister for Lands at that time did not receive them himself until the 25th October, 1952, and therefore did not know with any degree of certainty, what the Commonwealth had in mind.

As a result of the select committee's recommendations last year, one of which was that there should be no arrangement between the Commonwealth and the State that did not give ample opportunity for all members of this House to become acquainted with the conditions, there is accompanying the Bill, which in itself is very small, a description of the actual working of the scheme. That is set out in the statement of conditions, a copy of which I have caused to be supplied to members, although there is no obligation on the Government to make a copy of these conditions available, because the Bill has not yet been passed.

There is a provision in the measure stipulating that when the Bill becomes an Act, any alteration to the conditions which are agreed upon between the Commonwealth and the State must be tabled, within six sitting days of the House next following the receipt of the conditions. To overcome that situation and so that members may become acquainted with the conditions while we are debating this measure, I have arranged to have this printed copy of them circulated on this occasion. So far as I am personally concerned, it proves that I have backed up the opinion I expressed last year when I stated that all members of this House should know exactly what is implied when war service land settlement legislation is being introduced.

I remember that the 1951 Act was hardly any bigger than the measure before us today. It told us nothing and described nothing. It was merely to give some protection to the Midland Railway Coy. with regard to certain mineral rights, and ratified everything that had been done before: but not one member knew exactly what it was all about. On this occasion, no member will be able to complain that he did not know exactly what happened up to this stage.

Mr. Yates: Will this be uniform between all States of the Commonwealth?

The MINISTER FOR LANDS: Only certain States are affected by the agreement.

Mr. Yates: I mean those States.

The MINISTER FOR LANDS: Yes. The conditions do not vary greatly from the original provisions in the War Service Land Settlement Agreement Act of 1945. They vary only to the extent that an ex-serviceman who has served in Korea can now participate in the scheme, and the conditions also enable widows of ex-servicemen to participate in the scheme from the point where their husbands left off. Apart from that, and a clear definition of what is meant by averaging and the single-unit basis of a farm for the purpose of making valuations, these conditions are much the same as those set out in the original Act.

As to valuations, the select committee that inquired into war service land settlement last year was of the opinion that valuations should be made on a single-unit basis rather than have the expense of developing every group or project and taking out an average. The select committee felt that the averaging system was not in the best interests of the farmers, and recommended that valuations should be made on a single-unit basis.

It was from that point of view that I took the matter up with the Commonwealth Government, because that was the only point at issue between the members of the select committee and the Commonwealth. All other matters have been satisfactorily agreed upon during the last six months, but this one question remained. Following my representations to the Comomnwealth Government, I received a reply, and I will now quote the relative paragraph for the information of the House. It reads—

> Both the averaging of cost and the method of determination of option price have been placed before the State Branch of the R.S.S. & A.I.L.A. which has expressed its agreement with the principles involved. The Commonwealth considers that current procedures are equitable and in compliance with both the spirit and intention of the original scheme of settlement and accordingly I regret that I am unable to agree to your request that the conditions be amended as recommended by the Select Committee and thus provide preferential treatment of settlers in Western Australia compared to those in other States.

The letter is signed "Athol Townley", who was acting for the Minister for the Interior, and is dated the 8th June, 1953. So there is no question that the Commonwealth Government, which provides all the money, now realises that it has power to create conditions under the relevant section in the Act. It has imposed these conditions and there is now no chance for a State to influence the Commonwealth Government in any way. That is the position which has arisen during my term of office, anyhow. The attitude is one of take it or leave it. As a consequence of that, if we intend, or desire, to carry on with war service land settlement in this State we must accept that position. I think it is very desirable that we should do so.

There is provision in the Bill for a settler to obtain the freehold of his property after 10 years. During that period he may pay instalments up to 90 per cent. of the total price and then within 30 days of the expiration of the 10 years, if he desires to purchase the property, he may ask for a revision of the price if he feels it is too high in relation to the economic situation that exists at the time.

From a settler's point of view I think he is remarkably well covered. We all know that, due to the last four or five good seasons in the wheat and sheep areas, there are a great many settlers who are desirous of purchasing their properties, and I do not blame them. There is no question that they are on a good wicket in the sheep and wheat areas.

Hon. Sir Ross McLarty: How many applications are pending now?

The MINISTER FOR LANDS: I have drawn up a list which I will explain in a moment. There is also provision in the Bill for the protection of the mineral rights of the Midland Railway Coy. of Western Australia which, as members know, was a condition the company itself imposed upon the original purchasers of land within its concession, which area was subsequently bought by the Lands Department for settlement purposes.

Then again there is the usual power to make regulations. Another matter in connection with this subject is the fact that in keeping with the desires of last year's select committee, an appeal board has been established for allottee designates in this State. This has now been set up and is functioning, the members of it being the officers of the allotment board. These men are honest people who have the responsibility of placing a man on the land initially and they will be the most suitable authority to judge exactly how he is getting on as a result of their knowledge of his history from the moment of his application.

There was another section for which we desired to have an appeal board and that was for the lessees themselves, because it is possible that arguments might arise concerning valuations or evictions or perhaps a feeling of an injustice having been done and it was considered that those concerned should have a right of appeal. That board has not been set up for the simple reason that it is not possible for it to be established until this Bill is passed.

There is agreement between the Commonwealth and the State in connection with it and we have the officers all ready for appointment. The chairman of the appeal board will be a stipendiary magistrate; there will be a representative of the Land Settlement Department and also a representative selected from a panel of names submitted by the R.S.L.

Mr. Nalder: By the land settlers themselves?

The MINISTER FOR LANDS: Yes. I think members will agree therefore that the matter has been carefully looked into and that we have been successful up to that point. The Leader of the Opposition asked for some information concerning the number of applicants. The figures that were drawn up for me today are as follows:—

Wheat and sheep farms that have been allotted	518
Dairy farms	262
Miscellaneous	93
Total farms allotted	873
Those awaiting farms	729
Total	1,602

Added to that are inexperienced applicants who still require training, and they number 460; those considered unsuitable number 110 and others awaiting classification 39. This brings the total to 2,211. Although there are 729 applicants who still require farms, only 30 of them are applying for dairy farms.

That will give members some idea therefore that, due to conditions in the heavily timbered areas of the South-West, the returned soldiers at any rate feel that if there is one thing that must be avoided, if it is at all possible, it is a farm in that area. As a consequence only 30 out of a total of 729 have applied for dairy farms. It is thought that of the balance, possibly only 350 would be prepared to assist in the development of virgin land.

The Leader of the Opposition will know, as I think most members are aware, that the policy regarding war service land settlement has completely changed over the last year or 18 months. Prior to that time we purchased estates, subdivided them and put people on to the land quickly. It has now been brought to our notice, and it is very evident today, that, due to the high valuations placed on land, it is well nigh impossible, and certainly not fair, to ask the taxpayers to purchase land at today's valuation with a view to making it available either as a single unit or, after subdivision, to a number of settlers under this scheme.

That was the decision of the previous Government and it is one with which I most certainly concur. Therefore the placing of men on the land under the scheme has necessarily been slower over the last 12 months than it was before. Six months before the present Government assumed office, only about 15 men were placed on the land and in the last six months there were only about seven. It would appear therefore that the scheme is flat; but that is not so.

The Government is simply directing its attention to preparing Crown land for carrying on this scheme and making such land available to the remaining applicants. We can see daylight now and it is believed that within a matter of about three years, or perhaps a little longer—certainly not much longer—these people will be satisfied.

Before concluding, I would like to mention that, after a very careful survey, we find that there is, in fact, ample Crown land available in Western Australia for this purpose. The detailed information listed shows that approximately 2,750,000 acres are considered suitable for settlement, of which approximately 1,500,000 acres have already been approved by the Commonwealth for war service land settlement development.

There are further areas of 300,000 acres east of Jerramongup, towards Ravensthorpe, now under investigation and a similar area between Jerramongup and the coast is being examined with a view to submitting a proposal to the Commonwealth for its development. Members who are familiar with that area will know that those areas deal mainly with cereals, wool and fat lamb production, with a possible emphasis on stock.

During my recent visit to the Esperance area I passed through a great deal of this type of land and was much impressed with the crops I saw growing there. I am quite convinced that, as a result of the splendid work that has been put in over the years by officers of the Department of Agriculture who know the deficiencies of the soil and how the local difficulties should be overcome, it is possible to say with definite certainty that there is a great deal of hidden wealth in those particular areas that ought to be exploited in the not too distant future. That is quite apart from the necessity to proceed any further with this scheme other than to deal with the existing applications which have not been satisfied. It would be a tremendous mistake if we missed the opportunity of developing the Esperance land and other similar areas in order to undertake a civilian settlement scheme based largely on the principles adopted over the years for returned soldiers.

In view of that, the Government is prepared to appoint a departmental committee to examine all the prospects of settlement in that particular class of country—the cost of roads, the cost of freezing, what additional port facilities are required, and so on—in order that a complete picture can be obtained and presented with some degree of confidence to the Commonwealth Government, which controls the purse-strings today, as it always has done.

In view of its alleged interest in land settlement, if we can prove that we have a master plan drawn up for the lighter lands, I can see no grounds upon which the Commonwealth Government can object, bearing in mind its desire to assist people in the opening up of such country. I have not previously been so impressed as I have been in the last few weeks with all that I have seen. Any Government, irrespective of party, should do something about that.

Hon. A. V. R. Abbott: The last remark refers to the Esperance land?

The MINISTER FOR LANDS: Yes, the Esperance area, and the Jerramongup area, as it extends towards Ravensthorpe.

Mr. Ackland: Would you encourage any private company, such as the A.M.P., to do something similar to what it has done in South Australia?

The MINISTER FOR LANDS: I shall be pleased to discuss the outlines of such a scheme with Cabinet. The Government will need more details, and I am sure it will be sympathetic in its attitude.

Mr. Ackland: That company is doing most praiseworthy work for South Australia.

Hon. D. Brand: Can any progress be reported as regards the Midland light lands?

The MINISTER FOR LANDS: No, other than that a survey of areas has been made. The area which was set aside for war service land settlement has been abandoned, and the land will be thrown open for selection. Quite a number of people have shown interest in the land and some blocks have been taken up. However, I would say that the administration is dealing with possible prospects for the taking up of land in the other areas I have mentioned. At the same time, every encouragement would be given to settlers west of the Midland line.

I do not want to delay the House any longer. I hope I have said enough about the Bill and the conditions relating to land settlement to impress on members the necessity of accepting the measure. After giving the Bill due consideration I submit the proposal to Parliament knowing full well that unless it is passed and accepted there will be no legal ground for the State to receive help from the Commonwealth. As there is a considerable amount of work to be done in this regard, there should be no doubt in the mind of anyone that all should co-operate to the extent sought on this occasion.

Hon. A. V. R. Abbott: Can the Minister give any information as to the position of a soldier settler's widow should she re-marry?

The MINISTER FOR LANDS: Not at this stage. I shall find out. I know what occurs in regard to a widow. I move—

That the Bill be now read a second time.

On motion by Hon. A. F. Watts, debate adjourned.

BILL—ELECTORAL ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the previous day.

HON. A. V. R. ABBOTT (Mt. Lawley) [3.7]: The Bill has for its object the assistance of candidates who are standing for election in provinces of the Legislative Council. It will also be of assistance to the Electoral Office. At the present moment some provinces have up to 20,000 electors, and comprise a number of electoral districts for the Legislative Assembly.

Many of the Legislative Council rolls are large. The electors are listed alphabetically, and the addresses jump from district to district. The proposal is that the province rolls shall be divided so that the electors will be segregated relative to the Assembly electoral districts in which they live. In other words, a part division of the province roll will comprise only those who reside in an electoral district. That objective is commendable.

I propose to support the second reading of the Bill. I have drafted certain amendments which the Minister was courteous enough to discuss with me; I hope he will accept those amendments. The object of the principal amendment is to ensure that any part roll, shall comprise the names of electors in an electoral district within the province, and also those of persons who are qualified to vote for the province as a result of having interest in land situated within the electoral district.

The roll will then deal with electors in an electoral district within the province and those persons residing outside the province, but whose qualifications entitle them to vote because of an interest in land within an electoral district. I have an additional amendment to propose. I think the Minister should have power to decide that an electoral registrar shall make available for use to the public a province roll, or if he thinks fit, a part province roll.

Take any district members may suggest. It might be very convenient for the public to be able to go to a district registrar for the lower House and inspect the roll relating to the province, because some provinces are very large. The North-East Province, for instance, comprises the Kalgoorlie, Hannans, and Murchison electorates. There are 2,028 people in the Cue district of the Murchison district, and should one of them wish to inspect the province roll, he would not be able to do so at Cue. But if my amendment is agreed to, the Minister will be able to direct that the district electoral registrar at Cue shall have a copy of the province roll. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Justice in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Section 19 amended:

Hon. A. V. R. ABBOTT: I move an amendment—

> That the following words be added to paragraph (b) of proposed new Subsection (4):—"and who reside in the district or who, although not residing in the province, are registered as electors entitled so to vote in respect of an interest in land situated in the district."

If the amendment is carried, what is called in the Bill the "province-part-roll" will contain the names of all the residents entitled to vote in respect of a province and who reside in a particular electoral district. In addition, it will contain the names of persons who reside outside the province but have a vote for it in respect of an interest in land within the particular electoral district.

The MINISTER FOR JUSTICE: I have discussed this matter with the hon. member. The amendment clarifies the clause, and I agree to it.

Amendment put and passed.

Hon. A. V. R. ABBOTT: I move an amendment—

> That the following subsection be added:—
>
> > (6) The province roll shall be kept at the office of the Chief Electoral Officer and a copy of such roll as the Minister directs from time to time shall be kept by the registrar for a district.

At present province rolls are kept at the central office, but the Minister should have authority to see that a copy of such rolls is kept by such electoral registrars as he thinks fit. For instance, he could say that with regard to the North-East Province, the part-roll for the Murchison district shall be kept at Cue and the part-roll for the Kalgoorlie and Hannans areas shall be kept at Kalgoorlie; or he could order a complete roll to be kept at Cue and another at Kalgoorlie, or anywhere else he thought fit. Some towns are outside an electoral district but are situated conveniently, by reason of transport facilities, for people to inspect the province rolls thereat.

The MINISTER FOR JUSTICE: I agree to the amendment.

Mr. BOVELL: Will this amendment mean that the roll for the whole province will be maintained by the Chief Electoral Officer, though he may direct that rolls shall be distributed to the various returning officers in the district? I feel that the roll should be kept by the Chief Electoral Officer, in view of the fact that he has access to the Titles Office and to other

information enabling him to check any discrepancy. I would like an assurance from the Minister that the province roll will be maintained as at present by the Chief Electoral Officer.

The Minister for Justice: That is so.

Mr. McCULLOCH: I do not agree that the Chief Electoral Officer should have full control of the roll. On the Goldfields, for many years, one was able to go to the electoral officer and find out who was on the roll. But in the last four or five years it has been necessary to go to the Chief Electoral Officer in Perth. I consider that the system that obtained for years should now prevail, and that the electoral officer in the district concerned should have the roll and have jurisdiction in enrolling people or removing their names from the roll.

Amendment put and passed; the clause, as amended, agreed to.

Title agreed to.

Bill reported with amendments.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

MR. MOIR (Boulder) [3.22]: When the panic legislation was introduced by the previous Government last year, I anticipated, as did other speakers, that this session we would be sitting on this side of the House and the members supporting the then Government on the Opposition side, due, amongst other things, to the type of legislation that had been introduced. We pointed out at the time that when the change occurred, this Government would introduce a measure to repeal certain of the repressive provisions that were embodied in the Act on that occasion. Consequently I am very pleased that the measure has been introduced and I support it whole-heartedly.

I consider it unnecessary to have on our statute book legislation of a character so repressive and so savage. The penalties that were provided by the previous Government were out of all proportion to the offences, and despite the fact that we heard the member for Mt. Lawley as recently as last night expressing the opinion that the Arbitration Court should be allowed to exercise discretion in certain matters, the measure that he as Attorney General introduced last year permitted of no discretion being exercised by the court when it came to imposing penalties on unions or workers who had committed a breach of the Act. That does not apply under other types of legislation. For instance, when a man is convicted of drunken driving, the magistrate may exercise discretion as to the penalty he will impose.

Hon. A. V. R. Abbott: No, he may not.

Mr. MOIR: The law does not make it mandatory to impose a fine and imprisonment.

Hon. A. V. R. Abbott: Nor does the Arbitration Act.

Mr. MOIR: The Act makes it mandatory so far as the fines are concerned.

Hon. A. V. R. Abbott: There are no mandatory provisions in the Act that I know of.

Mr. MOIR: The hon. member never ceases to surprise me with some of his statements, and therefore I shall have to refresh his memory. Under Section 28 of the Act as amended at his instance, a penalty is provided for doing certain things, and the amount is £25 or imprisonment for three months.

Hon. A. V. R. Abbott: That is purely discretionary.

Mr. MOIR: I do not think it is.

Hon. A. V. R. Abbott: Under the Justices Act, when a penalty is stipulated, it is the maximum, and not the minimum. I do not believe in non-discretionary penalties.

Mr. MOIR: If that is so, I stand corrected, but in legislation such as this, different wording might have been adopted. The Bill proposes to repeal the definition of "strike" inserted in the Act last year. I consider this is particularly necessary, because the provision could very seriously affect a number of workers in my electorate. In the mining industry the practice is for the men to work largely on the incentive or piecework system, the rates for which are agreed upon between the employers and the employees. The relevant portion of the award at present in force, No. 11 of 1946, states at page 8, paragraph (c)—

> The rate of remuneration agreed upon shall not be decreased during the engagement.

Thus members will appreciate that the rate of remuneration is such as has been agreed upon. The definition of "strike" in the Act reads—

> "Strike" includes—
>
> (i) a cessation or limitation of work or a refusal to work by a worker acting in combination or under a common understanding with another worker or person; and
>
> (ii) a refusal or neglect to offer for or accept employment in the industry in which he is usually employed by a person acting in combination or under a common understanding with another worker or person.

When that proposal was before us, we were told that the court desired power to deal with strikes that were not strictly of an industrial nature, but were perhaps of a political nature. Had that been the wish

of the Government of the day, the wording of the definition could have been altered to cover such a situation.

Mr. Lawrence: Could you nominate any such strikes.

Mr. MOIR. Not off-hand. Where it affects the mine worker on the Goldfields is that in the course of his work he arrives at an agreement with the employer to do certain work at a particular remuneration. Often there are differences over the price offered. The worker or group of workers might ask a price that the employer considers to be excessive, so that they would not reach agreement. The employer, however, might reach agreement with another group of workers about the job at the original price.

That system has operated for many years. It goes back far longer than I have been connected with the mining industry. The employer and the worker, in these cases, must have the right to bargain, and if the price is not suitable to the worker he must have the right to refuse it. By the same token, if the price tendered to the employer is not agreeable to him, he must have the right to refuse it, but under this definition of the word "strike," if the employer offers a price and the employee is of the opinion that it is not a payable one and so refuses to accept it, he can immediately be regarded as being on strike.

Generally, it is not one employee who is engaged in these negotiations, but several. The Act defines a strike as including a cessation or limitation of work or a refusal to work by a worker acting in combination or under a common understanding with another worker or person. I am pleased that it is now proposed to delete this provision from the Act in order that disputes, possibly of a serious nature, may be avoided in the mining industry in the future.

I say this because I am convinced that the day is coming—and it is not very far away, perhaps—when some workers will refuse the price offered, and some hot-headed person will claim that their action is a strike. If a man refuses to do this work at a certain price, the employer will say to him, "I have no further work for you." The employee might say, "Well, you had better give me my time. I am not going to work for you any longer." Under the Act, that would constitute a strike.

Hon. Sir Ross McLarty: Do you think the court would put that interpretation on it?

Mr. MOIR: I would say that the court, being reasonable and having commonsense would say that was not a strike, but the point I am making is that it is a strike un. . the court declares it is not. A group of workers on the Great Boulder mine might have carried out work for a certain price for a couple of pay periods, and decided it was not payable, and they might say to the employer, "The price is not payable. We want an increase." The employer might say, "I cannot give you an increase. I think it is a fair price, and I believe there is some other reason why you are not making money at that price." The men would say, "We are not prepared to go on with the job." The employer would say, "You will have to go on with the job because I have no other work." Then men would say, "We will terminate our employment."

The employer could then say, "You chaps are on strike." He would report the matter to the Chamber of Mines and give the names of the men who, he claimed, were on strike and, when these men went to another mine and asked for employment, they would be informed that they were on strike.

Hon. Sir Ross McLarty: I do not think so.

Mr. MOIR: That is how it could work. These men would be precluded from obtaining a job in the mining industry until they moved the court. The onus would be on them to move the court. The employer does not go to the court to declare that the men are on strike.

Hon. Sir Ross McLarty: Surely the court would not take away from a man his freedom to work where he wished.

Mr. MOIR: The Act takes away his freedom of action until the court is moved. The definition of "strike" concludes in these words—

> Unless and until in any particular case the court declares the particular cessation, limitation, refusal or neglect not to be a strike.

It is a strike until the court declares that it is not a strike.

Mr. May: And the worker has to make the application to the court.

Mr. MOIR: Yes; that is the point. We know the procedure that has to be gone through to move the court, and it takes a certain amount of time. When the case ultimately came before the court, it might decide that it was too ridiculous for words and say that the men had a perfect right to leave the job and that their action was not a strike. In the meantime, the men could easily have lost one or two months' work.

Mr. May: The court could refuse to listen to the case because it could regard the men as being on strike.

Mr. MOIR: I do not know whether that would be so, but I do know that the Industrial Arbitration Act lays down that a court need not hear a case if the workers are on strike.

Mr. May: It never does.

Mr. MOIR: I can well remember a strike on the Lakeside woodline in, I think, 1944, which reached serious proportions. It stopped the mines in Kalgoorlie. The A.W.U. (Mining Division) approached the

court, which was then under the jurisdiction of the late President Dwyer, and he refused to hear the case while the men were on strike. He advised that the men should return to work. However, the men were adamant and would not go back to work. Fortunately, the National Security Regulations, which were then in force, were invoked, and the union was successful in having the case heard before Federal Commissioner Mooney, who fixed the matter up.

As pointed out by the member for Collie, there is a serious anomaly in the Act at present. The member for Mt. Lawley, when speaking to the debate last evening, said he was not in agreement with that provision in the Bill which seeks to give the court power to make awards and lay down terms of service for domestics working in private houses. He painted a picture of a domestic servant going into a house to help the mother of a family with the housework and being accepted there almost as one of the family.

I do not doubt that in some cases that is a correct picture of what happens and that girls in domestic employment are sometimes treated very decently, because, fortunately, there are some decent people in the comunity. On the other hand, there is the unscrupulous type of employer—

Hon. Dame Florence Cardell-Oliver: There is not one in 1,000 of that type.

Mr. MOIR: —who does not understand how to treat an employee in the home and I expect that members know of many such instances. The time is long overdue when there should be provision in the Act to enable the court to make determinations in respect of domestic workers. It seemed strange to me that although the member for Mt. Lawley had great faith in the discretion of the court and said that all sorts of things should be left to its discretion, he was not prepared to leave a simple matter like this to the discretion of the court.

While the court has power to deal with all sorts of complicated and highly important industrial cases, the hon. member evidently feels that it is not competent to adjudicate and make an award for the employment of domestics. In effect, the member for Mt. Lawley says that we should not give the court power to make such determinations.

When I spoke of the unscrupulous type of employer of domestics, I was not speaking idly or from hearsay or guessing. I have here the proof that there are people who are prepared to exploit the domestic worker and I think members will agree, when I read out a letter that was forwarded to me by the secretary of the Eastern Goldfields District Council of the A.L.P., who had a complaint taken to him and verified the facts, that something should be done.

Sitting suspended from 3.45 till 4.8 p.m.

Mr. MOIR: Before the suspension I was referring to a case of gross exploitation of a young girl employed in domestic service at Boulder, I am sorry to say. However, her employer was a newcomer to the town, although something better could have been expected from him because he was a professional man. I have here a letter dated the 9th November, 1953, from the secretary of the Kalgoorlie Trades Hall, which refers to this case and it reads—

> Because there is a Bill before the House to amend the Industrial Arbitration Act to provide cover for domestic servants, I desire to draw your attention to the undermentioned case, which surely begs immediate legislation protecting this class of employee against exploitation. The case referred to happened in your electorate of Boulder, and whilst I am sure you will be dismayed by such happenings, you are assured that such cases are not isolated.
>
> Now that so many new Australians are becoming employers, it is more urgent than ever that our domestic servants should enjoy similar protection as that of their sisters in almost every other avenue of employment.
>
> The case is that of a 16-year old girl employed at Boulder who was assigned hours and duties as follows:—
>
> 6.45 a.m. Fire; children's dressing gowns, slippers.
> 7 a.m. Front porch.
> 7.20 a.m. Dress children, strip beds for airing.
> 7.40 to 8 a.m. Breakfast.
> 8 to 8.30 a.m. Make beds, wash children.
> 8.30 to 9 a.m. Wash up, make up fire.
> 9 to 10.30 a.m. Sittingroom, hall, kitchen, sweep and dust.
> 10.30 a.m. Make tea, attend fire.
> 10.45 to 11.30 a.m. Polish and finish kitchen and hall, dust and sweep bedroom and playroom.
> 11.30 a.m. Help with dinners, vegetables, etc. Extra jobs, e.g. wash cupboards, playroom chairs, paintwork etc.
> 12.30 p.m. Prepare tables for lunch.
> 12.45 to 1.30 p.m. Lunch and children.
> 1.30 to 2.30 p.m. Clear away, wash up.
> 2.30 p.m. Back verandah, spare rooms, silver, outside tidying.
> 4.30 p.m. Tea.
> 5.0 p.m. Children's tea. Six days per week and sleep in.

I am not saying that that is unduly heavy at all, though it may seem a lot.

Mr. May: It is complete regimentation.

Mr. MOIR: I think it would be difficult for the army to set down a better organised time-table than that. Later on in the roster we find the following:—

Extra routine:

Monday. Wash kitchen, hall, sittingroom floors and bathroom and lavatory.

Tuesday. Polish playroom and bedroom floor.

Wednesday. Tidy outside, polish back verandah.

Thursday. Bathroom, laundry and lavatory.

Friday. Wash and polish playroom and bedroom.

On Saturday, after the girl had been working all the week, and they probably considered she had got into top form, she was expected to chop sufficient wood for the week.

Mr. Oldfield: Most wives do that seven days a week.

Mr. MOIR: The member for Maylands interjects, but I am not sure whether he would be able to carry out all those duties successfully. The letter then continues—

> The above duties were carried out by the 16 year old girl for a period of five months for the magnificent sum of £2 a week. She gave up this work when her mother discovered what her duties were, and even then although she gave notice of her intention of leaving, not one day's holiday was granted.
>
> Yours faithfully,
> G. Templeman, Secretary.

That alone would indicate that it is high time something was done to amend the Industrial Arbitration Act in order to allow the court to say what would be a fair set of duties or hours of employment and remuneration for domestic servants generally. I think most members will agree that girls working as domestic servants are not doing menial work; they are carrying out a duty which is very necessary to the people who employ them and if they do that work well, they are rendering a service not only to the people who employ them, but to the community generally.

Girls and women have a choice of employment to a large extent nowadays and it is little wonder that they shun domestic work in preference for occupations in which the conditions are regulated by awards of the court, and such matters as hours of work, rates of pay, and a certain amount of sick leave during the year are provided. The awards also provide that there must be paid holidays. From this letter it would seem that the girl worked for five months and then gave notice of her intention to leave. When she did leave, she was not allowed any extra payment in lieu of holidays, which is customary with other jobs under the court awards.

The court allows annual holidays and they are paid on a pro rata basis when the employee leaves. Mr. Templeman mentioned this matter to me at the week-end when I was visiting Kalgoorlie. I asked him if he was certain that it was authentic and he replied that the girl had brought the original roster to him and it was written on a card carrying the professional letterhead of the employer. He went on to say that he had verified the details that this girl did work at that particular place and that he was quite sure of his facts.

He told me there were other restrictions placed on the girl. She was not allowed out after 10 o'clock in the evening, and some members might agree that that was a wise move in the case of a young girl. Mr. Templeman asked her if any exceptions were made to permit her to go to the pictures and she said there were none. She had gone to the pictures on one occasion and returned to her place of employment at about 11.20 p.m. She was severely reprimanded and told not to allow it to happen again. From the roster it would appear that the girl was permitted to have Sunday free.

The Premier: Why?

Mr. MOIR: I daresay the employer realised the necessity of allowing the girl one day free to recuperate, not because he considered her welfare at all, but no doubt because he thought the service he would get as a result of it would be to his own benefit.

Mr. May: It is a wonder he did not make her go to church on Sundays.

Mr. MOIR: It might have done the employer himself a lot of good if he had gone to church on Sundays. That sort of thing needs redress and I cannot understand the objections of the member for Mt. Lawley to having domestic servants brought within the jurisdiction of the Arbitration Court. There are important matters that come under the direction of that tribunal and I see no reason at all why it should not have power to deal with the conditions of employment and the rates of pay for domestic servants.

In my opinion the amendments embodied in the Bill are very necessary. I do not believe that the workers of this State deserve the very severe legislation Parliament has placed on the statute book in the past, and I think, in the interests of industrial peace and harmonious relationship between employer and employee, some of the more restrictive provisions should be deleted. I realise that when these provisions were placed on the statute book the Government of the day acted more or less in a state of panic.

Hon. Sir Ross McLarty: There was no panic about it at all.

Mr. MOIR: There is no doubt about it. The Government of the day was confronted with industrial trouble in the State and it either did not have the desire or the initiative to enable it to cope with that trouble in the manner in which it should have been dealt with to bring it to a successful conclusion.

True, after some months, Cabinet decided on a certain course as a means of restoring harmony in that particular industry. That took place only after members on this side of the House, particularly the Premier, who was then the Leader of the Opposition, had implored the Government of the day to take the steps which it eventually took. Because of wider industrial experience, members on this side of the House realised that measures had to be taken to bring to an end that particular industrial trouble. The Government of the day, probably through inexperience, did not realise the necessity, or, if it did, it did not want to take the steps which eventually had to be adopted to bring the trouble to an end.

Hon. Sir Ross McLarty: The Government then upheld the industrial laws of the State.

Mr. MOIR: It is all very well to say that the Government upheld the industrial laws of the State, but if we see a crime being committed, should we sit down and do nothing about it?

Hon. Sir Ross McLarty: We did not do that.

Mr. MOIR: That did not absolve the Government from responsibility.

Mr. Ackland: What did the Labour Party do in that matter?

Mr. MOIR: The Labour Party did everything in its power to try to point the way, or persuade the Government to act in a certain manner to bring that industrial trouble to an end.

Hon. Sir Ross McLarty: It is a pity that you did not do something to the lawbreakers.

Mr. MOIR: When that advice was tendered, it fell on apparently deaf ears in this Chamber. The result was that the Government introduced panic legislation with savage and repressive penalties, which, in my opinion, would do absolutely nothing to preserve industrial harmony in the State. I repeat, absolutely nothing! I would say the legisaltion was provocative.

Hon. A. V. R. Abbott: Dr. Evatt did not think so.

Mr. MOIR: I am not so well informed on what Dr. Evatt thinks as evidently the member for Mt. Lawley is. When industrial trouble starts, reasonable methods should be adopted. People generally are fairly reasonable, and I have always found that to be the case in the industrial sphere. When matters are discussed in a reasonable frame of mind, generally problems can be solved. Sometimes people are apt to be adamant on certain points, and that is when trouble really commences. I know of no quicker way to foment industrial trouble than to hold over the heads of workers repressive legislation such as this. This sort of measure inflames the minds of men. The workers of this State will not be battered over the head by repressive legislation of this nature. Such things do not impress them one bit. In its place, we want legislation which treats the worker fairly.

Hon. A. V. R. Abbott: I understand that Mr. Rowe, the communist, is standing again for the presidency of this union.

Mr. MOIR: The member for Mt. Lawley knows more about the movements of Mr. Rowe than I do. Personally, I know very little of him. I have learned more about him from listening to the remarks of the member for Mt. Lawley in this House. I am not concerned about what Mr. Rowe does; I am speaking of the industrial position in Western Australia over past years. Despite the trouble which existed last year and which threw the Government into a panic, the industrial record of workers in this State compares more than favourably with that of those in other States. There was absolutely no reason for bringing such legislation forward.

Hon. Sir Ross McLarty: Can you give me any instance where this legislation has acted to the detriment of the worker, since it was introduced?

Mr. MOIR: It has not been on the statute book for very long.

Hon. Sir Ross McLarty: For 14 months.

Mr. MOIR: I have no hesitation in saying that, should the occasion arise and there is difference of opinion in industry, this legislation will do absolutely nothing towards conciliation or preventing trouble. It would rather have the reverse effect, that is, to inflame the minds of men and make them act hot-headedly, which they would not do otherwise. I have pleasure in supporting the second reading and hope the House will pass the Bill without amendment.

MR. WILD (Dale) [4.27]: In my view, this amending Bill is very much in keeping with two other measures introduced by the same Minister this session. I refer to the State Government Insurance Office Act Amendment Bill and the Workers' Compensation Act Amendment Bill. It is really his answer to many years of acting as protagonist for the working man. During the six years I have been in Parliament, when the Minister sat here as a private member, other members and I listened to long dissertations from him, particularly touching on workers' compensation, I

think that is, to him, a pipe dream. At long last he is able to put his socialistic views before the House—

The Minister for Housing: That is tripe!

Mr. WILD:—and is attempting to incorporate them in the legislation on the statute book of Western Australia. When we look into the three amending Bills, we can see that the Minister has only to take one step left to realise his pipe dream of a workers' paradise which the odd person here imagines exists behind the Iron Curtin.

I am not going to generalise on the amending Bill; I shall confine my remarks to the three main clauses, the first of which is Clause 2, which was debated a few moments ago by the member for Boulder. Last year, even though the Minister was not here, we heard so much about the word "strike," and what it was going to do when introduced by the then Attorney General; it would only be a waste of time to go over the debate again. This legislation has been on the statute book for 14 months. and as far as I can see, there has been no detrimental effect on the workers or on the State.

It was brought down to overcome a situation that had not arisen in Western Australia before. There was a very strong communistic influence in two of the main unions and, after the strike had lasted five or six months, there was only one sort of action to be taken and that was very firm action. In that amending legislation penalties were included which are now embodied in the Act, but we can think of many offences that carry very heavy penalties for law-breakers. Provided a man is resolved to be a law-abiding citizen, there is no need for him to worry about the penalties for offences.

While one should not quote what I am about to say as a parallel, I cannot help thinking, as indeed I have thought for many months, of the five or six murders, one after the other, that we had in the space of about three months some two years ago. The death penalty in this State had not been invoked for many years, at any rate not while the previous Government was in office, because it does not believe in enforcing the death penalty, but the law was still on the statute book, and the Government of which I was a member felt impelled to do something about those murders. Much as the then Government disliked taking such action, we felt that we had to call a halt to these crimes, which we did and there has been rapid diminution in that type of offence.

The Minister for Housing: You had better check up on your figures. There have been two double murders since then.

Mr. WILD: I repeat that, provided a man is prepared to obey the law, he has no need to worry about the penalty for offences, and so one would be merely bandying words by objecting to the definition of "strike" that was inserted in the Act last year.

Mr. Moir: There is such a thing as the punishment fitting the crime.

Mr. WILD: The provision in the Bill for preference to unionists would be to adopt a principle that is very dangerous. This policy has not met with the great success elsewhere that the Minister would have us believe. He quoted Queensland—I do not think he quoted New Zealand—and I think the position could be summed up by saying that preference in employment and compulsory unionism constitute identical twin objectives.

Absolute preference means that a person is forced to join a union in order to compete in the right to work on equal terms with a unionist. It means that a person is licensed to have a job, and this places a huge power in the hands of the union bosses. According to an A.B.C. broadcast from New South Wales on the 8th July, Mr. Henry, assistant secretary of the Clerks' Union, was asked this question—

> What would you do with people who refused to join a union? Let them starve?

His reply was—

> In Queensland, where there is compulsory unionism, a man or woman who refuses to join a union cannot work at any occupation covered by an award, but he or she need not starve. The man could become a rural worker and the woman could become a domestic.

What a lovely alternative! Of course, absolute preference would not impose legal compusion to join a union, because a person could still remain free to be a non-unionist, but that freedom would be the freedom to be unemployed.

Mr. Johnson: Is not that so under the Commonwealth Act?

Mr. WILD: I should say that the motive behind the move to get compisory unionism—preference as it is called—is to reap the extra funds that would be made available to the A.L.P. for political purposes or otherwise.

Mr. Moir: What a funny fellow you are!

Mr. WILD: I have a copy of the quarterly summary of Australian statistics for March, 1953, which shows that the number of workers employed in Western Australia was 171,600. The same review gives the number of unionists employed in the State as 105,462, leaving roughly 65,000 people, or nearly one-third of the total, who do not belong to any union.

Mr. Moir: Riding on the backs of the unions.

Mr. WILD: We have recently read of requests by the A.L.P. that each union should subscribe 4s. 6d. per head to A.L.P headquarters.

Mr. Moir: You are behind the times in that.

Mr. WILD: When some of the unions objected and there was a breakaway, the amount was reduced to 3s. If, therefore, the 65,000 non-unionists were brought into the unions there would be 65,000 amounts of 3s. of extra money that could be made available for party funds in this State.

The Minister for Housing: The only trouble is it is not 3s. You are wrong in your facts.

Mr. WILD: Let us see how compulsory unionism has worked in Queensland.

The Premier: Could you quote Senator O'Sullivan?

Mr. WILD: No, but I could quote one or two leading Labour men in Queensland.

Hon. Sir Ross McLarty: The Premier should quote Eddie Ward.

Mr. WILD: The Minister, when moving the second reading, said that in Queensland there had been very few strikes since the introduction of compulsory unionism in 1924. Unfortunately I have not been able to ascertain the exact number; I have sent for the figures but they have not arrived. However, one does not need to look far back to find that some major strikes have occurred in Queensland. During the last four or five years there have been some. This year there was a strike on the wharf at Bowen, and the Government sent some troops there to load the sugar on to ships. All the stores were full and workers were sent there to overcome the trouble. Then we can go back a little further and there was a meat strike.

The Minister for Labour: The Bowen workers are under Federal jurisdiction.

Mr. WILD: I can also remember a fire brigade strike and, two years ago, there was a strike in the building trade in Queensland. Hence it does not sound as if the introduction of compulsory unionism in Queensland has had the desired effect, as the Minister would have us believe.

Mr. Heal: Are you going to quote New Zealand?

Mr. WILD: Turning to New Zealand, in reply to the interjection, I will read an article that appeared in the "Daily Telegraph" of the 3rd July, from Mr. J. E. D. McGuire. It is as follows:—

> Mr. J. E. D. McGuire, country organiser for a New Zealand clerical union between 1940 and 1950, wrote in the "Daily Telegraph" of July 3rd this year that he became "fully disgusted with some of the result of compulsory unionism." For the past three years he has been an elected member of the executive of the Auckland Rubber Workers' Union. Mr. McGuire continues:—
>
> Many unions became very little else but fee-collecting organisations and the members only a herd of cows to be milked. With the coming of the cash, many union secretaries became very hard for members to see, in fact, it was more difficult to get an interview with some of them than it was to make an appointment with the head of a big business organisation. Some of these silvertail secretaries would not enter their offices before 10 a.m. and always left by 4 p.m. Many union secretaries became very arrogant and were known to refer to members as "the herd" and "the mugs." Conscripted members were resentful and remained so. Real unionists became disgusted, and remained so. Very few of the union officials who jumped on the band waggon of compulsory unionism knew anything of industrial law. Union meetings today are very poorly attended. The conscript members of many unions in New Zealand regard their paid officials as personal enemies and parasites, and disunity in and between unions is greater than ever.

Another of the supporters of compulsion who changed his views is Mr. W. B. Richards, president of the Otago Trades Council. "The Dominion" of Wellington, on the 28th April, 1949, reports him as having said—

> Compulsory unionism was not in the best interests of the trade union movement in this country. He had advocated its introduction, but had since come to the conclusion that it was a mistake, although in this view he was still in a minority within the movement.

The Minister for Labour: Why does not the Liberal Government in New South Wales abolish it?

Hon. Sir Ross McLarty: The Liberal Government in New South Wales?

The Minister for Labour: I only wanted to see whether you were awake. I meant New Zealand.

Mr. WILD: Can anyone deny that the Christian faith has been of enormous value to the community, whether black, white or brindle? Would the Minister go so far as to say that because great benefits have been given to us all, by means of that faith, we should all be subscribers, financially, to it? There is a small number of people who live a good Christian life and today they are being called upon to bear the burdens of the lot. Would the

Minister say that because all of us in this Chamber and everyone in the Commonwealth and indeed throughout the world, reaps some benefit from Christianity, all should be compelled to subscribe?

The Minister for Housing: You are astray in your facts again. The churches do not pay rates and taxes, for one thing, and that is a burden on the whole community.

Mr. WILD: I will quote the Leader of the Labour Party in Canberra on this matter of complusion. Dr. Evatt said—

> Compulsory unionism is a direct violation of the declaration of human rights adopted unanimously by the United Nations General Assembly.

to which declaration Dr. Evatt was a signatory for Australia. Article 20 of that declaration provides—

> (1) Everyone has the right to freedom of peaceful assembly and association.
>
> (2) No one may be compelled to belong to an association.

Dr. Evatt referred to the declaration as a modern Magna Carta, yet his party is about to violate the declaration by compelling everyone to belong to an association.

Mr. Johnson: The Commonwealth Health Act does that, too.

Mr. WILD: Do the Minister and members of the Government believe in compulsory military service? If the do, I should think there would be a number sitting on the front bench on that side of the House who would have the honour of being able to wear the R.S.L. badge, just as can a number of other members on both sides of the House. They cannot have it both ways.

If we have compulsory unionism—as the Government would have it in this State—the workers of Western Australia will be in pawn to the Trades Hall. They will have an industrial dog collar placed round their necks and every worker, as well as every industry and commercial concern, will be in pawn to the Trades Hall.

The Minister for Labour: I know who is doing all the barking.

Mr. WILD: The next portion of the Bill on which I desire to touch is the quarterly adjustment. I was surprised, as I think were most right-thinking people in this State, that the Premier should—though he has endeavoured to deny it through the Press and in this House—in any way influence the Arbitration Court, which at present is determining whether or not it will fall into line with Canberra. A little cartoon in the "Daily News" the other evening rather sums up the attitude. The caption was, "Labour stands by arbitration as long as arbitration stands by us."

When the £1 per week rise in the basic wage was granted about two years ago, there was no venomous protest against the action of the court and no applications for it to have a further look at the question and grant a little more, but now, because in the interests of economic stability, the Commonwealth Court has said there shall be a cessation, for the time being, of quarterly adjustments, we find, before our own court has had time to consider its position, the Premier, the leading man of the State, saying what he is going to do if the Arbitration Court decides against the workers. In fact, he went a step further and introduced legislation into this House before the Arbitration Court had time to give its decision.

Hon. D. Brand: Mr. Cosgrove is more cautious.

Mr. WILD: It is interesting to look at some of the findings of the Commonwealth Court and the reasons it gave. The papers relating to that subject were laid on the Table by the Minister this afternoon. I have perused them. This was not a hurried decision of the court, but one arrived at after nearly 12 months of protracted representation by both employers and employees, and the counsel who appeared before the court for both sides were some of the most brilliant men in Australia.

When one considers the reasons as published, one would think that the words had been more or less put into the mouths of the members of the Arbitration Court, because they were given by counsel representing the trade unions. Bearing in mind that the employers' representatives in the court said, "Let there be a reduction in wages and an increase in hours" and that the workers' representatives on the other hand said, "Give us shorter hours and more money," this is what the union advocate said before the Arbitration Court—

> It is submitted that the capacity of the economy to sustain a high level of real wages is better than in 1949-50; productivity has greatly increased not only because labour and material shortages have been almost eliminated, but also because of the high rate of capital investment in recent years. Primary production is flourishing. Employment is rising. Inflationary pressure has virtually disappeared.

That is what the union advocate said before the court to rebut the application by the employers for longer hours and less wages.

The Minister for Labour: The employers applied for a 44-hour week and a reduction of £2 6s. Do you know?

The Minister for Housing: He has not got a clue!

Mr. WILD: When it is said, "Why should a worker have to put up with this 4s. 1d. rise in the cost of living as assessed by the statistician, for which he receives no

allowance?" I know that that is an argument that is difficult to refute. However, we must take our minds back to when the first prosperity loading of 5s. was granted in 1938. That was followed by another 5s. prosperity loading awarded in 1947, and in 1950 the workers received an increase of £1 a week.

According to the evidence given before the court, the needs of a worker were assessed at £9 11s. 11d. as being part of the basic wage and that the balance of £2 6s. 7d. that has been awarded represents the prosperity loading and the increases that have taken place since needs were made the base. In view of the fact that the trade union advocates said that there was great prosperity, ample employment and increased productivity, I have no doubt that the judges of the Arbitration Court—being cognisant of the fact that wages were going up, then prices going up, wages again going up and prices again being increased—came to the conclusion that it was time a halt was called.

That decision was made after full consideration because nearly 12 months elapsed before the conclusions were arrived at. I suggest to the Premier that it was up to every State Premier in the Commonwealth to do what the Arbitration Court was hoping they would do and that is to say to themselves, "As States we are going to play our part in trying to arrest this inflationary spiral that has been with us during all the postwar years."

However, instead of that we have the Government in this State throwing up its hands in the air in protest because of a cessation of the quarterly adjustments. When members of the Government were in opposition they accused the then Government of panicking, but there is no doubt that the Government is panicking now when it introduces a Bill to this House before the president of the Arbitration Court has made his decision on whether quarterly adjustments of the basic wage will be continued or not.

The Premier: It is part of our election policy, and you know it.

Mr. WILD: I have no hesitation in saying that the Government has made a grave mistake by introducing this measure. Even though we know that it will probably force it through by weight of numbers—

The Minister for Labour: In the same way as your Government did last year.

The Premier: Yes.

Mr. WILD: —the Government is not doing what the Federal Arbitration Court had asked the State to do. Therefore, I intend to resist the measure with all the vigour at my command.

The Minister for Housing: Very dramatic!

THE MINISTER FOR LABOUR (Hon. W. Hegney—Mt. Hawthorn) [4.55]: Mr. Speaker—

Hon. Sir Ross McLarty: Mr. Speaker! Is this in reply?

The MINISTER FOR LABOUR: Yes. Mr. Speaker—

Point of Order.

Hon. Sir Ross McLarty: Mr. Speaker, on a point of order, surely the Government is not going to treat us like this!

The Minister for Education: You are not tied to your seat.

Hon. Sir Ross McLarty: The Minister shot up very quickly—

Mr. Speaker: Order! The Leader of the Opposition will please resume his seat. I have noticed on the last few occasions when the vote was about to be taken that the members of the Opposition have not been very vigilant. That applied particularly to the member for Mt. Lawley last night. On this occasion I hesitated a minute or more after the previous speaker had resumed his seat before putting the question and no member on the Opposition side of the House showed the slightest inclination that he desired to speak. Even when the Minister for Labour rose to his feet not one member on the Opposition side moved. So I warn the Opposition members to be a little more vigilant when questions are being disposed of. However, I will give members of the Opposition a further opportunity to join in the debate, but I again warn them that they should be more vigilant in the future.

The Minister for Lands: Why don't they wake up?

Debate Resumed.

MR. BOVELL (Vasse) [4.57]: This measure is following that introduced by the McLarty-Watts Government during last session. For many years industrial relations in Western Australia have been extremely harmonious, but in 1952 the disastrous metal trades strike occurred.

Mr. May: In 1922?

Mr. BOVELL: No, 1952. The member for Collie should listen. I have no hesitation in saying that this strike was under communist domination from the Eastern States. The Government of the day took all possible steps to try to bring about a settlement of the strike, but the communist dictators decided that it must continue.

The Minister for Housing: You will get headlines out of this.

The Minister for Lands: What good will they do him?

Mr. BOVELL: Little by little, practically every decent unionist employed by the W.A. Government railways was drawn into the strike. It then became necessary to

introduce amending legislation to grant to the Arbitration Court further powers to deal with strikes. I remember the hostility displayed by members of the then Opposition to the Bill introduced by the McLarty-Watts Government. Now, with only a very slender majority, headed by the Premier, the Government has introduced this measure in order to revert to the previous system of encouraging strikes.

Hon. Sir Ross McLarty: Does the Premier say he has a mandate for this legislation?

Mr. BOVELL: Certain comments were made by the Minister when introducing the Bill to the effect that the legislation was brought about to prevent chaos in industry. I would like to find out, since the settlement of the metal trades strike, what industrial chaos has been brought about under the legislation now operating in Western Australia? None. I believe that every decent unionist in Western Australia is quite happy about the present legislation.

The Minister for Housing: How would you know that?

Mr. BOVELL: It has stabilised the industrial position in this State and I believe in giving every facility to the Arbitration Court to direct its powers towards peace in industry. The Bill before the House provides for preference to unionists. I cannot help but think that it follows a move by the New South Wales Government aiming to make unionism compulsory. Such a measure is abhorrent to decent citizens.

In the British family of nations we take pride in being free and unfettered, and people can go about their daily tasks without hindrance. The preference to unionists clause as envisaged in the Bill would make unionism compulsory, and it would, of course, pour money into the coffers of the political wing of the Australian Labour Party to fight its election campaigns. I have no hesitation in saying that unionists are, from a political angle, subscribing to every political party.

There are good unionists who subscribe to the Liberal way of life; there are those who subscribe to the ideals and principals of the Country Party; and there are those who subscribe to the Australian Labour Party. That is how the position should be. No legislation should cause unionists to contribute funds to any particular political party. The clauses of the Bill referring to preference should be rejected because preference is not in the best interests of the workers themselves. Workers should be completely free to subscribe to any political party machine as they may desire.

In the election speech of the Premier he said that the principal duty of his Government, if elected, would be to stabilise the economy of the country. He said that increases in the basic wage were not contributing anything to the welfare of the worker or the community in general. I subscribe to that opinion. But in recent weeks when the Federal Arbitration Court discontinued the quarterly basic wage adjustments, the Premier entered the arena and assumed the powers of the Arbitration Court himself. He stated that quarterly adjustments should go on, and the Government, through its representatives in the State Arbitration Court, has requested that quarterly adjustments should continue. If the Premier were true to his election promise, he would agree that rises in the basic wage are not in the best interests of the community, and his action in challenging the authority of the Arbitration Court was very unwise.

The Bill has been introduced at a most inopportune time when the State Arbitration Court is considering quarterly adjustments. The Federal Arbitration Court, although representations were made by both employers and employees, gave a decision which might be considered by members opposite as being detrimental to the workers; it suspended the quarterly basic wage adjustments. If the Premier was sincere in his election promise that it was the intention of his Government to stabilise the State's economy, he should bear in mind that possibly the basic wage might be reduced. If that were the case, the wage-earners' pay envelopes would not be reduced by the court decision.

The Minister for Housing: You have no authority for saying that.

Mr. BOVELL: I have. As is reasonable to assume, when the quarterly adjustments were suspended it meant either an upward or downward trend of the basic wage. The last resume of the "C" series index happened to show an increase in the cost of living, but it could conceivably have been a decrease. I would like to know what the members opposite would have said had there been a decrease. I would remind the House that the Premier promised that he would make every endeavour to bring this about.

Mr. May: What would come about?

Mr. BOVELL: The stabilising of the economy of the country. What he really meant was to prevent an increase in basic wage adjustments. He made it quite clear that increases in the basic wage were not in the best interests of the workers.

The Minister for Housing: He has not suggested a reduction.

Mr. BOVELL: He suggested stabilising the economy of the State as being in the best interests of not only the workers but the community as a whole. I have referred to that before, and I repeat that I am entirely in agreement with that opinion.

Reference is made in the Bill to domestics. A girl working as a domestic in a private home is usually treated as a

member of the family. Today we find it very difficult to get domestic help. Usually the domestic today is a young girl or an elderly woman who resides in the home of the employer and lives as one of the family. That being the case, it would be improper for inspectors and Government officers to be given the authority to enter the private homes of people employing domestic assistance. I agree that every possible encouragement both in remuneration and conditions should be offered to domestics.

The case referred to by the member for Boulder was the exception rather than the rule. The girl of 16 he referred to had a very busy time, and it reminds me of an old song concerning a farmhand employed by a farmer. After going through all the duties, the farmer finished up by saying, "And the rest of the time is your own".

The Minister for Housing: How about singing it?

Mr. BOVELL: The case referred to is the exception that proves the rule. Generally speaking, domestics live as members of the family and they appreciate a good home and the conditions that are offering. I cannot see anything worthy in this measure. The Government should not introduce the Bill now because, firstly, the State Arbitration Court is considering quarterly adjustments to the basic wage, and, secondly, the legislation introduced by the McLarty-Watts Government has generally proved satisfactory to every section of the community. Since the cessation of the disastrous metal trades strike in 1952, there has been no industrial strife in the State.

Western Australia is now embarking on a new industrial era with the advent of the Kwinana venture, the possibility of finding oil in the north and the B.H.P. enterprise at Kwinana. This period was ushered in mainly by the efforts of the previous Government. I urge that the legislation introduced by the McLarty-Watts Government be given a fair trial because since its introduction no major industrial trouble has taken place. That legislation was introduced some 12 months ago and I feel the present Government acted hastily in bringing the present measure before the House. I do not support the second reading.

MR. HUTCHINSON (Cottesloe) [5.15]: Among the provisions of the Bill, there are three with which I disagree. First of all, the Bill provides that the Arbitration Court shall make quarterly adjustments in accordance with the "C" series index figures, whereas at present the court may make quarterly adjustments. This proposal removes the discretionary power of the court. It severely cuts the initiative of the court where the court wants to carry out some measure or adopt some proposal which it believes to be in the interests of the country, because the Bill makes it mandatory for quarterly adjustments to be made. That is the first provision with which I disagree.

The second is a general one and incorporates a number of details. The purpose is to water down the definition of "strike", and to reduce penalties for striking. These alterations are being proposed ostensibly because the 1952 amendments are considered to be too harsh in their possible application. That is a highly debatable point and one upon which I shall touch at greater length a little later. The third provision with which I disagree is the one providing for preference to unionists. In its full implication, and following such a move to its logical conclusion, this provision surely indicates nothing more nor less than compulsory unionism. That is most obnoxious and repugnant to members on this side of the House.

As I have said, I disagree with that provision of the Bill which says that the court must make quarterly adjustments, thus depriving it of its discretionary powers. Such a proposal tends to destroy one of the bases upon which the court is founded: that it shall decide important issues for itself. Surely it is obvious that the action of the court in exercising its discretion by suspending quarterly adjustments would be designed to assist the country out of an inflationary spiral which, it is generally felt, is being levelled out to a degree where the action taken could lead to an absolute stabilisation of the country's economy.

In attempting to suspend quarterly adjustments, the court tried to do something for the country which would have an admirable effect on our economy. In making it mandatory for the court to make quarterly adjustments, the Government proposes, either wittingly or unwittingly, to assist the inflationary spiral. If the Bill becomes law, the inflationary spiral will tend to be much more vicious than at present. The action proposed by the Government is in direct defiance of the considered course that the court desires to take.

Anyone is entitled to think, following the introduction of this Bill, that as far as political Labour is concerned the court is of value only so long as its course of action suits the particular bill of fare of political Labour. What a short-sighted policy that is! Ostensibly, both sides agree that arbitration is the right course to adopt in the industrial sphere, yet this proposal will—and indeed it appears to be designed to—wreck the Arbitration Court. It ill behoves a Government to detract from the powers of the court, or so to hedge it in by imperatives that it loses many of its discretionary powers. I fear it is axiomatic that an emasculated Arbitration Court is of little value to the country, as it can make no worth-while contribution to industrial welfare.

The provisions seeking to reduce strike penalties and to water down the definition of "strike" should be viewed with a great deal of concern, and the desirability of such a move is extremely doubtful. The need for the deletion of the provisions of the 1952 Act, as proposed by the Bill, is not well founded at all. The passing of the 1952 legislation caused no industrial troubles whatever. The extreme fears expressed by members opposite during the debate on that occasion have proved absolutely groundless.

In glancing through the debate, it is interesting to note the extravagant terms employed, and the most descriptive phrases used by certain responsible members opposite. I went to some trouble to extract some of the more vivid and picturesque adjectives and phrases, and propose to give them to the House. We find that the Bill was described as being "a brutal measure", "savage legislation", "a terrible Bill". The provisions were called "hysterical". The Bill was termed "a shocking piece of legislation". Another phrase used was "pernicious legislation", and in some speeches the adjectives "vicious" and "tyrannical" were strewn about with grim abandon.

Mr. Manning: I think that really the then Opposition panicked.

Mr. HUTCHINSON: I am sure it did. Some of the remarks of members opposite are worth quoting. I have here some made by the present Minister for Housing. In his second reading speech he said—

> So far as I am concerned, I am prepared to back up the strikers, or any others who join them, to the maximum and furthest extent they desire to go; and legislation such as this finds no place whatsoever in a democratic country.

The present Minister for Housing said that! At the time he was just the ordinary member for East Perth. He is still the member for East Perth, but I must not call him an ordinary member, however, because such a description would never fit him! I quoted the remarks he made, because they show the fears that were felt at the time, and the extent to which he was prepared to go in order to see that the 1952 legislation did not become law. He envisaged all sorts of industrial troubles occurring as a result of that Bill.

There is another, but possibly more temperate, quotation, which exemplifies what I am trying to drive at. These are the remarks made by the present Minister for Education—

> My complaint is that this legislation enlarges the punitive powers of the court and it will create in the minds of workers the idea that the Arbitration Court is against them; that it is an institution used by Governments and employers to punish them, to coerce them—and that is the very antithesis of what we want and of what we expect the court to be. So there is nothing in this for the Government to be pleased about or on which to preen itself. It is definitely a retrograde step.

The present Minister for Education thus indicated that he felt what he called a retrograde step was not in the best interests of the country, and held it was possible that such legislation could lead to strife in the industrial sphere. The present Minister for Lands and Agriculture had this to say—

> There is a fine set of principles operating in and emanating from Arbitration Court proceedings; and if anything is liable to destroy this feature it is this Bill. Once the measure becomes law, not one amongst the working class people will have any faith in arbitration.

That again shows the extent to which members were prepared to go in trying to defeat the 1952 Bill.

If anything is designed to make another section of the community lose faith in arbitration it is the present measure. Even the Premier had this to say about the 1952 Bill—

> We have heard at times of members of the Labour Party being class-conscious and preaching class-warfare. I admit that that may be so at times, but here we have a Government which, together with its supporters, would practise class-warfare through the agency of legislation such as that now before us.

The Premier in his second reading speech on the Bill was, as he normally is, very moderate, yet he felt that the 1952 legislation meant initiating class-warfare.

I feel that the tenor of these burning adjectives and of the remarks I have quoted, presupposes that the members of the then Opposition—now the Ministers in the Government—considered that the legislation would lead to dire results in the industrial sphere. One member hinted at near-rebellion. Actually he offered to go as far as any one of them wanted to go. However, the dire prophecies and black fears then expressed have proved to be groundless. So I feel that we should not be panicked into repealing legislation—

The Minister for Labour: Like you were into introducing it.

Mr. HUTCHINSON: —which has not yet had a fair trial, and as a result of which none of these dire fears has eventuated. Like the member for Vasse, I feel that the 1952 legislation should be given a fair trial.

Mr. Moir: We have had to wait 18 months to hear your opinion on it.

Mr. HUTCHINSON: I cannot quite appreciate the drift of the interjection. Another point I wish to mention concerns the preference provisions. Suffice it to say at this stage that I am entirely opposed to them because undoubtedly they will lead to compulsory unionism. As has already been said by the member for Dale, a worker need not become a unionist, but if he does not join a union he will be unemployed. So I say that preference to unionists in this form means compulsory unionism. On these three grounds, in particular, I oppose the Bill.

MR. COURT (Nedlands) [5.35]: The more I examine the measure the more I come to the conclusion that it will achieve nothing except to place a small and militant minority in a position to play havoc with industry as it did under the legislation that existed prior to the 1952 amendment. I can find no evidence of any public demand or general trade union agitation for the measure.

Mr. Johnson: You should do some research.

Mr. COURT: We must therefore assume that it was inspired by a behind-the-scenes group which is capable of considerable political pressure—a fact which makes it all the more important that we should view the measure with the utmost caution. The proposed addition to the interpretation of "industrial matters" is, in my opinion, dangerous and much too far-reaching. I believe it hits at the very heart of the contractual relationship between employer and employee.

The proposal gives a ridiculous scope for reference of matters to the court; and we are not entitled to assume that that scope will not be fully exploited by certain parties. There could easily be the absurdity of one person taking exception to the private life or religion of one of his co-workers. I know that sounds absurd, but when we examine the measure we find that it could happen. Surely the employer still has some rights; or is it the Government's policy to be so sectional in its outlook as to deny any rights to other than employees?

I know there has been a lot of feeling engendered in this House on previous occasions over the definition of "strike." I feel it is in the public interest that the court should be able to deal with a wider range of cases than mere attempts to enforce demands on employers. The definition provided by the 1952 amendment, in the light of the then experience of tactics employed by industrial disrupters, was, in my opinion, a national necessity.

There is no instance of any person having been prejudiced under the 1952 definition. Can it be that the Government wants to leave the way open for stoppages such as the seamen's stoppage of 1952? Someone made an interjection about doing some research. I have conscientiously done research into this matter and one of the things that I did investigate was the Seamen's Union case of 1952. It is No. 199 of 1952, and is reported in the "W.A. Industrial Gazette." The conciliation commissioner at page 84 had this to say—

> Strikes have been illegal from the inception of industrial arbitration in Western Australia and the provision of heavy penalties for action constituting a strike has remained on the statute book for more than 50 years, notwithstanding many changes of Government during that period.

He then goes on to set out the respective definitions before 1952 and at 1952. Continuing, he said—

> The action of the seamen on 14th October would not have brought them within the former definition of "strike" but definitely brings them within the term "strike" as now defined.

This is the important part of his observations.

> No demand was made on their employer, but the seamen ceased work for 24 hours as a protest against employers generally making application to the Commonwealth Court of Arbitration for a reduction in the basic wage and increased hours.
>
> Mr. Hurd referred to the fact that no demand had been made on the State Shipping Service as one reason why the stoppage should not be regarded seriously. However, it seems to me to be more serious for an industry to be disorganised by the withdrawal of labour on account of a matter over which the management of the State Shipping Service had absolutely no control.
>
> As Mr. Ruse so rightly expressed the point there would be a terrific protest by the public generally if every time a union applied to the court for improved conditions, the particular employer instituted a lockout. There is no justification whatever for either party staging lockouts or strikes merely because one party has exercised its lawful right of making application to the Court of Arbitration.
>
> It is even worse in this particular case where the State Shipping Service was not even a party to the application to the Federal Court over which the protest was made.
>
> This stoppage was not supported by the A.C.T.U. as Mr. Hurd inferred and did not receive the support of other responsible industrial organisations in this State.

> I am not suggesting that such support would have warranted different consideration, but, nevertheless it does appear to me that a strike of this nature with one organisation setting itself up in defiance of the law and its own industrial set-up, and asserting the right to disorganise industry on matters beyond the control of the particular employer, is the type of strike which the legislature intended by the amendment to the Act should meet with a substantial penalty as prescribed in Section 141 (5).

He goes on to enlarge on that particular theory, pointing out that it is most important that the industrial authority should have the power to deal with these matters within the ambit of the 1952 strike definition.

The Minister for Labour: He will have it under the Bill.

Mr. COURT: I do not think so, from my reading of the Bill, even if we consider together the "industrial matters" definition extension and the strike clause. The proposal relating to domestics is, I feel, a positive demonstration of just how far the Government is prepared to go to vest further power on trade union officials—even to the point of obtruding on the private lives of our citizens, because we cannot read this provision without having regard to a further clause which seeks to grant additional right of entry to union officials.

Having regard to the general conditions of domestics today, and the few who are prepared to undertake this type of work, it can only be assumed that the measure is aimed at breaking down a way of life which is now enjoyed, rather than at achieving better conditions for the domestics. If it were as simple as just achieving better conditions for domestics, we could probably reach agreement, but I see it as seeking to go further than that. Read in conjunction with a later clause, the amendment would have the effect of giving the right of entry to union officials into private homes—an intrusion into the sanctity of the home.

A domestic could harbour a grievance against her employer and deliberately set out to embarrass the household by arranging to visit of the union officials to examine her working conditions, the wages book, etc. I can imagine that there would be a certain amount of consternation in the Minister's home if he were about to sit down to dine, and the secretary of the union turned up to examine the wages book and the general working conditions of the Minister's domestic, if he had one.

The Minister for Labour: Not a bit. I would ask him to have a cup of tea. If he had not had his tea, I would give him half mine.

Hon. Sir Ross McLarty: Do not worry; there is no fear of his calling on you.

Mr. COURT: My own experience of domestics is rather shortlived because I found my wife spent her time looking after them instead of their looking after us. The case put up by the member for Boulder was not a very convincing one.

Mr. Moir: You take a lot of convincing.

Mr. COURT: When we analyse the list of duties he submitted, we find it contains nothing that every decent housewife, who has not a domestic does not do every day of the week; and mine has five children to look after as well! She takes these things in her stride.

Mr. Moir: Does she chop the wood on Saturdays?

Mr. COURT: There was a time in my married life, before I learnt it was easier to do without a domestic, when we tried to persevere with one at the request of an organisation. Officials of this organisation came to us and laid down arbitary conditions with respect to the girl. They told us what we had to do, and we accepted those conditions because by doing so we were told we would be doing the girl, who was 16 years of age a good turn.

They gave us a list exactly similar to the one which the member for Boulder read out and said we had to conform to it, and they would be round once a month to inspect her conditions. They told us that if she was not home by nine o-clock each night, they were to be informed immediately. I was responsible to see that the girl was home at nine o'clock, not for our good but in the interests of the girl. If the girl was not out in company with some adult person, the Boulder employer was not doing a bad job by seeing that she was home punctually each night.

Mr. Moir: I expect she would be too tired to go out each night.

Mr. COURT: I do not think so. There are a considerable number of clauses in the Bill dealing with the revision of penalties. I do not think the Government is doing the right thing in seeking to alter these penalties. It is not mandatory to inflict the penalties and I would point out to the member for Boulder that Section 7 of the Act specifically refers to the interpretation of these penalties and says that they will not be mandatory, but rather they will be the maximum penalties. The Act has gone further and has not specified the minimum penalties.

Once I had occasion to seek legal advice on the question of penalties in connection with the Companies Act. We took strong exception to a penalty of £200 that was mentioned in the Act and we found, from the legal profession, that there was nothing to worry about because it meant a maximum of £200 and the penalty was at the discretion of the court. In fact, in view of no minimum being specified, the court could have awarded no penalty or

specified some nominal sum. Therefore the penalties are discretionary and not mandatory.

If this measure became law in its present form it could easily happen that the Government could be left lamenting at a later date because of the absence of the penalties which are now provided in the principal Act. I have tried to follow the line of reasoning in the series of reductions in penalties and it appears that in most cases the object of the Bill is to delete the imprisonment clauses. Personally I feel that they should be left in the principal Act. We have a very good example to follow because the Commonwealth law provides for imprisonment penalties and those penalties were inserted under the sponorship of the present Leader of the Federal Opposition.

But carrying the argument a step further, there is a degree of inconsistency in these amendments because in one particular clause the Government does not seek to eliminate the imprisonment penalty, but merely seeks to reduce the term. If it seeks to reduce the term, and not eliminate the penalty completely, it follows that the Government is not completely opposed to the principle of imprisonment for industrial offences. On the question of legal representation, it is interesting to note that the Government appears to be pursuing the same attitude with regard to this measure as it did on a previous occasion, namely it is endeavouring to interfere with legal representation.

Apparently the Government has not a high regard for the duties performed by the legal profession, but I would point out to members that this attack, or this intrusion on the right of legal representation is, in fact, an attack on the system of British justice, of which we are so proud and which is the envy of the world. Judges of the greatest eminence have made it clear that they place considerable importance on the advice and counsel that they receive from barristers and legal people appearing before them. Without the aid of skilled legal persons, many cases would not receive the full benefit of legal research, with a consequent danger to the final decision. There is a danger of placing a judge in the position of both judge and advocate.

I would also point out to the Minister that a barrister appearing before a judge is, in fact, an officer of the court, whilst he is performing his duties as a barrister. If we made some research into the background of the legal profession I think we would get an entirely different view of how it operates and why it is just as important to the worker as it is to the employer. I have yet to find a case where there has been disadvantage to the worker through legal representation and it is a credit to the profession that some of the most capable of its ranks have readily come forward and given wonderful service in the interests of unions and workers generally.

Mr. Moir: At a price.

Mr. McCulloch: And in the interests of themselves, too.

Mr. COURT: It is a very skilled profession requiring much research. When a legal man appears for a few hours before a court, that is the least of his work. He is like a musician who gives a polished performance. That is the result of years of hard slogging.

Hon. A. V. R. Abbott: There is no preference to unionists there.

The Minister for Labour: Yes, there is.

Mr. COURT: Is not the court or the conciliation commissioner empowered to exercise discretion as to whether legal representation will be allowed or not? The members of the court and the conciliation commissioner have had vast experience in handling many cases and they get to know the various personalities and industrial problems that arise. So I think the discretion is well left in their hands.

There are some amendments which, on the surface, appear to be purely drafting provisions, inasmuch as they seek to remove anomalies. In one case that purpose is achieved and I refer particularly to the reference to Subsection (2) of Section 30 of the principal Act. But coincidental to that, in the measure is a reference to Section 98 (a) of the principal Act and it is important that this should not be treated as a mere drafting correction, unless the House decides that Section 98 (a) is to be deleted from the principal Act. Members will recall that that section gives the court the right to cancel, as a penalty, an industrial award or agreement.

The law-abiding organisations obviously have no fear of that section, and, in fact, there are times when it is very useful as a means of avoiding the process of deregistration. The next point is the question of preference or compulsion so far as unionism is concerned. There is no doubt, on an analysis, that even though we might, with all sincerity in the world, look upon this as a question of preference to unionists, in times of less buoyant employment it becomes compulsory unionism.

Mr. McCulloch: Where is that in the Bill?

Mr. COURT: The measure seeks to make it obligatory for the court to grant preference.

Mr. McCulloch: It does nothing of the sort.

Mr. COURT: Apart from the natural objection of people to compulsion, it is contrary to human rights and previous speakers dealt particularly with that aspect.

Mr. McCulloch: You have not read the Bill.

Mr. COURT: In fact, I find that there is an upsurge of opinion in the Eastern States from various classes of thought on the question of compulsory unionism, in whatever form it might be disguised. It is also interesting to note that in New South Wales, where they are endeavouring to bring about compulsory unionism, they have introduced a provision which allows for conscientious objection. There is no such provision in the measure now before us. I do not doubt that many people, in the interests of quietness and general peace, will join unions if there is compulsory unionism, but there are still people who want to reserve to themselves the right conscientiously to object to various forms of service and organisation.

Hon. Sir Ross McLarty: I think the Minister would agree with you there.

Mr. Brady: What happens in the businessmen's associations when the employers do not join?

Mr. COURT: I do not know of any that are compulsory. I would remind the hon. member that there are many employers who are not members of the Employers' Federation.

Mr. Brady: And the wholesale houses are approached and asked to stop supplying goods to them.

Mr. COURT: Not to my knowledge; not successfully, anyhow.

Mr. Johnson: You need to do some more research.

Mr. COURT: It is interesting to note that Mr. Clive Evatt, the Minister for Housing in New South Wales, has taken a rather strong stand on the question of compulsory unionism and members have probably read, in the Eastern States papers on the files, that this gentleman has gone so far as to threaten to resign from the New South Wales Cabinet if its members persist in their legislation for compulsory unionism.

I have here a cutting from the "Morning Herald" of Sydney, dated the 6th November, 1953, and under the heading, "Accept or Resign: Choice to Evatt" appears the following:—

> State Cabinet Ministers said last night that the Premier, Mr. J. J. Cahill, will ask the Minister for Housing, Mr. Clive Evatt, to resign from Cabinet if he refuses to support the proposed compulsory unionism legislation. They said Mr. Cahill will issue this ultimatum to Mr. Evatt at the Cabinet meeting on Monday.

There are other quotations in support. Bringing the matter closer home, on the 12th August, 1949, in a case before the Industrial Registrar, Mr. L. D. Seaton appeared on behalf of the Electrical Trades Union and various people appeared for other parties. During the course of the discussion that took place, with reference to compulsory unionism, Mr. R. B. Gibson, on behalf of the A.E.U., had this to say on page 7 of the transcript—

> There is no compulsory unionism and I myself do not believe in it. I think where a union has goods to supply, it is up to them to satisfy its customers that the stuff they are selling is quite good. Otherwise they are just going to fail in their purpose.

I think that summarises the matter fairly well.

Mr. McCulloch: Where does the Bill mention compulsory unionism?

Mr. Moir: It is preference to unionists.

Mr. COURT: I know the member for Hannans well enough to realise that he can follow my line of reasoning that in times of less buoyant employment, preference will mean compulsion.

Mr. Moir: It will not.

Mr. Yates: Of course, it will.

Mr. McCulloch: There is nothing about compulsion.

Mr. COURT: The next point I want to make is the question of quarterly adjustments of the basic wage. To make it mandatory for the court to grant quarterly adjustments to the basic wage is wrong in principle. I feel that this measure reflects some haste on the part of the Government to interfere with the jurisdiction of the court. It is interesting to note that the Government does not seek to take away the court's right to consider economic factors. An amendment was passed in 1952 and under that amendment the court was granted the right to consider economic factors. I feel that as the quarterly adjustment is an economic factor, it is wrong to interfere with the court's right to decide whether an adjustment shall or shall not be made.

I do not think that a House such as this has the technical specialised knowledge to decide such an economic problem and neither has it the necessary degree of impartiality to make a decision on a major economic problem, such as the quarterly adjustment to the basic wage or the amendment of the basic wage itself. If the Government insists on removing from the court the right to make these adjustments, but leaves the court with the right to consider economic factors in determining the basic wage, it follows that the worker is left exposed to reconsideration in toto of the basic wage by the court so as to defeat the measure being introduced by the Government on this occasion, if it so desires.

It is ludicrous to think of Western Australia stepping so far out of line from the other States. We already have a differ-

ential basic wage as against those other States and if we are to allow this quarterly adjustment to continue, it follows that we will get further out of line as time goes on.

I am surprised that more publicity has not been given to the fact that the A.C.T.U. had a complete victory before the Arbitration Court. In spite of the most strenuous advocacy by the employers' representatives and the use of the most skilled counsel that could be obtained, the court decided, (a) that the 40-hour should be retained, (b) that the quarterly female basic wage percentage should be retained and, (c) that the basic wage should be fixed on the capacity of industry to pay judged in the light of existing economic conditions.

Very little publicity seems to have been given to the fact that those were the points advocated by the A.C.T.U. They made it a major issue as to whether the basic wage should be on needs or on the capacity of industry to pay, and the A.C.T.U. won. Having won, we find that various sections of its followers want to step out of the victory and resort to another method altogether, namely, that of quarterly adjustments. To my way of thinking tying the basic wage to the economy should be a socialist's dream.

A just and equitable spreading of national income in the light of current economic conditions could then be envisaged by such people without much imagination. Does it not follow that if we tie the basic wage to the economic conditions of the day we will automatically make an equitable distribution of national income at that time. I could quote at length concerning the reasons given by the court in deciding that it was better to relate the wage to the ability of the economy of the day to pay it rather than have it related to some unknown factor.

The point was made that in tying the basic wage to the economy at the time it was much easier to be assured that a just and equitable distribution was being made; whereas we could not be quite sure if we endeavoured to tie it to the "C" series or some other formula of calculation. In attempting to make it mandatory for the court to give these basic wage increases, I consider the Government is further trying to influence a matter which is before the court.

Mr. McCulloch: How do you know it will be influenced?

Mr. COURT: I feel that silence would have been golden. But, alas, the Premier saw fit to act as the mouthpiece of a section of the community rather than keep himself aloof from sectional interests, particularly when there was a matter of such national significance before us about two weeks ago. I would respectfully remind the Premier that he is Premier by a very narrow majority.

The Minister for Labour: It is quite sufficient.

Mr. COURT: As such he has a more important duty to remain aloof from the sectional problems than if he were Premier by a large, substantial and assured majority.

Mr. Brady: Do you know the history of the Financial Emergency Act?

Mr. COURT: I am sure I have some rather vivid recollections of that particular era of our history.

Mr. Brady: That was interference in the Arbitration Court by your Government.

The Premier: And how!

Mr. COURT: I do not want to enter into a discussion on that point, but a survey of the Governments of Australia at the time and the action taken by them—both Commonwealth and State—will show that they all did the same thing.

The Premier: No State went as far as did Western Australia.

Mr. COURT: I have already touched on this matter of entry as it affects domestics. But we cannot overlook personalities. Members on the other side of the House—and indeed the Minister himself—would know that certain union secretaries and organisers do not get on well with certain employers, and we find that the secretary is dynamite on one particular job whereas the organiser can go in without any trouble at all. It is merely a case of personalities. But is it not right and proper to preserve some rights for all of us, whether we be the employed or the employer? The fact that the court can be approached when an employer becomes difficult is sufficient protection to ensure that the trade union movement can examine the conditions of employment prevailing in respect of their members.

There is another clause which rather intrigues me. It states—

> No person shall write, print, or publish anything calculated to obstruct or in any way interfere with or prejudicially affect any matter before the Court.

I feel I must agree with that wholeheartedly. Presumably, the Government felt a little guilty because of the utterances its Ministers have been making over the last week or two in this matter relating to the court. Without launching into a major discussion on the merits or otherwise of the basic wage quarterly adjustment—I do not think it is the right time to do it—I have nothing further to say on the measure except that I oppose the second reading for the reasons I have given.

On motion by Hon. A. F. Watts, debate adjourned.

House adjourned at 6.8 p.m.