Mr. THOMSON: This power is to be exercised when a fire gets away on a man's property. It is astounding how that sort of thing happens. The owner of the property may desire to deal with the fire in another way, but the departmental officer may insist on destroying the rest of the crop in order to save his trees. I do not think the Minister realises the powers that are to be vested in officers under the provisions of the Bill. Another clause provides that the owner can be compelled to pay for the damage to the forest. That is a very drastic power to provide.

The Minister for Lands: I will postpone the Committee stage for a week.

Mr. THOMSON: In those circumstances I will not debate the Bill further.

THE MINISTER FOR LANDS (Hon. W. C. Angwin—North-East Fremantle—in reply) [10.37]: There are some provisions in the Bill with which I am not in accord. The Bill was printed before I had an opportunity to alter those clauses. I am in accord with some of the views expressed by the Leader of the Opposition and told him beforehand that I agreed with his contention regarding the powers vested in the Conservator of Forests. It is my intention to amend the Bill and provide for the power being vested in the Minister or someone acting with his authority. As to the other matters referred to, the position is, as the member for Swan (Mr. Sampson) interjected, that many thousands of pounds have been spent in reforestation. So far as I can gather, many of the owners of property do not think there is any harm in setting fire to the bush adjoining forest lands. They do so in order to make the feed grow, with the result that there is a possibility of the State losing a considerable sum of money in damage done. For instance, at Ludlow there is a pine plantation of many years standing. Suppose some person were to set fire to the bush adjoining that plantation. Consider what the result would be. It is only natural that the Conservator of Forests should hold it advisable to have power to protect those plantations from fire. However, in my opinion, the man who would not put out a fire without payment is not worth considering. As I say, the Bill was printed before I had an opportunity to look over it, but it is my intention to have that provision struck out in Committee. I will defer the Committee stage so as to meet the convenience of members, but we want to have someone in control and under the existing Act there is a doubt as to whether we have the necessary power. Of course we have power to frame regulations exempting certain districts and fixing the time when the burning off shall take place. The general custom has been to suit each district according to the season and the requirements of the settlers. It is now desired to get uniformity in that direction, but in view of the widely varying conditions in widely separated districts, it is very difficult to achieve that uniformity.

Question put and passed.

Bill read a second time.

House adjourned at 10.44 p.m.

Legislative Council,

Wednesday, 21st October, 1925.

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

QUESTION—RAILWAY DINING CARS.

Hon. A. LOVEKIN asked the Chief Secretary: What is the amount received by the Railway Department for rights to operate dining and buffet cars generally, and the sum received in respect of the goldfields dining cars particularly?

The CHIEF SECRETARY: replied: The total amount received as rent for the dining

and buffet cars cannot be definitely stated, for the reason that the Chidlow and Spencer's Brook refreshment rooms and the restaurant cars running between Perth-Northam, Perth-York, and Perth-Wyalcatchem are leased under one agreement, the rent for the five services being £1,250 10s. per annum. The remaining restaurant car rents are as follows:—Dining car, Kalgoorlie-Southern Cross, £100 per annum; buffet car, Buntine-Mullewa, £104 per annum.

LEAVE OF ABSENCE.

On motion by Hon. J. W. Kirwan, leave of absence for six consecutive sittings granted to the Hon. J. Ewing (South-West) on the ground of urgent private business.

BILL—JURY ACT AMENDMENT.

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

BILL—LABOUR EXCHANGES.

Second Reading—Amendment, "six months."

Debate resumed from the previous day.

HON. J. J. HOLMES (North) [4.36]: This measure is entitled—"A Bill for an Act to provide for the establishment of State Labour Exchanges, for the advancement from public moneys of travelling expenses to needy workers, for the making of certain returns by employers, to prevent private persons carrying on business as employment brokers, and for other relative purposes." I suppose the other relative purposes would be to provide employment and travelling expenses for Government supporters, and compulsory unionism. That is what the Bill appears to me to be aiming at, and I hope I shall be able to convince some members of the House that that is really its object. I listened very carefully to the remarks of the Honorary Minister when he endeavoured to justify the introduction of the Bill, but all we heard from him was that a few of the licensees under the Employment Brokers Act did not quite live up to what he expected of them. I think the House will admit that if the Employment Brokers Act is not all it should be, the proper procedure would have been for the Government to bring down a Bill to amend that Act. There is no doubt it would be a very simple matter to thus overcome the difficulties suggested by the Honorary Minister. If that were done it would not reach the objective for which this Bill was designed, namely compulsory unionism.

Hon. W. H. Kitson: How do you arrive at the assumption that this Bill means compulsory unionism?

Hon. J. J. HOLMES: Because the Honorary Minister told us so.

Hon. J. Cornell: The Honorary Minister said so yesterday.

Hon. J. J. HOLMES: The Government are the principal employers in the State, and the number of their employees is increasing every year. Under this Bill the unionists will get first preference of employment arising out of all the expenditure of public moneys.

Hon. J. R. Brown: Quite right, too.

Hon. J. J. HOLMES: Would the hon. member contend, then, that it was also right that the unionist getting all the work and all the pay should pay all the taxes? One would be as just as is the other. The Honorary Minister attempted to show that non-unionists were employed through the Labour Bureau, but he had to admit that non-unionists were allowed to get employment only after work had been found for all the unionists, and even then there was an understanding that the union fees should be contributed out of the first pay the man received. One would be justified in concluding that we were back in the dark ages. It is difficult to believe what is going on in this State at the present time. Men of standing, who refuse to be associated with any political party at all and who have been working as free men for 10, 15 or 20 years, have now either to couple up with a political party or lose their jobs. We have heard a lot of what the employers have done in the past. Bad and all as the employers in the past may have been, their actions do not compare with those of some of the men behind the proposal contained in this Bill. I admit there is room for amending the present Act, and I think almost every member would support an amendment to overcome the difficulty that has been referred to, but that would be no good to the party at present in power. They want to control not merely the labour that hangs around the Trades Hall, but the

whole of the labour; and they want to bring it to a given centre in order that they might automatically make unionists of the men before the men can obtain employment. The Minister tried to argue that this Bill would not have the effect of wiping out all the existing employment brokers.

The Honorary Minister: I said it would.

Hon. J. J. HOLMES: Is not the labour bureau of the Pastoralists' Association employing labour? The Minister said that bureau would not be wiped out.

Hon. J. Cornell: It is not a wiping out so much as a swallowing process.

Hon. J. J. HOLMES: Why not include for abolition the Pastoralists' labour bureau as well as all other labour exchanges. The Honorary Minister said he had had experience of that bureau, that it was very satisfactory and that he would not like to see it abolished. If he had had experience of other employment brokers, as some of us have had, he would form an equally favourable opinion of them. The other employment brokers include people who know their business, and who are actuated by the one desire to foster their business by providing an employer with suitable employees. So long as they do that, their business will continue and everything will work satisfactorily. This Bill is designed, not to provide an employer with an efficient employee, but to send out a political agent into the country to cause trouble where peace reigned prior to his visit. The present employment brokers charge for their services, and a number of employers are quite prepared to pay the fees. In most instances I consider the employers, and not the employees, should pay the fees. There is a feeling abroad amongst a majority of the employers that so long as they can secure suitable employees through the employment brokers, they are quite prepared to pay the fees, and they do not ask the employees to pay anything at all. But the trouble is that nobody seems to appreciate free service. Unless these people pay something for their job, they are apt to say, "It has not cost us anything; we will move on." If they had paid something for the service rendered probably they would want to get square before leaving. That is a small matter; but in principle it is the employer who should pay, and not the employee.

Hon. W. H. Kitson: Why do not the employers do it?

Hon. A. Lovekin: Because the Act says they shall not do it.

Hon. J. J. HOLMES: In my opinion it would be equitable to amend the Employment Brokers Act so as to put the responsibility for payment on the employer and make it a punishable offence for the broker to accept anything from the employee.

Hon. E. H. Harris: An effective way of dealing with an offending broker would be to take away his license.

Hon. J. J. HOLMES: Yes. A broker should be punished if he accepts payment from both parties. I would suggest that the Government, if they are not too busy with all their police at Fremantle, could easily get out to some of the brokers and see if they are living up to the existing Act. The marginal note to Clause 9 of the Bill reads—

> No person to carry on business or act as an employment broker.

The pastoral bureau, we hear, is to be exempt. Although I am a pastoralist representative, I do not see why it should be exempted when all the other employment agencies are victimised. In introducing the Bill the Honorary Minister said the pastoral bureau would be exempt; yet paragraph (a) of Subclause 1 of Clause 9 provides—

> No person shall hereafter carry on business as an employment broker.

The reason why the Honorary Minister suggests that the pastoral bureau should be let down lightly is that he has had experience of it, and that a number of his men have had experience of it.

The Honorary Minister: I did not say that was the reason.

Hon. J. J. HOLMES: The Honorary Minister said that he has had business with the pastoral bureau.

The Honorary Minister: I did not say that that was the reason for the exemption.

Hon. J. J. HOLMES: But the Honorary Minister said he knew how the pastoral bureau conducted its business. He knows that that bureau has brought peace and harmony into the shearing business of this State.

The Honorary Minister: On a point of order, I said nothing of the kind. I said that I had experience regarding the administration of the pastoral bureau. I have my opinion as to its administration. The bureau does not come within the scope of the Bill, but I am not going to allow Mr. Holmes to put into my mouth things that I did not say.

Hon. J. J. HOLMES: I have not attempted to do anything of the sort. When the Honorary Minister rose to his point of

order, I was saying the Minister knows that the pastoral bureau has brought peace and harmony into the shearing sheds.

Hon. W. H. Kitson: I think that is questionable.

Hon. J. J. HOLMES: I know it is true, and I know how that position was arrived at —by sending the right class of man to the right class of job.

The Honorary Minister: That is the object of this Bill.

Hon. J. J. HOLMES: The object of the Bill is to send all men to one centre, examine their political views, and then, if they can be of service to the party in the country, send them out to jobs in the country no matter whether they are suitable for those jobs or not. They are going to be sent out into the country as ambassadors of Labour.

Hon. W. H. Kitson: Can you point out what part of the Bill provides for that?

Hon. J. J. HOLMES: The whole of the Bill. If a man in the country wants a worker, or a woman in the country wants a servant, he or she cannot advertise in the newspapers for applicants. He or she must get an employment broker in Perth to supply a suitable person. People in the country want the right kind of person sent for the job that is available. They do not want agitators sent into the country to create trouble. Some of the men around the proposed State labour exchange will be a nuisance to the Government. Some of the men around the State Labour Bureau have already proved a nuisance. Those will be the men who will be sent away, in order that they may be a nuisance to someone else. A story is told of an applicant, a big hefty man, coming in day by day to the State Labour Bureau. One morning the attendant behind the counter said to this man, "I have just got the job that will suit you; a strong man is wanted to make himself generally useful." The answer was, "Why pick me?" The man did not want employment. He was just turning up to see if there was any agitating to be done, I suppose.

The Honorary Minister: That story has got whiskers on it.

Hon. J. J. HOLMES: Did it come from Russia? The Government would find it an advantage to get these men first away from headquarters, where they would be a source of trouble, and send them into the country, where there is peace and harmony, in order that they may stir up strife. The Honorary Minister knows that shearers and shed hands cannot be signed on in Perth. The big union will not allow men to be signed on in Perth, but stipulates that they must be signed on in the shearing shed on the morning when shearing commences, when the bell rings. I suppose there will be a bureau at every shearing shed There was a stop-work meeting in our shed because one man had been signed on in Perth. Yet this Bill provides that all these men must be signed on in Perth.

Hon. W. H. Kitson: You know very well that they are engaged in Perth.

Hon. J. J. HOLMES: They are not engaged in Perth. There is no engagement whatever until they come to the shearing shed. Perhaps that is why it is proposed to try to bring these men under the Bill. The Bill says there shall be no private employment brokers after the passing of the measure. The creation of a State labour exchange is not going to promote peace and harmony between employers and employees. Looking back, we see that the Arbitration Court was established to bring peace and harmony into the different trades, but that it has had exactly the opposite effect. It has forced the employers into one camp and the employees into another, with a third party trying to bring them together. In countries like America, where, as Mr. Cornell knows, there is no Arbitration Court or State Labour Bureau to come in between the two parties, where the employer can negotiate with the employee and the employee with the employer, the friction and distrust observable here are not to be found.

Hon. W. H. Kitson: How will the proposed labour exchange operate in that direction?

Hon. J. J. HOLMES: Because some employers more or less favour the non-unionist, while the Government favour the unionist. If the State labour exchange sends unionist labour to a non-unionist employer, trouble is going to be created. The employer should have the right to select whomever he wants to employ, and the employee should similarly have the right to take a particular job or leave it. That is all we ask. The Bill provides that men can be sent travelling round the country to look for work, and that as long as they do not get a job the State will foot the bill. The other day I picked up a Labour paper—I think it was the "Worker"—and read in it a paragraph to the effect that two men had been sent out

into the country by the unions at a fee of £50 each to organise. With a Bill like this behind them, why should the unions pay £50 for organisation work? Let them send out men to look for employment, north, south, east, and west, and the Treasury will pay their expenses. True, the Bill provides that the Government can recover from the employer; but in those cases the ambassadors would not have any employer, and consequently the account could not be recovered. Under existing arrangements the State Labour Bureau cost the State last year £2,691. The estimated revenue for the current year is £25.

Hon. E. H. Gray: What do the private bureaus cost the poor unfortunate worker?

Hon. J. J. HOLMES: If the hon. member had been present, he would have heard me say that it is the employer who ought to pay the employment broker's fee.

Hon. J. Cornell: I know a bureau that places 100 men in a fortnight without charging a fee to either the employer or the employee.

Hon. J. J. HOLMES: Yes; but in the case of that bureau the employer is not told that he must put up with unionists, nor is a non-unionist told to stand down until all the unionists have secured employment. Neither is a non-unionist told that he must become a union member and pay the contribution out of his first pay. However, such a bureau does not meet the wishes of those fathering this Bill. One may think that I am drawing the long bow, but I assure members I am not doing so when I say that if this Bill becomes an Act, men will be able to travel about the country looking for work and be paid by the State. In view of what is happening every day of the week, that is not an astounding statement to make. The Bill exempts seamen. Why should they be exempt from the Bill? That raises another question to which Tom Walsh or Mr. Houghton at Fremantle will not agree.

Hon. E. H. Gray: The seamen are provided for under the Navigation Act.

Hon. J. J. HOLMES: And it is provided that they have to sign on in the presence of the shipping master. The shearers have to do something similar and they are not to be exempt: it is the seamen who are exempt.

Hon. E. H. Gray: The State law cannot override the Commonwealth law in regard to seamen.

Hon. J. J. HOLMES: The position appears to be that the State law does override the Commonwealth law, because the State Government will not give effect to the Commonwealth law as they agreed to do. Consequently if there is any law at all we must fall back upon the State law. We have reached that stage when everyone, in order to get employment, must be a unionist. Then we shall drift back to where we started, and there will not be enough work to go round. Suppose every man and woman in the country were a unionist, what would happen then? The writing is on the wall to-day; there would be a breakaway from the unions. If you push a thing too far it is bound to re-act. This matter is being pushed too far and we can see unionism breaking up. Suppose we had a party in power who started to give preference to non-unionists. What would happen? There would be a stampede amongst unionists to take up non-union jobs. What would be said then?

The Honorary Minister: That has happened before to-day.

Hon. J. J. HOLMES: And it will happen again. There is the one big union theory written all over this Bill. It is all right up to a certain stage, but it is being pushed a bit too far and it will break down of its own weight. Under the Bill there will be employment by rotation and not by efficiency. The first man to come along who has been the longest time out of a job will be the first to get that job. But the man who has been longest out of work is the man who is not fit for a particular job. It is not a question of suitability, whether the individual suits the job or not. A man may not be good as a workman but he may happen to be a good unionist, and therefore employment must be found for him. Who is to carry him? The industry. I do not care what business it may be, or what association, it is impossible to put a square peg into a round hole, or the wrong man into the wrong job. Once we start to do that, the whole structure will begin to totter. This Bill, I repeat, can have only one effect, and that will be to put unionists into jobs instead of men who are qualified to fill those jobs. There can thus be only one result. I oppose the second reading of the Bill.

HON. J. E. DODD (South) [5.5]: The Bill we have before us marks a new de-

parture in legislation inasmuch as it is the first Bill to be introduced into this Parliament, having had its genesis in the International Labour Office of the League of Nations. There was another Bill introduced here in 1912 which provided that white phosphorus should not be used in matches. That, too, had its genesis at the Labour Convention held at Berne in 1906. The Bill we are now discussing is the first to be introduced after having been considered at the International Labour Office of the League. A few words in regard to the foundation of that office may not be out of place at this stage. It will be remembered that when the Peace Treaty was considered, those who took part in the framing of that treaty were mostly conservative statesmen. A big majority of those who formulated the treaty were the conservative statesmen of the world. They were the men who saw the war through, and when I mention the names of the British delegation, members will readily see that what I am saying is correct. There were Mr. Lloyd George, Mr. Bonar Law, Viscount Milner, Mr. Balfour and Mr. Barnes. Three of those were essentially the leaders of conservative politics in the United Kingdom. Mr. Lloyd George was a Liberal and Mr. Barnes was at that time a Labourite. There were very few radicals there. The Labour Charter which was framed through that treaty from which the International Labour Organisation has arisen, was conceived and framed largely by conservative statesmen. It may be well for this House to remember that. That charter was, I suppose, the finest the world has ever seen, and I will go further and say, that the charter would shame the proposals of many Labour congresses as far as ideals were concerned. I would like to read the preamble of the Labour Charter drafted by the Peace Committee. It is as follows:—

Whereas the League of Nations has for its object the establishment of universal peace, and such peace can be established only if it is based upon social justice; and whereas conditions of labour exist involving such injustice, hardship, and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled, and an improvement of those conditions is urgently required, as for example by the regulation of the hours of work, including the establishment of a maximum day and week, the regulation of a labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organisation of vocational and technical education and other measures. . . . .

It also goes on—

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions of their own countries; the high contracting parties moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world agree to the following:—

Then they came to enumerate the articles and to provide for the establishment of the International Office. I am not going to read the whole of the articles laid down, but I will just read one because it is connected with the Bill before us. Article 427 says—

The high contracting parties, recognising that the well-being, physical, moral and intellectual of industrial wage-earners is of supreme international importance, have framed, in order to further this great end, the permanent machinery provided for in Section 1.

It will be as well for the Government to remember this—

They recognise that differences of climate, habits and customs of economic opportunity and industrial tradition, make strict uniformity in the conditions of labour difficult of immediate attainment, but, holding as they do that Labour should not be regarded merely as an article of commerce, they think that there are methods and principles for regulating Labour conditions which all industrial communities should endeavour to apply so far as their special circumstances will permit.

They lay down this also—

The guiding principle above enunciated that Labour should not be regarded as a commodity or article of commerce.

I think that when the statesmen of the world enunciated these principles they did something which is likely to bring about a better state of affairs between the different countries of the world, and they saw that the difference in connection with the Labour legislation that was in force in some countries, as opposed to others, might possibly bring about war. They saw by the course of events what might happen if something was not done to try to bring about more humane conditions throughout the world. They had the example of Russia before them, and we have it before us to-day. We know what is happening to-day, despite what is said about

Russia having recovered. We know that there have been millions of people massacred in Russia through the Revolution. I say that that is not altogether the fault of the people who are running Russia to-day. It was the fault of the people who ruled Russia before the Revolution took place. We see the results of the aftermath of war in the allied countries. We know that it has cost the British Government millions of pounds to provide for the unemployed. The International Labour Office was established with headquarters at Geneva. A delegation is sent to the Congress there every year. It consists of employers' delegates, employees' delegates, and delegates from the Governments. Up to the present the various Governments of the world are largely conservative. All this legislation that has emanated from the International Labour Office at Geneva has really emanated from the majority of Conservative delegates. There can be no dispute about that. The subject matter of this Bill was brought before the first conference which was held at Washington. Although the American people have not joined the League of Nations, the first conference was held in the United States. The agenda paper of that conference was fixed by the peace treaty delegates. One part of the agenda had to do with the question of unemployment. The first convention that dealt with the question of unemployment and labour exchanges had the following article:—

That each member who ratifies this convention shall establish a system of free public employment agencies under the control of a central authority. Committees, which shall include representatives of employers and of workers, shall be appointed to advise on matters concerning the carrying on of these agencies. Where both public and private free employment agencies exist, steps shall be taken to co-ordinate the operations of such agencies on a national scale. The operations of the various national systems shall be co-ordinated by the International Labour Office in agreement with the countries concerned.

The following recommendation, which has been embodied in the Bill was also adopted.

The General Conference recommends that each member of the International Labour organisations take measures to prohibit the establishment of employment agencies which charge fees or which carry on their business for profit. Where such agencies already exist it is further recommended that they be permitted to operate only under Government license, and that all practicable measures be taken to abolish such agencies as soon as possible.

Hon. J. J. Holmes: Is there any reference to preference to unionists?

Hon. J. E. DODD: I am coming to that. I spoke to the Chief Secretary with reference to reports of the employers' and employees' delegates, and I believe that these have now been laid on the Table of the House, although I have not seen them. I have to thank the Minister for his courtesy. Where the Commonwealth are paying large sums of money to send delegates to the Geneva Conference every year, I think that each member should have a copy of the reports of those delegates. If we are going to consider legislation based upon what takes place at the International Labour office and the Governments are spending large sums of money in sending delegates thereto, we should have the reports of delegates to guide us in dealing with that legislation. These reports will, of course, have to come from the Commonwealth. The charging of fees to those who wish to obtain work is an immoral and pernicious practice. We should not tolerate it for a moment. In 1912 I introduced a Bill providing for the institution of half-fees in the case of employment agencies, but that was defeated. In 1918, as a private member, I introduced another Bill which Mr. Mullany piloted through the Assembly providing that the employers should pay half the fees, and that is the law to-day. It is totally wrong that fees should be charged to men who desire to obtain ordinary employment. All who will work are entitled to get work. It is the duty of the Government of the country to see that any person who will work is entitled to get work if that is available. There should be no distinction laid down in any way with regard to the engagement of employees. I agree with Mr. Holmes to that extent. I am of opinion that the International Labour office thought so too, when they laid stress on the question of free employment agencies, not only free in regard to the fees paid, but free in every way. I do not see why a man, whether he be a communist or unionist, who is down and out and is seeking employment through the State Bureau, should be asked any questions as to whether he belongs to a union. I have here a letter, which was published in the "West Australian," the contents of which I cannot vouch for. It is as follows:—

The statements concerning unions and unemployed in the "West Australian" of September 21 are correct, although I personally

have not been selected by the State Labour Bureau for employment, although registered. The bureau, however, gave me to definitely understand that no man would be taken on any Government works unless a union member. After receiving this information I deemed it wise, as I am married and helping to support my mother, to join a union at once. On interviewing the secretary of the A.W.U. I was surprised to learn that in no circumstances whatever would they enrol new members until (I understood) the whole of the union members now unemployed were absorbed. I next tried the M.C.W. meeting with the same answer. Yours, etc. (Sgd.) D. Fagg, 74 Armagh-street, Victoria Park, September 21.

The address of the writer is given, and I take it that the communication is a genuine one. If that is so the principle is undoubtedly wrong. It is wrong that the State's activities and industries should be used to force men into unions, for which political dues are paid. I would warn the Government that they are forging a weapon that will recoil upon them if they go too far. I share the contempt of every member of the Government concerning those who will not join a union. A man who is willing to take all the advantages that unions give him, and all the benefits that have been brought about by united action, and then refuses to do his part in helping to keep these unions together, is beneath contempt. But we can go too far with regard to political action in connection with unions. If we are going to force men to contribute to any particular branch of politics, we are going a long way towards the abnegation of all liberty. The State Labour bureaus should be free in every sense of the word. The International Labour Office also said it was impossible to bring about uniform conditions in all countries. That is generally recognised. There are many which have, and there are others which have ratified this decision conditionally. Norway is giving ten years' time compensation to various private employment agencies. The Bill provides that employment brokers' offices shall cease to exist when the Act is proclaimed, and that the fees for the unexpired term of their licenses may be returned to them. I put it to the Honorary Minister, is that a fair proposal? Why should we say to these brokers that although their license is for a year, as soon as the Bill is proclaimed they must close their businesses?

The Honorary Minister: In twelve months.

Hon. A. Lovekin: The Bill does not say that.

Hon. J. E. DODD: That is rather harsh treatment. The hotel-keepers were given ten years' time compensation before the prohibition poll was taken. We are certainly acting harshly if we provide for these employment brokers only the remainder of the year, or perhaps twelve months, before their businesses are closed down.

Hon. J. J. Holmes: They automatically cease when the Act is proclaimed and they get a refund of their money.

Hon. J. E. DODD. Those who mostly patronise the Labour Bureau are casual workers. Very few tradesmen, members of professions or handicrafts, have anything to do with the bureau. Sometimes it may be hard for the casual workers to join a union. On the one hand it is proposed to force the employment brokers out of business. On the other hand it is proposed to rely upon the Labour Bureau as the sole recruiting ground for unionists of all kinds. That is going too far. Everyone should be on an equality. There is very strong opposition to the operations of the International Labour Bureau by the extreme element in Labour. When Mr. Curtin went as a delegate to Geneva last year, Mr. Walsh happened to be here. He was very bitter because Mr. Curtin was, as he said, taking the capitalists' money, and was travelling on a capitalist boat in order to attend the conference. The Russian communists would have nothing to do with the International Labour Office.

Hon. A. J. H. Saw: Was Mr. Curtin white or black then?

Hon. J. E. DODD: All this should tend to help us to take a fair view of this Bill, and any other legislation emanating from the International Labour Office at Geneva. We really have two roads upon which we are marching; one is towards Moscow, and the other towards Geneva. Is this House going to say deliberately that it will not allow the Government to go along the orderly path, the way to Geneva? All matters are dealt with there by reason, and after rational discussion between representatives of the employers and employees and the representatives of the Governments. Is this House going to refuse to allow the Government to bring in legislation which emanates from that centre.

Hon. J. J. Holmes: This legislation does not emanate from there.

The Honorary Minister: Absolutely.

Hon. J. E. DODD: It does emanate from Geneva. The genesis of it comes from there, or rather from Washington where the first conference was held, subsequent conferences being held at Geneva. It comes from the International Labour organisation. That office has been brought into being by the delegates of the Peace Treaty, and these were largely the conservative Statesmen of the world. That is the position we are faced with to-day. I ask the House to pause before taking any drastic action in dealing with legislation that emanates from such a source. I have been at some pains to find out where we stand in this matter. I asked for the production of the reports of the work of the International Labour Bureau. Those reports have been laid on the Table of the House. They are difficult to handle and to go through. They are printed in French and in English and do not seem to have been tabulated in any way. Thus it is difficult for anyone to find out what has been done. I think the International Labour Bureau, the Government, or someone in authority should provide members with some means of knowing exactly what has taken place at these conferences. Members should be informed as to just where they stand in relation to these matters. Under the provisions of the Bill we may perhaps do an injustice to some people. Unfortunately, all legislation that is passed may possibly do some harm to some individual. While I would not like to see the Bill agreed to in its entirety—I think it is too harsh regarding private employment brokers doing business to-day—I hope the House will realise where the legislation emanated from and endeavour to see if we cannot do something with it. We will not be asked to do much, because most of our legislation is in advance of that in evidence in other countries, referred to by the International Labour Bureau. Where we can assist, we should do so in order to do what is best for all. We would be very foolish if we threw the Bill out altogether and not make some attempt to pass it in a form that will prove satisfactory. I support the second reading of the measure.

HON. A. J. H. SAW (Metropolitan-Suburban) [5.33]: This is one of the Bills that are brought down by the Labour Government from time to time to demonstrate the value of having an Upper House. I think hon. members should be very much obliged to them for doing so. The function of this Chamber is to encourage good legislation and to reject that which is pernicious. The present Bill comes within both categories and for that reason I intend to support the second reading. After we get into Committee —and I hope we will reach that stage—I will endeavour to remove one of the clauses that I consider most pernicious. The object of the Bill is two-fold. Firstly, it is to extend the operations of the State Labour Bureau, and its second object is to abolish all private employment agencies, and to draw all labour usually engaged in this way through the bottle-neck of the State department. As to the first of the two objects, I think every member of the House will agree with it. I refer to that part having to do with the extension of the activities of the State Labour Bureau. I hope, bearing that in mind that hon. members will support the Bill at the second reading stage. Two reasons have been advanced for the introduction of the Bill. The first, referred to by the Honorary Minister and dealt with by Mr. Dodd, was that it was a recommendation from the International Labour organisations assembled at Washington in 1919, that recommendation having been subsequently adopted at conferences held at Geneva. It was recommended that each member of the organisations should take measures to prohibit the establishment of private employment agencies—I would draw attention to the phrase "prohibit the establishment"—which followed that business or carried on the business for profit; and where such agencies already existed, that they be permitted to operate only under Government license. The latter provision already exists in Western Australia. It was also recommended that measures be taken to abolish all agencies as soon as possible. These recommendations represent a pious aspiration. When the Honorary Minister was dealing with this Bill yesterday I asked him what countries had adopted the recommendations and abolished private employment agencies. The Honorary Minister started to reel off a great number of countries including Great Britain, but I noticed that he did not go far with them. I will tell hon. members why. It was because the great majority of the nations mentioned in the list which the Honorary Minister was preparing to read, had not abolished private employment agencies at all. What they have done is what we did in 1898, namely, to establish State Labour Exchanges. So far as most of those coun-

tries are concerned, they are starting to-day exactly where we were in 1898. So far as I can read, the only countries that have abolished private employment agencies are Roumania, two, I think, of the Canadian States, and Nova Scotia and British Columbia. I have some doubt regarding Belgium for, from what I know of that country, I would be surprised to learn that Belgium had abolished private employment agencies. Germany, which is not a member of the League of Nations, although we hope that she will soon become a member, introduced legislation in 1922, the object of which was to abolish private employment agencies operating for gain. I do not know whether the Bill was passed, but I will assume that it did become law. I fancy Mr. Dodd may have confused Germany with Norway, although, of course, Norway may have passed similar legislation. However, Germany gave 10 years' notice to those private employment agencies of her intention to abolish their businesses, and also decided that they were to be paid compensation when they were abolished. That was in 1922, so that the private employment agencies there will not be abolished until 1932, provided always that no change takes place in the legislation of that country before that year. I suggest that a great deal of water will flow under the bridges across the river Spree before 1932, and it is quite possible that that legislation may be amended. In spite of the assertion of the Honorary Minister, I contend that there is no first-class nation in the world to-day that has adopted the prohibition upon private employment agencies. Other countries, including Great Britain, are subsidising locally controlled exchanges or have established State Labour Exchanges. That is to say, they are doing now what we did in 1898, and the Bill before us will allow us to extend those activities. To deal for a moment with the resolutions and recommendations that emanated from the International Labour organisations of the League of Nations, it must be remembered that they are not of a binding character. They are merely recommendations to the different signatories to place these matters before the Parliaments of their respective countries. Those Parliaments will decide according to their local requirements, as to what action will be taken. That is all we have to do. That is what I feel sure every nation, the signatures of whose public men are attached to the documents of the League of Nations, will do. If the Labour organisations of the League of Nations were to adopt a recommendation setting out that from henceforth the hours of labour in some trades should be 54 a week and in others, 48 hours a week, those hours to be uniform throughout the countries subscribing to the jurisdiction of the League of Nations, would it be argued for one moment that the Government of Western Australia would introduce legislation of that description? Certainly not! The Government would say that the recommendation did not meet the requirements here and that they would not do anything of the kind. It behoves us not to adopt blindly whatever a certain number of people gathered at Geneva may think. It is for us to say whether the recommendations are necessary here, and it is because I do not think there is any necessity for this particular provision, that I intend to vote against the clause in Committee. Another argument advanced by the Honorary Minister regarding the necessity for the Bill was based on alleged abuses that occurred in connection with the private employment agencies. I hold no brief for them, and I have no doubt that abuses do occur in connection with some of those agencies. There are good employers and bad employers; there are good workmen and bad workmen. I have no doubt that also applies to some of the private employment agencies. But that does not warrant the Government in coming forward with the Bill, and saying: "Off with their heads!" We should amend the existing legislation if it is faulty, and stop these abuses. Surely that should not be beyond the power of Parliament! It has to be remembered that the licenses of the employment agents have to be renewed each year, and although there may be some presumptive right to have the licenses renewed, they will be renewed only if the businesses are carried on satisfactorily. I am sure that the workmen who are alleged to have been defrauded are not so meek and mild as to refuse to give evidence against the private employment agents if requested to do so. Even if the Government did not wish to prosecute the employment agents, they could deal with them when the licenses were reviewed at the end of the year. If the Government were to bring

down a Bill to tighten up the laws relating to private employment agencies so as to enable them to wipe out the bad ones and permit the good ones to carry on, it would meet with almost the unanimous approval of members in this Chamber. The Honorary Minister gave us specific examples of the injustices he said had been meted out by private employment agents to workers. I must confess that some of them were by no means convincing. The majority of his instances were something like this: "A" paid half a week's wages in order to get employment. He went to the job and it lasted only two or three weeks or two or three days and then he left. The Honorary Minister did not say whose fault it was that the man had left. He did not say it was because the workman was unsuitable or because the employer was harsh or unfair. He merely accused the private employment agencies of doing these things. Apparently the employment agencies collected the fees they were entitled to, and so far as I can see they did no wrong. I maintain that in all probability, in the great majority of these instances, the persons who were really unsuitable were the men who went to the job.

Hon. E. H. Gray: That is not borne out by facts.

Hon. A. J. H. SAW: I am prepared to admit that occasionally there may be instances of the employers being to blame, for not providing suitable accommodation or for not looking after the men properly.

The Honorary Minister: In many instances there was no job for the men at all.

Hon. A. J. H. SAW: If that were so, the employment agent was guilty of fraud. Surely in such instances the workmen were not such meek and mild individuals that they would not complain about it to the Government so that action could be taken?

The Honorary Minister: I can prove many such happenings.

Hon. A. J. H. SAW: What action was taken?

The Honorary Minister: The Crown Law Department advised against any prosecution.

Hon. A. J. H. SAW: Then let the Government tighten up the law! If the Government bring forward a Bill, I will give my vote in favour of it, if the provisions are reasonable. The question has been raised as to whether these employment agencies should be entitled to charge fees. About that I do not express any opinion, except to say that undoubtedly the larger part of the fee should be paid by the employer. But whether all fees should be abolished to the majority of the workers, in view of the fact that they have the free State Labour Bureau to go to, and that it is not obligatory on them to go to the private agencies—about that I am not going to express any opinion; I will think the matter over and give my opinion should such a provision come before the House. But undoubtedly the payment of a small fee by the employee does tend to stabilise his work when he gets to the job; having had to pay for it, he is likely to look after his job, rather than, as so many of them do, be in it to-day and out to-morrow. From experience, and from what I have heard of this class of worker, there is too much of the in-and-out about them altogether. That applies particularly to domestic servants. I know of their having gone to good homes, unpacked their boxes, and then fled away in the morning, subjecting the employer to great inconvenience and sometimes expense. The wrong is not always on one side alone. It appears certain from the number of people, especially settlers in the country, who patronise these private agencies, that the agencies do fulfil a useful function and are doing some good work. For that reason I will not at present support any measure to abolish them, not until we have tried whether they cannot be tightened up by proper legislation. I certainly will not be swayed towards their abolition by the flimsy arguments adduced by the Honorary Minister when moving the second reading of the Bill. One of the objects of the Bill is to force all this class of labour through narrow channels, to force men and women like minnows into a small mesh net. What the object is I am not going to presume to guess, but undoubtedly there must be some object in it when it is not only proposed to extend the operations of the State Labour Bureau, but also to abolish the private agencies. Mr. Holmes alluded to the rotary system. The Honorary Minister said that no such thing was dreamt of here. But I notice that in other parts of Australia unions are already clamouring for the rotary system, and I have no doubt that if caucus and the extremists amongst unionists put sufficient

pressure on the Government, the Government will bow the knee to Baal, as they have done in the past.

HON. A. LOVEKIN (Metropolitan) [5.49]: This is another taxing Bill, seeing that it gets rid of a number of private enterprises and puts the whole expense of carrying on these labour employment agencies on to the Government. Apart from that, the Bill introduces a very vicious principle, in that it proposes to turn out, almost at a moment's notice, those who hitherto have been carrying on a lawful occupation. And, as Mr. Cornell pointed out, one of these private employment agencies places hundreds of men per month without charge.

The Honorary Minister: But that will not be interfered with.

Hon. A. LOVEKIN. But yes, because it will be a "person" carrying on the bureau, and under the Interpretation Act a person includes one of these institutions or corporations. Even if private offices were to be closed after reasonable notice, it would be very wrong to peremptorily turn out 13 or 14 people who have been carrying on lawful occupations. The Minister says they will not be turned out for 12 months. But Clause 10 declares that all employment brokers carrying on business at the commencement of this Act shall thereupon lose their licenses, and that the Treasurer shall refund to them the value of the unexpired portion of their licenses.

Hon. J. J. Holmes: Some of them may have leases of their premises, extending over three or five years.

Hon. A. LOVEKIN: That may easily be so. Such legislation is highly vicious, and certainly ought not to be agreed to by the House. Mr. Kitson, by interjection, asked why did not the employer pay his portion of the fees. The Act introduced by Mr. Dodd in 1918 specifically provides that no payment or remuneration in respect of any hireage shall be charged by the employment broker for services which is not equally charged to the employer. Under that the employee and the employer are to pay equally, and the Act of 1909 provides that these private employment brokers must keep a scale of charges posted and must lodge copies with the Government for approval. So it will be seen that charges and payments are both fixed by statute. I think the employers are the persons who ought to pay these fees. I am prepared to let the employee go free because the employer is better able to look after himself than is the employee. If an unsuitable man were sent out by the agency, the employer would say so and would take recourse against the broker, whereas the employee could not well do anything of the sort. It is quite easy to provide that the employer alone shall pay. It seems to me that is the only thing that is required, and it could easily be effected by an amendment of Section 15 of the principal Act, which is amended by the Act of 1918. There we could prescribe that the only fees shall be those paid by the employer. Now a word or two about what has been said regarding this legislation coming from Geneva. As I understand the Geneva recommendations, they contemplate, not Government bureaus, but bureaus composed of boards representative of employers and employees. That is a very different thing from a Government bureau, the administration of which may have a fixed political policy such, as in this case, preference to unionists. If it is to be a Government bureau, then, obviously, the Government administering the Act for the time being, to be consistent must give effect to their policy, as the Honorary Minister suggests they will, and stand for preference to unionists, perhaps employing bad unionist workmen and leaving unemployed good non-unionist workmen.

Hon. J. Nicholson: Does not the Geneva recommendation contemplate also an international exchange, not a mere State exchange such as this?

Hon. A. LOVEKIN: I do not think so, for it is pointed out that the conditions of countries vary. You could not very well have an international exchange, because of different wages and hours and climate, which would affect the hours of employment. So it must be purely local. I agree with Dr. Saw that, after all, it is not so much what Geneva recommends, but is rather what is a good thing for us here.

Hon. J. J. Holmes: Does Geneva recommend preference to unionists?

Hon. A. LOVEKIN: No, certainly not.

Hon. J. J. Holmes: Then this does not emanate from Geneva.

Hon. A. LOVEKIN: What is contemplated is a board composed of representatives of employers and employees. It is not provided that there shall be any brand of politics on the board. Indirectly we must read the Bill as meaning preference to unionists. All competition, all private agen-

cies, are to be abolished, and only one Government labour bureau maintained, to be administered by the Honorary Minister whose policy is preference to unionists and who, to be consistent, must force that into his administration. We ought not to have legislation of that character, whatever the policy of the Government may be. Therefore I cannot vote for the second reading. The principal Act of 1909 and the short amending Act of 1918 are quite sufficient for our purpose. What we want is that the existing Government bureau shall go on in competition with the private bureaus, and I think a majority of members will agree that no payment should be made by the employee, that the whole of the fees should be paid by the employer. If we want that, a one-clause Bill would be sufficient. I have drafted it. I have been through the Bill and it is clear that if we take away those clauses that give preference to unionists and abolish private concerns, there will be nothing left. If we put the Bill into Committee we shall have to take away practically every clause in it. Therefore there is no point in going into Committee. If the Government will introduce a short Bill to regulate the existing agencies, with a view to getting rid of the abuses referred to by the Honorary Minister —I do not say he was altogether fair in suggesting that all these agencies are evil—all that is wanted is a short clause, on these lines—

Section 15 of the principal Act is amended by omitting from paragraph (2) the words, "and the maximum amount chargeable to the employee," and by amending the paragraph added to the section by the Employment Brokers Act, 1918, the words "to the servant which is not equally charged," and by inserting in lieu thereof the word "except."

That would leave the Act as it stands except that the registry offices could not charge any fee to the employee. In view of Dr. Saw's statement that he would like to see the Bill taken into Committee, I shall go through it in order to point out what we must do in Committee.

Hon. A. Burvill: How would you get on with the title?

Hon. A. J. H. Saw: Amend it, as we did with the Jury Bill.

Hon. A. LOVEKIN: The title will not present any difficulties. If we strike out all the Bill, the title will go with it, but if we put up practically a new Bill the title will have to be amended. Let us look at the clauses before we proceed to waste any time over the Bill in Committee. Clause 1 is the short title. Clause 2 repeals the Acts of 1909 and 1918. Clause 3 contains certain interpretations, no one of which is required; they are either in the Interpretation Act already or in the principal Act. Clause 4 proposes to empower the Governor to establish, maintain and conduct in the prescribed manner, in Perth and elsewhere in the State, free employment exchanges which shall be known as State Labour Exchanges. If we are going to allow the registry offices to exist and we have the State Labour Bureau and other branches of it which can exist under the principal Act, this clause is not necessary. Clause 5 sets out the functions of labour exchanges, chief of which is the duty of bringing together intending employers and persons seeking employment. Subclause 2 of Clause 5 stipulates that no charge shall be made for the services of any State Labour Exchange. I am not altogether in favour of that because there are cases in which a State Labour Exchange ought to make a charge upon the employer, not the employee. Still, I take it that the State Labour Bureau at present does not make a charge. Therefore there is no need even for that clause, because the bureau will continue to bring employers and employees together without making a charge. Clause 6 will authorise the Minister to make advances by way of loan for the purpose of meeting the expenses of persons seeking employment, or requiring to proceed to places where employment has been found for them. This is a very vicious clause, as Mr. Holmes has pointed out. It would enable emissaries of any party to go into the country on railway fares and travelling expenses advanced by the Government that could not be recovered. If we allow the bureau to advance railway fares only in needy cases, it will be quite sufficient without involving the advance of expenses as well. That clause ought to go out. Clause 7 provides a penalty for any person who makes a false statement with a view to obtaining employment through a State Labour Exchange. That is already provided for in the principal Act. Clause 8 states that no officer shall receive a gratuity. That is already the law of the land. Clause 9—and this is the crux of the Bill—proposes that no person shall hereafter carry on business as an employment broker for reward, the penalty being £50. Subclause 2 of the same clause says nothing

in this section shall apply to the engagement of seamen. In the parent Act it is provided that nothing therein contained shall apply to seamen.

Hon. A. J. H. Saw: Does that mean the seamen are not looking for employment?

Hon. A. LOVEKIN: Possibly it may be so at the present time. But the parent Act contains a section providing that it shall not apply to seamen. The only point about this clause is that no other person shall engage in such a business. I think very few members are prepared to accept that clause. Therefore there is no point in going into Committee on that alone. Clause 10 is another vicious provision which I do not think any member will accept. It provides that after the commencement of the Act all private registry offices shall be wiped out at a few hours' notice, and their fees are to be returned in proportion to the unexpired part of the term of the license. The amount represented by the unexpired part of the term may be £2, £3 or £4, and these private registry office keepers are to be told to get out on the streets, never mind their responsibilities or liabilities, and forthwith find something else to do for a living. I do not think any member will accept that. Clause 12 provides that the Governor may make regulations. He may do so at present under the principal Act. Clause 13 provides that all moneys necessary to enable the measure to be carried into effect shall be payable out of such funds as Parliament may see fit to provide. That means that the Government Labour Bureau will have unlimited credit from the Government to find fares and travelling expenses for men who many not be willing to go to jobs but may wish to go about the country for other purposes. There is not a single clause in the Bill that is necessary, so why waste time going into Committee and striking them out one after another? We should get rid of the Bill and intimate to the Minister, as Dr. Saw has suggested, that we want the existing legislation tightened up so that, while it will not deprive people of the means of earning a lawful and honest livelihood, it will prevent them from exploiting the unfortunate individual who is looking for work. I suggest that nothing is wanted more than what I have indicated to provide that the employee shall not be charged fees. That can be achieved by a simple one-clause Bill. To save any further waste of time, I move an amendment to the motion "That the Bill be now read a second time" as follows:—

That the word "now" be struck out, and the words "this day six months" added.

On motion by Hon. E. H. Gray, debate adjourned.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 14th October.

HON. W. H. KITSON (West) [6.8]: I regard this Bill as one of the most important measures that this Chamber will be called upon to consider this session. I am aware that during last session we had a full-dress debate on a very similar measure, and for that reason I do not propose to deal in very great detail with the various amendments proposed in this Bill. In view of the importance of the measure, however, the principles underlying it should at least be given expression to in this Chamber during the second reading. My reason for stressing the importance of the Bill is that the great majority of the people of the State—the workers—have to look to the Arbitration Court established by the measure for any improvement in their wages and working conditions to which they may think they are entitled, and it is to the court also they must look in order to maintain the wages and conditions they are enjoying to-day. At all times attacks are being made upon their wages and conditions by one section or other of the employing community. It is to the court also that the State looks to preserve the continuity of the prosperity of its industries. We know from experience that if the court is not functioning as it was originally intended to function, we have industrial disputes of varying magnitude, all of which to a greater or less degree vitally affect the progress and prosperity of the State. To members of this Chamber I suppose that will appeal as the most important point regarding the Bill. Although the Arbitration Court has been in operation since 1912, there have been in recent years many industrial disputes, some large, some small, some very costly, others not very expensive. Most of those disputes could have been avoided or their duration could have been shortened considerably if the court had been functioning as it was intended to function. I think members will agree

that if it is to be a choice between direct action with its consequent stoppage of work, loss of wages and interruption to the prosperity of our industries, and arbitration which, if properly functioning, should settle the many industrial disputes with little trouble and delay, they will undoubtedly favour arbitration.

Hon. J. J. Holmes: The worker wants both arbitration and direct action, and he cannot have both.

Hon. W. H. KITSON: I am not aware of that.

Hon. J. J. Holmes: Yes, he does.

Hon. W. H. KITSON: On many occasions had the Arbitration Court been available to certain sections of workers their cases would have been dealt with in accordance with the law and there would have been no necessity for direct action on their part. On many occasions it has been due to the fact that the court has not been functioning that direct action has been resorted to. That applies not only to the workers but also to the employers. I could mention cases where the employers have taken direct action against the employees, simply because they could not get a decision to which they thought they were entitled.

Hon. J. J. Holmes: The court is functioning all right now.

Hon. W. H. KITSON: To an extent.

Hon. J. J. Holmes: It has adjourned sine die.

Hon. W. H. KITSON: Generally speaking, I think it can be said that arbitration is the accepted policy of the community. There are some small sections who do not agree with arbitration and, even if they did, that would not be any reason why they should throw overboard the necessity for direct action at some time or other. I think I can say with certainty that at least 90 per cent. of the organised workers of the State are distinctly in favour of arbitration as against direct action.

Hon. J. J. Holmes: Then it is about time you put the other 10 per cent. in their place.

Hon. W. H. KITSON: That being so, it is up to this Chamber to do its utmost to see that our Arbitration Court is such that it will give entire satisfaction to the workers, so that there will be no necessity for them to put into operation the tactics adopted in recent years, simply because it has not been possible for them to get a hearing in the court.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. W. H. KITSON: Before tea I was pointing out that, generally speaking, industrial arbitration is the accepted policy of all sections of the community both in Western Australia and throughout the Commonwealth. For various reasons, however, the Western Australian system has not proved quite as successful as we might wish, chiefly on account of the inordinate delays in getting cases heard by the court. That has been a serious drawback to our system. Members will agree that the present Bill endeavours to do away as far as possible with that cause of complaint. There has been no material amendment of our law since 1912, and experience since that date, both here and in the other States, shows that a fair number of alterations are necessary if the legislation is to work satisfactorily. It can be truly said that this Bill represents an honest effort of the Government to embody in our arbitration law those things which have proved beneficial elsewhere. I hope the amendments proposed will receive fair and impartial consideration from hon. members, in which case the measure, when it leaves this House, will be such as the Government can accept, and will represent a valuable contribution to the industrial legislation of Australia. From time to time objections have been raised to some of the amendments now proposed. As regards the constitution of the court, exception has been taken on the ground that the president of the court should be appointed for life. The Bill does not propose to alter the constitution of the court except by widening the scope of selection as regards the president. At present choice is limited to the Supreme Court judges, and we contend that there are other men quite capable of occupying the position of President of the Arbitration Court, though not eligible for appointment to the Supreme Court bench. In addition, we say that the appointment should be for seven years in the case of one who is not a Supreme Court judge. There has also been argument as to the lay members of the Court. The Arbitration Court is perhaps the most important of our State courts. It deals with questions of absolutely vital importance. From the aspect of money value its decisions are of more far-reaching effect than the decisions of any other court. The jurisdiction is, therefore, too important to be held by any one man. While two laymen are on the bench of the Arbitration Court,

one representing the employers, the other the employees, we know that every decision of the court will be reached after full consideration of all the facts presented, and not hastily. Therefore, I regard the proposed constitution as preferable to having one man responsible for the decisions of the court, a man who is to be appointed for life whether he proves satisfactory or otherwise. The Bill also provides for a number of bodies subsidiary to the court, seven altogether: industrial magistrates, industrial boards, boards of reference, demarcation boards, compulsory conferences, conciliation committees, and an apprenticeship board. With the exception of the last named, each of these bodies has for its object the expediting of the hearing of all kinds of cases which at present have to be dealt with by the Arbitration Court as a court. It is not proposed to give any of these boards or committees full control of the matters they are to deal with. All these bodies will be under the control of the Arbitration Court, which will define their duties and supervise their work. In my opinion this is an excellent provision. Complaints against arbitration have arisen chiefly from delays in the hearing of cases, and unquestionably men who have to wait for months, or even years, to get their cases heard, become unsettled and dissatisfied, and eventually decide to take action outside the court in order that they may get what they consider their just dues. The industrial magistrate is to be a magistrate appointed by the Governor as an industrial magistrate, and his principal duty will be to hear cases for breach of award. In the past, numerous charges of breach of award have accumulated in the court before there has been any effort to hear them. The result has frequently been that, owing to lapse of time, there have been withdrawals of cases in which members of unions have been paid lesser wages than they were entitled to, or have not been given the conditions specified by awards. The hearing of such cases has frequently been so long delayed that the unions decided not to go on with the proceedings. Again, a breach of award may take place in Kalgoorlie, and under our present law the case may be heard in Perth, failing which it would have to stand over until the Arbitration Court visited Kalgoorlie. That condition of affairs has led to long delays. Under the proposed system, the industrial magistrate will be able to hear cases for breach of award very speedily after they arise.

Hon. J. J. Holmes: But the industrial magistrate will have to be a partisan. He will have to be a unionist, or he will not get the job of industrial magistrate, the policy of the Government being preference to unionists.

Hon. W. H. KITSON: His duties in this respect will be confined to hearing cases for breach of award. Interpretations of awards will be beyond the scope of the industrial magistrate, and must be referred to the Arbitration Court itself, as otherwise there will be numerous interpretations on a given point.

Hon. A. Burvill: Will that magistrate require to have any particular qualification before he gets the position?

Hon. W. H. KITSON: He will require to have the usual qualifications of a magistrate otherwise he will not receive the appointment. I have no knowledge of the actual qualifications of magistrates in this State at the present time, but I presume they are all capable of holding their positions, and I have no reason to doubt their integrity. With regard to industrial boards it is proposed to appoint, the personnel is to consist of an equal number of workers and employers who shall appoint their own chairman. That is a very good provision. If they cannot agree on the appointment of a chairman then the Government will make the selection on the recommendation of the court. That again is a good provision. A board can be appointed in connection with any particular industry or dispute; they can be appointed to either assist the court to formulate an award or they can be given power to deliver an award. Should they do the latter, the award will be adopted by the court. The conditions are somewhat similar to the wages boards system in force in Victoria, except that in Victoria the various wages boards appointed in connection with the different industries, act independently. They may adopt any method so as to arrive at a conclusion, and the result is that a lot of confusion occurs where different wages boards have dealt with similar phases of industry and have arrived at different decisions. There is also provision in the Bill that in the case of the industrial boards the court shall be able to grant special leave of appeal against any award that may be issued by any such board, but only the court will have the power to grant that leave. If a board is appointed, and in the opinion of the court it is not doing its work as it should

be doing it, the court will have the power to dissolve it and appoint another. That, too, is a good provision, and if it is put into operation will be found to work to the advantage of all parties. Regarding boards of reference, provision is made for an equal number of employers and employees in that particular case also, and they are to appoint their own chairman. The court is to define their functions which chiefly will be to determine any little dispute that may arise out of any award issued by the court. There is nothing new in that provision. In a large number of Commonwealth awards it is provided for at the present time, and my experience is that quite a number of cases which otherwise would have had to be referred to the court have been dealt with expeditiously and satisfactorily. Boards of reference may be constituted in any place, even in large works, if necessary, and as a result far more satisfaction should be given to the workers and the employers than occurs at the present time. Perhaps some of the most bitter disputes which have occurred in recent years have taken place over the subject of demarcation, and it seems to me that where it is a question as to which section of men shall do a certain class of work, that question should be settled amicably by the persons involved without reference to the court; it should be settled on the job and immediately. By the appointment of demarcation boards there is no reason why that should not be done, and the determination arrived at, endorsed by the court. I look upon the provision regarding compulsory conferences as perhaps the most important of all the amendments contained in the Bill. At the present time there is power for the president of the court to call a compulsory conference where a dispute exists, but if no agreement is arrived at between the two parties, all that the president can do is to refer the matter into court. Then the case must necessarily take its turn in the list which might already be heavy, and a delay of years may take place before the matter is heard. I had that experience with the organisation of which I was secretary. A compulsory conference was called on a given date; no agreement was arrived at; the case was referred to the court and at the expiration of three years, not yet having been heard, a strike of the employees took place regarding those matters over which they were contending. As a result the men were, in the main, granted what they were after. That was the outcome of a three or four days' strike, and those men thought that because of the result that followed the strike, direct action was better than approaching the court. That may be pointed to as an extreme case, but there are several others of a similar nature. The present Bill provides that the president shall have power to convene a compulsory conference, and that on those points on which the parties are agreed, the agreement shall be registered in the court, and it shall have the full force of an award, leaving the two or three points on which perhaps no settlement was arrived at to be determined by the court. There is a further provision that commissioners may be appointed to deal with those matters that have not been agreed upon. I look upon that particular clause as of considerable importance. Most members are conversant with the duties of the conciliation committees. There is provision that where a conciliation committee is appointed and it is successful in arriving at an agreement, that agreement shall have the full force of an industrial agreement under the present Act, and that being so, it may be made a common rule, and may have the full force of an award. In all cases these bodies are requested to do everything possible to arrive at an agreement without reference to the court. They are asked to meet and to act in accordance with the powers given them, and to take every step possible to do what they can by compromise so as to arrive at an understanding that will be satisfactory for the time being to both parties, and in that way avoid having to refer the matter to the court, and so experience the delay that may necessarily follow. The apprenticeship board is to assist the court also, but it is to be appointed for what might be described as a unique purpose. Members will agree that for many years past the question of apprenticeship has been a serious one not only in this State but in all States of the Commonwealth. The best brains in our industrial movement have for many years tried to find a solution of the difficulties we have been up against in that direction. I believe that the proposal contained in the Bill is perhaps the best and most logical that has yet been advanced. At the present time if a youth is apprenticed he must be apprenticed to a particular employer, but in the building trade particularly, it is claimed that most of the jobs undertaken by con-

tractors are of such short duration that it is not possible for those contractors to train the apprentices as they should be trained. One clause in the Bill is an honest endeavour to get over that position by providing that this board shall be appointed, and that so far as the building trade is concerned all apprentices shall be apprenticed to the board, and the board will have the right to place the apprentices with the various employers from time to time, and see that they not only are constantly employed, but that they have the proper opportunity to learn the trade satisfactorily. Provision is also made for technical training. That I think is essential, and in viewing the provisions as a whole, it seems to me, that as people are so eager to see that we shall have a larger number of locally trained artisans, we have here the one way by which that can be accomplished. At the present time I know there is a shortage of trained artisans, and I believe that a provision such as the one we have in the Bill will assist to get over the difficulty. There is also a provision in the Bill respecting the basic wage. From the point of view of the worker it is most important that some alteration shall be made to our present system. Just now we have no basic wage established in the State, although the Arbitration Court does, when requested by individual organisations, fix the basic wage for a particular trade or calling. The basic wage is fixed on a certain standard. The Harvester judgment is the basis of it, and owing to the way that the figures on which this basic wage are arrived at and manipulated at different times, there has been considerable dissatisfaction. The Bill provides that the Arbitration Court shall make the necessary inquiry as to what shall be the basic wage for this State, and it goes a little further. It indicates on what lines the inquiry shall be made. For instance, it provides that there shall be taken into consideration a five-roomed house, food and clothing, for a man with a wife and three dependent children. That is very similar to the legislation existing in South Australia at the present time and can be compared to most of the legislation dealing with the basic wage throughout the Commonwealth. At present if a union desires an alteration in the basic wage, or the wages conditions, it generally has to go before the court, and prove that there has been an increase in the cost of living. A lot of evidence is taken that occupies a great deal of time. Most of it is pure repetition, but it has to be heard by the court. Most organisations desire something additional for various things. As a result, I believe this has been one of the chief causes of cases taking so long to be heard once they have been started. The Bill provides that the basic wage shall be fixed periodically, and that all awards and agreements shall be altered automatically. That is a good provision. It means that if the court makes inquiry and arrives at what should be the basic wage for this State or a given district, whenever an organisation appeals to the court for an alteration to an agreement or an award, there will be no necessity for it to present evidence on the other point. The court will be chiefly concerned only with the margin to be allowed for skill and other matters that must be taken into consideration. The business of the court will be facilitated. It will assist in the settlement of many disputes that to-day drag on for an inordinate length of time. I now come to the proposed amendment to the definition of worker. "Worker" under the Act excludes domestic workers, but the Bill proposes to bring them within the scope of the Act. As I said last session, I see no reason why domestic servants should not have the same right as that possessed by other workers of referring their cases to the court. Good examples could be advanced to show that in many cases they do not get fair treatment such as they have a right to expect. I believe that if the conditions were regulated, and certain improvements were initiated, there would be a larger number of domestic servants available for work than is now the case. There is undoubtedly a big shortage of domestic workers. I feel sure that one of the chief causes of this is the conditions and wages now existing, which are such, in many cases, as to drive the girls to look for work in such places as factories, etc. It is also proposed to amend the definition of worker to bring insurance agents within the scope of the Act. I dealt with this matter at length last session. I made quite a number of statements that were questioned by one or two members. Some of them were considered to be incorrect; in other cases it was thought I had exaggerated. All I have to say now is that I see no cause to withdraw any statement I made then. Probably in Committee I may find it necessary to make even stronger statements than I made then. If there is one section of the community that deserves recognition in this way, it is

the men who have built up the large insurance companies with which they have been connected. These people have, day in and day out, been looking for business for their employers. They have never had a fair deal. The only way they can get it is by having an impartial tribunal to decide the conditions under which they shall work, and this Bill will give them what they need. It is not asking too much. They should have the right to go to the court in order that their conditions may be decided by an impartial tribunal, rather than by their employers. One of the strong objections raised last session to this was that these men were not workers, and were not, therefore, entitled to access to the court. It was said that their work was peculiar and different from other classes of work, and that no court could regulate it as the employers could do. In another part of the Bill it is provided that, if necessary, cases may be dealt with by an industrial board, at which all parties would meet, where all difficulties could be considered, and where it would be possible for those engaged in an industry to formulate the conditions which could apply to them. When a decision is arrived at that is satisfactory for all parties, the matter can be referred to the court, which can adopt the recommendations and issue an award.

Hon. A. J. H. Saw: Does this Bill specially provide for insurance agents?

Hon. W. H. KITSON: Subclause 6 of Clause 2, says that the term "worker" includes any other employee, including insurance canvassers, under a contract or whose duties imply a contract of service, remunerated wholly or partly by commission or similar reward. It may be necessary to alter the wording of this paragraph to secure exactly what I would desire. The clause, however covers the contention I am putting forward. In Queensland there is an award that has covered these men for some years. There is no difficulty in arriving at their conditions or the remuneration they are to receive. Only recently the award was amended, and an agreement was arrived at in the way I have outlined. Both parties met, the representatives of the offices and of the men, and they arrived at what they considered to be a fair decision. This was adopted by the court and embodied in the award. I will deal with this more fully in Committee. Other questions have called for a good deal of criticism at the hands of some members. These are referred to in the Bill as industrial matters. One is the question of preference to unionists. This appears to be a sort of bogey that is seized upon on all occasions to throw at members of the Labour Party. The Bill provides that the court shall have power to grant preference to any unions, or members of any union, or to any other body. It does not say they shall grant it. It merely gives the court power, if they think fit, to do this. That is not asking too much. Already certain employers are prepared to enter into agreements with different organisations outside the court, and to grant to them this preference simply because they realise it will assist them as well as the men. I do not see, therefore, why we should object to the court having the power. The same thing is provided in the Commonwealth Arbitration Act, but there has been only one occasion on which the court has granted preference to unionists. That being so, it is not likely the local court will grant such preference unless it is satisfied that it is in the interests of all concerned to do so. I think that Mr. Dodd, when speaking on this Bill, referred to the question of a ballot of members being taken before a case was referred to the court. He seemed to suggest that if this amendment was agreed to the workers would be losing some safeguard which they now have, and that it would be giving to the executives of the unions a power to which they were not entitled, and which should be jealously guarded by individual members.

Hon. E. H. Harris: As it undoubtedly would do.

Hon. W. H. KITSON: I do not agree. The Bill does not take away from any union the right of holding a ballot to decide the question of whether or not a case should be referred to the court.

Hon. A. J. H. Saw: It discourages them.

Hon. W. H. KITSON: Nothing of the sort. I says that any organisation shall have the right to decide whether or not they shall approach the court in accordance with their own rules.

Hon. E. H. Harris: Without consulting the members.

Hon. W. H. KITSON: The rules of an organisation are compiled only after consultation with its members. If the members of an organisation desire that this ballot is necessary, it will be included in their constitution which has to be approved of by the Registrar. There can be no harm in say-

ing to any section of workers who are organised as a union, "We will leave this to you. You are the people concerned. If you think it is necessary that a ballot should be taken on this particular question, you can insert it in your rules."

Hon. E. H. Harris: Why is it in their rules now?

Hon. W. H. KITSON: It is there partly because it is laid down under the Arbitration Act that a ballot shall be taken.

Hon. E. H. Harris: And you want this taken away?

Hon. W. H. KITSON: Yes, but I am not taking away from unionists the right to have a ballot if they so desire. If that provision had been carried out in its entirety every time, there are certain awards in existence which would never have been delivered. There has been more than one occasion when organisations have gone to the Arbitration Court without taking a ballot of their members and the court has issued an award. I agree that if the objection had been taken at the time that a ballot had not been taken, the organisation would have been ruled out of court and no award would have been issued. The natural result, in one or two cases I know of, would have been that direct action would have been resorted to, and in the end the court would have had to deal with the matter. I propose to deal with the position of the A.W.U. briefly. The A.W.U. is a State-wide organisation with members in all parts of the State from Wyndham in the far North to Esperance in the south. The Arbitration Act provides that if a ballot is taken regarding a reference to the court, it must be taken within seven days. How would it be possible to take a ballot of members of the A.W.U. within seven days?

Hon E. H. Harris: What do the other unions do?

Hon. W. H. KITSON: It would be absolutely impossible to do it.

Hon. E. H. Harris: Other unions have their branches.

Hon. W. H. KITSON: The ballot could not be taken in seven weeks. Is it to be expected that the union should wait for seven weeks before a case could be taken to court?

Hon. E. H. Harris: The A.W.U. could register its branches like other organisations.

Hon. W. H. KITSON: It is all very well dealing with organisations comprising men within a certain area, such as those employed at the Midland Junction Workshops, the State Implement Works, on the Fremantle wharves, or in a large factory. There the men can be got together at a few hours' notice, or they can be reached by post within 48 hours.

Hon. E. H. Harris: No one disputes that.

Hon. W. H. KITSON: It is impossible to do that where the members of an organisation are scattered throughout the whole State, and it is foolish to expect it to be done. Recently there was an instance where objection was taken in the Arbitration Court regarding the A.W.U. application in the chaff-cutters' case. Because there was no record in the minutes of a ballot having been taken of the whole of the members of the A.W.U. the application was ruled out of court.

Hon. E. H. Harris: That is not quite correct.

Hon. W. H. KITSON: It is near enough to being correct.

Hon. E. H. Harris: It is near enough to being correct to influence members incorrectly.

Hon. W. H. KITSON: The hon. member can put his own case up if he likes, but what I say is absolutely correct.

Hon. J. J. Holmes: That is one of the difficulties with a "one big union."

Hon. W. H. KITSON: I do not look upon the A.W.U. as the O.B.U. It is a strange thing that in this State the advocates of an O.B.U. have very little time for the A.W.U. However, that is the position regarding the taking of a ballot. So long as members of an organisation are prepared to carry out the provisions of the Act in accordance with the rules, we should not complain. The Bill sets out that provision shall be made for the A.W.U. to be registered as an organisation under the Act. Owing to the fact that the A.W.U. covers so many industries and that there are a number of unions whose members work in similar industries, objections have been raised to the registration of the A.W.U. in the past. It has been been found necessary to make special provision to overcome the difficulties and an effort in that direction is made in the Bill. Mr. Harris, by interjection a little while ago, asking why the A.W.U. did not register its branches. I agree that the present Act provides for the registration of branches of a union and also that it may be possible for the A.W.U. to register one or two branches more than have been registered so far. At present the two sections registered are those affecting the mining industry,

and secondly the pastoral and agricultural industries. Previous applications for registration have been refused because objections were raised by other organisations whose members followed similar callings to those of some members of the A.W.U. Mr. Dodd read out the constitution of the A.W.U. Members will remember that it covers a large number of industries and also that the constitution is the same as has already been registered in the Commonwealth Arbitration Court. In order to secure that registration the A.W.U. gave an undertaking to the then objecting unions that it would not organise in districts where those unions had members, or were under the jurisdiction of those unions.

Hon. E. H. Harris: That was not worth a hang.

Hon. W. H. KITSON: Why not?

Hon. E. H. Harris: Because it gave the A.W.U. a monopoly over everything else.

Hon. W. H. KITSON: The undertaking was worth this much, that the A.W.U. has not broken the undertaking given on that occasion. If the A.W.U. did break away from that undertaking, it recognises that its Federal registration will be in jeopardy. The same thing would apply here.

Hon. E. H. Harris: That undertaking was not accepted here.

Hon. W. H. KITSON: The A.W.U. has members spread all over the State in districts where it is impossible for any other organisation to cater for them. The suggestion has been made that the A.W.U. should register the different sections as branches. What would that mean? Take a local factory in the metropolitan area such as the Fibrolite Works. There may be 20 or 30 men employed there. The number varies and some times ten men are employed and at other times as many as 35. If Mr. Harris' suggestion were carried out it would be necessary to register those men as a branch of the A.W.U. During a certain period of the year some of those men would be working in other industries. However, if the branch were formed, it would be necessary to appoint a chairman and secretary and trustees; it would be necessary to keep a register and to file returns each year, not only regarding membership but regarding receipts and expenditure, and so on.

Hon. E. H. Harris: Other organisations do it.

Hon. W. H. KITSON: In a few months' time, however, some of those men would be working in other industries covered by the A.W.U. The same thing would have to be undertaken again, and so it would go on. A man shearing to-day may be on railway construction work to-morrow. Then he may take work in the timber industry and then go on road construction work. A lot of these men are casual workers, here to-day and miles away to-morrow. It would be impossible for the A.W.U. or any other organisation to carry on work on behalf of those men if it were necessary to do as Mr. Harris suggests. I can give another illustration as to what would happen. There may be work to be done in the North-West, such as work on the Beadon Point Jetty. A contractor would undertake to carry out the work and he would require a certain number of men. If the contention of Mr. Harris were given effect to, it would be necessary for the men to be employed on that particular work, to get an award or to have an agreement. I venture to suggest that the job would be completed long before it would be possible to get an award from the court. In addition, it would be necessary in most cases for the men to appoint their honorary officials; someone would have to act as secretary in an honorary capacity and we have had considerable experience as to how that has worked in the past. I would remind Mr. Harris that years ago almost every township north of Kalgoorlie had a separate miners' union with a separate secretary, president, and so on. All those unions had to do as I have outlined, regarding the furnishing of returns and so forth. What happened? If a man left a particular district to go elsewhere to work in the mining industry he had to join another union. The whole business was duplicated with the result that the expense was three times what it is to-day, when they are in one union. We know that the present method whereby all those men are included in one section of the A.W.U. is the only economical way of operating the business, and that it is the only satisfactory way because that section covers the work in the whole industry.

Hon. E. H. Harris: They have their registration.

Hon. W. H. KITSON: That is so, because the men are concentrated in one industry in the mining districts. The branch comprises the men who are employed in

Kalgoorlie or in the mining centres outback, consequently there is very little difficulty with that organisation. When it comes to consideration of other workers, the position is different, particularly as they are not covered by any other organisation. Thus the provision in the Bill is simply to give the A.W.U. the right to look after the interests of their members in a constitutional manner. While the A.W.U. is not registered under the State Act, it is registered under the Federal Act and if it becomes necessary for the A.W.U. to obtain an award from the Arbitration Court, it is necessary that a dispute shall be created—I use the word "created" advisedly—in more States than one, otherwise the application cannot be dealt with. I do not think hon. members want that state of affairs to continue. If we have a local dispute in Perth, surely we have enough sense and reason to admit that the men should have facilities to have their case heard and settled here so that the industry may be carried on peaceably for as long as possible. I am of opinion that unless facilities are given, not only to the A.W.U. but also to other sections of the workers, to approach the local Arbitration Court, it can only have one effect. The men will have every right to say, "You told us to go to the Arbitration Court and when we desire to go there you say, 'No, you have no right to go there.' There is only one thing for us to do, and it is to refuse to work until we have this or that granted." It will be merely an incitement to direct action if we prevent a body of men from approaching the Arbitration Court. If this particular part of the Bill is agreed to, it will be found that there will be no cause for regret that we have given the right of registration to the A.W.U. I believe it will work not only for the benefit of the unions, but of the employers as well. Now I come to the provision dealing with the recovery of wages. In the past, whenever an individual has not been receiving the wages he was entitled to, it was necessary on occasion for him to take two actions to secure payment of his wages. It was necessary to sue the employer for a breach of the award, and then to take a civil action against the employer for recovery of the amount due. Moreover, there has been a limitation to the length of time during which it was possible to claim. The Bill provides that it shall be necessary only to take one action, that if a breach of the award is proved, then automatically the individual shall be entitled to recover the amount due to him. The Act provides that action must be taken within three months of the date of the breach, and it is so worded that the longer the action is delayed, the smaller the amount that can be recovered. I have known cases where, owing to the lapse of time, not the fault of the individual, the individual has been unable to recover, although the breach of the award may have extended over a considerable period. The Bill extends the time during which an individual may make his claim. That is only reasonable. The last point I wish to deal with is that of inspectors. Provision is made for a union to appoint inspectors who shall have the same power as an inspector under the Shops and Factories Act. Severe criticism has been launched at this provision, and the statement has been made that if it be agreed to it will be possible for any member of a union appointed by a union to enter private dwellings at all time and demand certain things. That, of course, is not so. Under the Bill private dwellings will be excluded. There is in the Shops and Factories Act no power under which inspectors have the right to enter a private dwelling for the purpose of an award. I make that statement, knowing that it cannot be successfully refuted. Provision is made in quite a large number of awards and agreements that a union may appoint any of its members to inspect time and wages books under the award. That power is given, not by the union, but either by the court or by the employer. In my own organisation it is given by the employers. It is included in every agreement I have signed during the last four or five years

Hon. E. H. Harris: But this clause gives the union the right to appoint every one of its members.

Hon. W. H. KITSON: That is not intended. Surely we can give the union officials credit for having more sense than that.

Hon. E. H. Harris: Would you be prepared to amend the clause to provide for the appointment of one member of a union?

Hon. W. H. KITSON: No, because a union has its members scattered about the metropolitan area. It should be quite competent for any organisation to appoint one of its members to inspect the time and wages books of the employers in a given district, say, Midland Junction, instead of having

but one man to do the whole of the work throughout the metropolitan area. It is necessary that the books should be inspected, in order to see that the award is being carried out.

Hon. E. H. Harris: But the men invested with this power will not be responsible to anybody.

Hon. W. H. KITSON: They will be responsible to the union. I have found executive officers of unions just as responsible as any employer.

Hon. E. H. Harris: Do they carry the same responsibility as an inspector under the Shops and Factories Act?

Hon. W. H. KITSON: The responsibility they carry under the clause is quite sufficient. They go into an employer's place of business and want to see his time and wages book and make certain inquiries. What responsibility is required for that? Only the responsibility of saying whether or not the award is being carried out. We know from experience that every organisation that has entered into an industrial agreement during recent years has included in its agreement provision for this right of inspection, the only limitation, and that but infrequently imposed, being as to hours of entry. There can be no reasonable objection to that provision in the Bill. I could deal with a large number of other matters, but I think they will be better considered in Committee. In conclusion, I submit that industrial unrest is not limited to this State, nor even to the Commonwealth. It is world-wide. Some countries are feeling it worse than are we.

Hon. A. J. H. Saw: What unhappy country is that?

Hon. W. H. KITSON: There is no doubt that much of the industrial unrest in this State can be simply overcome, providing the workers are given the facilities asked for in the Bill. All that is asked for is that the workers, when they think they are not getting what they are entitled to, shall have opportunity to refer their case to an impartial tribunal. It will be said that unions cannot be compelled to obey an award of the court. But let me say that when it comes to obeying awards or agreements, the employers make but a poor showing when we consider the number of breaches heard in the Arbitration Court during recent years. Only last week no fewer than 40 odd breaches of one award were revealed by one inspector. Those breaches involved quite a large sum of money due to the members of the organisation. While that condition of affairs exists, while employers are not prepared to abide by awards and agreements, we cannot grumble if occasionally an organisation of workers decide that it cannot abide by some obnoxious award. I trust that our deliberations on the Bill will have the effect of giving to the community a measure that will represent a large improvement on the existing Act, one that the Government will be in a position to accept. I will support the second reading.

HON. A. J. H. SAW (Metropolitan-Suburban) [8.45]: It was not my intention to intervene in this debate, bearing in mind the very exhaustive discussion that took place on the second reading of a similar Bill a year ago. I would not have risen to speak had it not been that a few members have expressed some antagonism to passing the second reading of this Bill. It is because I intend to vote for the second reading that I shall offer a few remarks on the general principles of the Bill. I should like to ask those who are opposed to the Bill whether they are satisfied with the position at present prevailing in this State with regard to arbitration.

Hon. V. Hamersley: No.

Hon. A. J. H. SAW: Unless they are satisfied, I cannot understand their refusing to pass the second reading of a Bill to amend the Arbitration Act. To my mind arbitration is very necessary to the industrial welfare of the State, and it is necessary because of the overbearing, grasping and greedy spirit that is manifested in human nature, not confined to employers but taking its toll also of the employees. It is because I think it requisite under present day conditions to have some impartial tribunal to fix the conditions of labour that I regard arbitration as a necessary institution in a civilised State. I do not think the happenings of the past 12 months have done anything to encourage those of us who are believers in arbitration; in fact I think rather the reverse. There are two reasons for the partial failure of arbitration. The first is the question of delay and expense in getting before the court. That is a question which the Bill now before us, as with the Bill of last year, will do much to remove. The second reason for the failure of arbitration is because of the disregard of the awards of the court, and the flouting of the court by unions striking without seeking

relief by going before the court. The Bill will remedy the first of these reasons for failure but, so far as I can judge, it will do nothing to remove the second cause of discontent. When the Bill was before us last year, Mr. Holmes introduced an amendment to make it incumbent on the registrar of the Arbitration Court to take action in the event of there being any flouting of an award of the court. Such a provision might help a little towards relieving the position, and if a similar amendment is proposed on this occasion, I shall support it. Still, I do not know that that will go sufficiently to the root of the trouble. I notice that the Bruce-Page Government have indicated that if returned to power, they will introduce an amendment of the Arbitration Act to restore the authority of the court. I do not know the precise nature that the amendment would take, but if anything can be done towards restoring the authority of the court and making it incumbent on those who go before the court to carry out the awards, it will meet with my approval. The trouble seems to be partly dependent on the sympathetic attitude that the Labour Party, especially when they are in opposition, extend to practically every strike that occurs, regardless of whether it is a strike against an award of the court or a strike that has arisen because the disputants will not go before the court. The Labour Party seem to be more sympathetic in this respect when they are in opposition than when they are in power, but even when they are in power, I am afraid they exhibit too sympathetic an attitude towards those who flout the decisions of the court. I would point out to the unions and to the Labour Party in this State the curious fact that our system of arbitration has not been followed by any other nation in the world, with the exception of New Zealand, and I fancy that New Zealand preceded Australia in the adoption of its arbitration laws. Although we in Australia have had arbitration for so many years, no other country in the world has deemed it worth following. If this continual flouting of the Arbitration Court continues, I am perfectly sure it will mean the death knell of the system of arbitration. I do not say for a moment that that would be a good thing, but I am afraid that is what will happen. With reference to the remarks I made about the sympathetic attitude of the Labour Party towards strikes, it is quite legitimate to draw attention to the strike that is harassing us in Australia at the present moment. I refer to the strike of overseas seamen. That is a question which I contend does not affect and should not affect Australia at all, because it is a strike of seamen against their own union in the Old Country, and against an agreement which was entered into by their executive officers with the shipowners in the Old Country. The seamen have also disregarded the shipping articles they signed when they left the Old Country, and have come out here and subjected us to the harassment of a strike.

Hon. J. R. Brown: You cannot prevent a strike from spreading.

Hon. A. J. H. SAW: It is the sympathetic attitude of the Labour Party and of the unions extended to the strikers that has encouraged them to go on as they have done. As regards the Old Country which, if there is a grievance, is the place where the grievance should be fought out, the strike only simmered and fizzled and presently died out. It was repudiated by the executive officers and it was eventually repudiated by those men who had encouraged the strikers, but in spite of that it lingered for a short time in England, though I notice by the Press that the extremists die-hards have finally thrown up the sponge. Although Australia should not be interested in that strike at all, the fact remains that Australia is now the only part of the world where the strike is still in force. The reason for this is obvious; here the strikers had a sympathetic hand held out to them by the trade unionists and the Labour Party, and the result is the strike is still flourishing here, far removed from its centre. The strikers remind me of a chicken that, being decapitated, runs blindly around the yard.

Hon. W. H. Kitson: What would you expect Australian Labour to do?

Hon. A. J. H. SAW: If they had had any sense, they would have repudiated the strike as being no concern of theirs, and told the men to go back to their ships and carry their grievances to the country where it had originated. The fact remains that in Great Britain before the strike, some 2,000,000 tons of British shipping was lying idle owing to lack of freights, whereas foreign shipping was entering British ports and ports of the Empire whose sailors were receiving something like one half of the wages accorded to British seamen. In those circumstances I cannot see why it was incumbent on the Labour Party of

Australia to offer any encouragement whatever to those men who are bringing so much harm and ruin into our midst. I should like to refer to one clause of the Bill, the clause relating to the appointment of the president of the court. It will be remembered that this House last year insisted that the position of president should be filled by someone who had the status of a judge of the Supreme Court. If such an amendment is moved this year, I intend to support it. It is not because I believe that all the brains of the community are to be found beneath the wig of a Supreme Court judge. It is because I believe in fixity of tenure for the position, and that fixity of tenure is most easily given to a man who is eligible to be appointed to the Supreme Court, and because I believe in the strict impartiality of those who have been chosen from the legal profession for the high office of judge. If the president of the court is to be a success, then the question of impartiality is one of the greatest to which we should have regard. If a judge is appointed to the position, I consider it desirable that the present system of lay assessors should continue, because although it may be argued that these assessors are advocates, still in view of the fact that a person who has had a legal training cannot be familiar with all the niceties and technicalities of the industrial world, it is certainly advisable that he should have those sitting with him who can on technical points act as his advisers.

Hon. A. Lovekin: Are the same assessors competent to deal with every business?

Hon. A. J. H. SAW: I think the wide experience some of them have had would make them more competent to deal with every business than any other class of person with which I am familiar.

Hon. A. Lovekin: Why not appoint assessors with a knowledge of a particular business?

Hon. A. J. H. SAW: Then it would be necessary to be continually appointing different assessors. As to the two assessors who at present occupy the positions, they certainly have my fullest confidence. Let me repeat that I am a believer in the merits of arbitration provided the awards of the court can be enforced. It is necessary for the unions to recognise that if they have the court, they must honour and respect its awards. The alternative to arbitration is industrial chaos leading to anarchy, but I have sufficient confidence in the good sense of the Australian community to believe that that is a calamity we shall be spared.

On motion by Hon. E. H. Harris, debate adjourned.

BILL—DIVORCE AMENDMENT.

Second Reading.

HON. A. LOVEKIN (Metropolitan) [9.0] in moving the second reading said: I have been asked by a member of another place to take charge of this small Bill, on which a select committee has sat and made a report—the report being before hon. members. The measure is perhaps unique, inasmuch as it indirectly relieves taxation instead of adding to our burden. The Bill is very simple, and I am sure it will meet with the support of all members of this House. Under our divorce laws as they stand, among other grounds for securing dissolution of marriage is desertion for three years; but it appears that under the rulings of the courts, if two people have a deed of separation, or if one party, the wife in most cases, applies for a maintenance order, and the husband does not honour it, leaving the woman still without means, the right to obtain a divorce on the ground of three years' desertion is taken away by the very fact of such deed or order existing. As the result of the position since the passing of the Married Women's Protection Act of 1922, which allows married women to get maintenance orders, no less than 274 of such orders have been made by the police court in respect of women, and in 105 cases before the Children's Court orders have been made for the maintenance of children. It is found that only about 25 per cent. of the defendants pay under the orders, the rest of the women having to do the best they can to earn a living for themselves and their children: otherwise the State has to foot the bill. Last year the Charities Department paid £6,612 on account of these women and children, maintenance orders having been made against the husbands. Very little of that amount has been recovered by the State. Those who are familiar with the business of the Children's Court know how difficult it is to recover such moneys, and the court has to be very careful how it administers the Act, because once a man is sent to prison for not obeying the order, that wipes out the whole

of the debt. This is not a good thing for the community.

Hon. V. Hamersley: Do you say that if the man is sent to prison, it wipes out the debt?

Hon. A. LOVEKIN: Yes, the whole of the debt, once he goes to prison. In order to avoid that, we take advantage of another section of the Act, and order the man to find security for payment of the money; and then, if he does not find the security, we adjudge him guilty of contempt and he may go to prison for six months.

Hon. E. H. Gray: And he still owes the money.

Hon. A. LOVEKIN: Yes. The maintenance officers of the department do the very best they can, but it is very difficult to get hold of these men, who travel about the country and change their names. Here is the State footing a bill of £6,000 odd in respect of men who ought to be supporting their wives and children.

Hon. J. J. Holmes: You may be qualifying to become an industrial magistrate!

Hon. A. LOVEKIN: No; but I see these cases. I have been dragged into them, as into many things in my time. Those things I get into I take an interest in, and do the best I can. It seems to me quite wrong that because a woman whose husband is a waster and runs away, applies for and obtains a maintenance order which is not complied with, and the husband goes away for three or four years and perhaps is living with another woman, the wife should still be tied to that man. She cannot apply for a divorce by reason of the maintenance order, which the court holds negatives desertion. She is forced either to seek relief from the Charities Department or, as the evidence taken before the select committee shows, in some cases lives with some other man and produces illegitimate children for whom no one is responsible, and for whom the State has to provide. It seems to me better to allow the woman after three years to get a divorce, notwithstanding that there is a maintenance order in existence which has not been complied with. If the maintenance order is complied with, of course there is no desertion. This Bill seeks to make it desertion if the maintenance order has been in existence for three years and there has been no compliance. The other House agreed to that principle, and I do not think any member here will object to it. I move—

That the Bill be now read a second time.

On motion by the Chief Secretary, debate adjourned.

BILLS (4)—FIRST READING.

1, Day Baking.

2, Land Drainage.

3, Metropolitan Water Supply, Sewerage and Drainage Act Amendment.

4, Primary Products Marketing.

BILL—FORESTS ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read, notifying that it had agreed to the Council's amendment.

House adjourned at 9.8 p.m.

Legislative Assembly,

Wednesday, 21st October, 1925.

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

QUESTION—POLICE CONSTABLE, HALL'S CREEK.

Mr. COVERLEY asked the Minister for Justice: Is it a fact that the police constable in charge at Hall's Creek has been absent from town for the past month for the purpose of acting as guide to an explorer named Terry?