Legislative Assembly

Thursday, 21st August, 1952.

CONTENTS.

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

QUESTIONS.

FISHERIES.

As to Government Assistance, Security, etc.

Mr. KELLY asked the Minister for Industrial Development:

(1) What was the total advance made by the State Government to Anglo-Australian Fishing Co., including any assistance in the purchase of the vessels Van Dearg and Commilies, up to the time of commencement of trawling operations in the Bight?

(2) Did the Government investigate fully the suitability and adaptability of these vessels for trawling in Western Australian waters?

(3) Who was responsible for advising the Government to extend financial aid to Anglo-Australian Co.?

(4) What were the reasons given for this recommendation?

(5) Were there any provisos or qualifications in the advice given?

(6) Did the question of the supply of suitable coal for operating the vessels figure in the recommendations?

(7) What was the total Government outlay up to the time of cessation of operations?

(8) Was any of this amount repaid?

(9) Has the Government a mortgage on the company's assets, and to what extent?

(10) What was the total revenue earned by both vessels from all sources?

(11) What is the estimated value of the Van Dearg and Commilies and any other assets connected with the vessels?

(12) Has the Government any plans for the future of the vessels or the trawling industry?

(13) Was the Government financially interested in Seafoods Ltd., and if so, to what extent?

(14) Of this amount, how much still remains a debit?

(15) Is the Government secured, and in what manner?

The MINISTER replied:

(1) £37,500 guaranteed overdraft. £30,508 balance at 30/9/49. First fishing trip 23/9/49.

(2) A survey by a firm of naval architects in England was obtained and indicated that the trawlers were in good condition, but so little was known of trawling conditions in the Bight that suitability could not be definitely guaranteed.

(3) The then Director of Industrial Development (Mr. N. Fernie), after consultation with the Fisheries Department and Treasury.

(4) (a) To obtain adequate fish supplies for processing by the established firm of Seafoods Ltd.

(b) To consolidate the fishing industry on the south coast by establishing a large scale industry on what were believed to be extensive and valuable trawling grounds.

(5) No.

(6) No. New South Wales coal was then available at Albany.

(7) Trawling ceased March, 1952. Overdraft then £145,370.

(8) No.

(9) The Government has security over all company's assets.

(10) Not at present available. 2,063,000 lb. of fish caught during operations, valued at approximately £74,000. (This has been calculated on the basis of fish at £80 per ton).

(11) Efforts are now being made to dispose of assets. It cannot be estimated what might be realised on the trawlers. Other assets may realise up to £5,000.

(12) Vessels are for sale. Experience gained has indicated that very considerable capital is required to develop the trawling industry in the Bight on a proper basis, and there are no plans at present for further development.

(13) Yes. This company's guaranteed overdraft at 30/6/52 stood at £40,779.

(14) £33,700.

(15) Yes. Security over all assets.

UNEMPLOYMENT.

As to Providing Work at Bunbury.

Mr. GUTHRIE asked the Minister for Works:

(1) Has the Government thought that more work should be carried out at Bunbury, instead of concentrating on work at Fremantle?

(2) Has the question been considered from the decentralisation aspect?

(3) When will the Government find work for the men who have been dismissed from public works in Bunbury and the surrounding districts?

The MINISTER replied:

(1) The Government is not concentrating on harbour work at Fremantle. Unfortunately, owing to the limitation of Loan funds, works have had to be curtailed at both Fremantle and Bunbury.

(2) All aspects have been fully considered.

(3) The Government is unable to predict its future finances for works in the Bunbury and surrounding districts.

It would not have paid off men if funds had been available to continue its works at their previous level.

Government works are not the only avenue for employment.

TRAFFIC.

As to State Insurance Office and Motor Vehicle Premiums.

Mr. GRAHAM asked the Attorney General:

(1) Is he aware that premiums for motor vehicle insurance are far cheaper with the State Insurance Office than with any of the private companies?

(2) If not, will he make inquiries?

(3) Is it a fact that the Government will not permit the State Insurance Office to advertise in the principal newspapers?

(4) Does he not think that in the interests of the public who could save many pounds annually, they should be informed of the cheaper rates available at the State Insurance Office?

(5) Will he take steps to have this done in future?

The ATTORNEY GENERAL replied:

(1) and (2) No. There is not a great difference in the net charges to the motorists.

(3), (4) and (5) No. The matter is entirely in the hands of the manager of the State Insurance Office, who is already advertising fairly extensively.

RAILWAYS.

As to Plan of South-of-River Project.

Hon. J. B. SLEEMAN asked the Minister for Works:

(1) Who prepared the plan that was the basis for the suggested south-of-the-river railway, as published in "The West Australian" on the 30th July, 1952?

(2) Will he lay the plan on the Table of the House?

The MINISTER replied:

(1) The Government is unaware of the source. The plan was not prepared by the Railways Commission.

(2) Answered by (1).

FREE MILK SCHEME.

As to Supplying Eastern Goldfields Children.

Mr. STYANTS asked the Minister for Education:

(1) Are the children of the Eastern Goldfields State schools receiving the free milk allowance in the same manner as the children attending State schools in the metropolitan area?

(2) If not, why not?

(3) If it is not possible to make this distribution of milk, has the department considered the free distribution of a suitable substitute for Goldfields children?

(4) What is the conclusion arrived at if the answer to (3) is in the affirmative?

(5) If the answer to (3) is in the negative, will he have enquiries made along the lines suggested in (3)?

The MINISTER replied:

(1) No.

(2) Supplies of bottled pasteurised milk are not yet available on the Goldfields.

(3) The Commonwealth-States' agreement does not permit a substitute being made for milk.

(4) and (5) The Government is anxious to include schools on the Eastern Goldfields in the scheme, but must insist that the health angle be not overlooked.

Enquiries are proceeding with a view to the rail transport of bulk milk to Kalgoorlie by chilled tankers, provided suitable loading and unloading ramps are available, while approaches have been made to local milk interests for the bottling of the milk and its distribution to the schools. It is hoped to finalise this this matter at any early date.

WATER SUPPLIES.

As to Expenditure on Mt. Yokine Reservoir.

Mr. OWEN asked the Minister for Water Supply:

(1) When was the construction of the 30in. link between Mundaring Weir and Mt. Yokine Reservoir first authorised?

(2) What was the then estimated cost?

(3) How much has been spent to date?

(4) What is the proposed expenditure on the work for this financial year?

The MINISTER replied:

(1) 1st March, 1951.

(2) £488,200.

(3) £54,366 to 31st July, 1952.

(4) £250,000.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

In Committee.

Resumed from the previous day. Mr. Perkins in the Chair; the Attorney General in charge of the Bill.

Clause 11—Divisions III and IV added to Part II (partly considered).

Proposed new Section 36S—Persons having the conduct of ballots:

Mr. GRAHAM: I have distributed among members several copies of the amendment I propose to move and for simplification, instead of moving to delete certain words in half-a-dozen places, I now move an amendment—

> That paragraphs (a) and (b) of Subsection (5) be struck out.

Where there has been some unsatisfactory features in the conduct of a ballot it could perhaps be said with a certain measure of justification that the union or certain of its officers was responsible for causing the situation that required the holding of a fresh ballot, and that therefore the Attorney General should have the authority to decide whether the union or the State should bear that expense. However, this provision relates to ballots taken by the Arbitration Court purely for the purpose of ascertaining the viewpoint of members of a union. As we have learned from the debate last night, the Arbitration Court is not bound to accept the decision of that ballot.

The Arbitration Court in other words, is authorising a ballot to ascertain the views of members. It is something foisted upon the union. It is the seeking of an opinion even although the union has done nothing to contravene the laws of the country or any of its rules. Accordingly, it is a proper charge upon the State. Several unions, about whose affairs I know something, would require only a small number of ballots to be taken to place them in financial difficulties. It is not fair to ask the union to bear the expense of a ballot which is sought, authorised and conducted by an outside body to obtain a viewpoint not necessarily accepted by that body. My amendment will make it mandatory upon the State to pay the expenses instead of leaving it to the discretion of the Attorney General.

The ATTORNEY GENERAL: I doubt whether the Leader of the Opposition would agree with this proposal because I think it is unreasonable. As the paragraphs read now, the Attorney General has full discretion to pay costs and he would naturally act upon the advice of the Arbitration Court. I cannot see any objection to that. The ballot might be taken on a most unjustifiable strike that has been brought on by the union leaders without the support of the men. In those circumstances, why should the Government be charged with the expense?

Mr. Lawrence: How can there be a strike if the men do not support it?

The ATTORNEY GENERAL: The hon. member knows quite well that there can be. He has said that his union is well disciplined. It imposes fines and penalties upon the men and they are frightened to raise their hand on any matter whatsoever. No Attorney General is going to cause disruption in union affairs. As I have said quite frankly on previous occasions, unions have now almost entered into the political life of Australia. They are nearly a third ruling power. As every member keeps stressing, they are not frightened of Governments. Why should they be? Any Attorney General would authorise full payment in every case unless there were good reasons why he should not. Why seek an amendment such as this which would give the Government of the country no discretion? Surely the Government of the day should have some say in financial matters. In this instance there is full protection for industrial organisations to see that justice is done; so why not give discretion to the Government? The amendment is not reasonable and in view of my explanation, I suggest that it be withdrawn.

Mr. McCULLOCH: We have heard a lot about double-headed pennies.

Hon. J. B. Sleeman: We had that last night.

The Minister for Lands: I bet you have used one a few times!

Mr. McCULLOCH: If this provision had been compiled in Jerusalem, I do not think a better job would have been done to get something for nothing.

Mr. Bovell: It could have been compiled in Scotland!

Mr. McCULLOCH: It is suggested that a ballot may be taken at the instigation of the court, and yet the union is to pay! We have already agreed that where a union requests a ballot to be taken, it shall be responsible for the cost entailed. Why should a union have to pay both ways? If the court orders a ballot to be taken, surely the State should be responsible for the cost involved. Some of the unions on the Goldfields could not afford the expense of a ballot every time one was ordered by the court. The Attorney General has drawn red herrings across the trail. I strongly support the amendment.

Mr. MOIR: I also support the amendment. It would be grossly unfair to ask any union to foot the bill for a ballot authorised by the court so that it might obtain an expression of opinion of members of the organisation concerned. No objection is raised to a union paying the cost of a ballot that it has requested should be conducted. I listened carefully to the remarks of the Attorney General

and I did not note in them any valid reason why he should object to the amendment. Conceivably the court, in ordering a ballot to be taken, might be swayed by representations submitted by the Employers' Federation. As the Leader of the Opposition pointed out at the previous sitting, it would be manifestly foolish to go to the trouble of conducting a ballot to ascertain the wishes of workers on the question of whether, in view of the log submitted, they desired improved conditions or increased rates of pay.

It is remarkable how on many occasions the advocates for the employers have suggested they know the mind and views of the workers. They frequently claim that the applications submitted are not put forward by union members, but merely by union officials. As president of the mining division of the A.W.U., I have been asked by advocates for the employers how many members attended the meeting at which a log of claims had been discussed—as though that mattered at all. It is deplorable that unions should be made responsible for the expense involved in the conduct of a ballot as suggested in this provision. In the case of the A.W.U., it would probably take months before an expression of opinion from members of that organisation could be obtained, and that would, in addition, involve prolonged delay before getting issues decided. Surely it is only reasonable that if the court requires a ballot to be held in order to inform itself on some issue, the court, or the State, should bear the expense. If they were called on to foot the bill for only 50 per cent. of the ballots taken, it would involve them in considerable expense.

After having given the Bill very close study, I have come to the conclusion that one of its objects is to drain the unions' funds and prevent them from ever becoming financially powerful. I hear a member on the Government side laughing, but it is no laughing matter for the members of the unions who have to find funds to keep their organisations functioning. I cannot see any justice in the matter at all. True, there is a provision that the Attorney General may decide to let the State bear the expense. But his uncompromising attitude on the whole of this Bill convinces me that he would be very hard to move and one to whom it would be very difficult to prove the justice of any claim.

The Attorney General: You do not really believe that.

Mr. MOIR: I do believe it. I am not in the habit of saying things I do not believe.

The Attorney General: You do not mean that.

Mr. MOIR: I did think that when the Attorney General got up to speak he might point out that we on this side should not have reason to worry as he would not be occupying that position early in the new year, and somebody from this side would administer this Act more generously. If the court decides to obtain an expression of opinion from members of the union, the State, of which the court is an instrumentality, should bear the expense, and the members of the union should not be called upon to foot the bill, because, in the last analysis it is the working man who has to do that. This is an entirely unreasonable provision, and nothing the Attorney General has said will convince me otherwise.

Mr. BRADY: I support the amendment. There is no question but that a ballot would be taken as a consequence of some serious matter having to be decided. We can visualise the recent strike as being one of those serious matters, and the Chief Electoral Officer being called upon to conduct a ballot in accordance with the Electoral Act. He would not take any risks in a matter like this. He would have to ensure that everybody who handled the ballot papers was above suspicion. Consequently, considerable expense would be incurred over and above what would be required in a normal ballot. I have had experience for over 20 years of handling normal ballots, and I know that the usual thing is to pick up somebody casually in the shops to do this work. Such people go to a lot of trouble in an honorary capacity to see that members get ballot papers. In this case, where a ballot is taken by the Chief Electoral Officer, he will have to take more precautions than merely appointing anybody who likes to blow along, and he will have to pay the people concerned for their time on the job, with the result that a big expense will be incurred.

I do not think it should be left to chance as to whether the Government does or does not pay. The Chief Electoral Officer will have returning officers and deputy returning officers, and scrutineers, and assistant clerks at the poll, and that will mean tremendous cost; and I do not think any union should be faced with the possibility of being made bankrupt after a ballot has been taken. Such a ballot would be held in the interests of the general public and the general public should pay for it.

Hon. A. R. G. HAWKE: I support this amendment. Earlier in the Bill we have made unions responsible for bearing the cost of ballots initiated by the unions. Surely it is now fair to say that the Arbitration Court or the Government should bear the cost of ballots initiated by the court. That is a completely reasonable proposition. The holding of some ballots would not be an expensive business, because some unions have only a small membership; and usually where a union has a small membership the members are

concentrated in a small area. Consequently, a ballot is easily held at small cost.

The position is entirely different with big unions like the A.W.U., whose membership is spread over the State. The cost of conducting a ballot in such a union would be considerable. The Attorney General told us we should be prepared to trust any Attorney General to do a fair thing in connection either with calling upon a union to pay the cost of a ballot, or making the State foot the bill. He went on to say that any Attorney General would naturally be guided by the Arbitration Court in his decision as to which party should pay the cost.

If that would be the position under the proposed new law, it is all the more reason why the amendment should be accepted. I say that because, where the Arbitration Court ordered a ballot and the decision of the union members went against the wishes of the court, it would be almost natural that the court would decide that the union concerned should pay the cost of the ballot. So we would have a setup where members of unions who agreed with the wishes of the court in regard to any ballot would not have their unions called upon to pay the cost; but members of unions who disagreed with the wishes of the court in regard to any ballot would have their unions called upon to foot the bill.

The Attorney General: They would not be. No Attorney General would be so foolish in those circumstances.

Hon. A. R. G. HAWKE: Which circumstances?

The Attorney General: The ones stated by you.

Hon. A. R. G. HAWKE: What were they?

The Attorney General: I will tell you in a minute.

Hon. A. R. G. HAWKE: As a matter of fact, the Attorney General was not listening.

The Attorney General: I was.

Hon. A. R. G. HAWKE: No; the Attorney General was not listening sufficiently to understand what I was talking about, because I explained two completely different sets of circumstances. I said the court would act one way in regard to one set of circumstances, and in another way in regard to the other set.

The Attorney General: But this is not entirely in the hands of the court. It is in the hands of the Government. You believe in leaving most things to the Government.

Hon. A. R. G. HAWKE: It is quite clear that the Attorney General was not listening, because I was analysing the contention put forward by the Attorney General when he spoke a few minutes ago. For the benefit of the Attorney General I will go quickly through it again. He said that the Committee ought to trust any Attorney General to do the right thing. He went on to say that any Attorney General would be guided by the Arbitration Court as to what kind of order should be made as regards costs. In analysing that contention, I suggested that the Arbitration Court would advise the Attorney General to make the unions pay whenever the members of any particular union disagreed in a ballot with the wishes of the court. In other words, the court would be offended and would feel that the members of the union had done the wrong thing if, in a ballot, they disagreed with the court's view.

In that situation a majority of the members of the court would have a feeling, at least unconsciously, that they should punish the members of the union for having voted against their wishes, desires and views. That is the setup we would have if the procedure under this Bill were adopted. The only unions which would not be called upon to pay the cost of a ballot would be those whose members agreed with the court's views.

The Attorney General: If you were in charge of the Government would that be the way you would act?

Hon. A. R. G. HAWKE: I have already pointed out twice to the Committee and once to the Attorney General, because he was listening only once, that I am analysing the contentions submitted by the Attorney General himself, and I am trying to establish the sort of situation that would arise if his contentions were proved to be correct when the Bill became law and was in operation. I am not sure whether the Arbitration Court would advise the Attorney General of the day whether he should order costs against a union. I am inclined to think it would refuse to come into it. The court would feel it was entirely the responsibility of the Attorney General and the Government. I should hope it would follow that course.

I think the court would be exceeding its jurisdiction and, to some extent, showing impertinence if it tried to influence or prevail upon the Attorney General and the Government to impose costs upon a union in connection with a ballot.

The Attorney General: It is quite clear that it is purely a question for the Government.

Hon. A. R. G. HAWKE: I disagree with the Attorney General's contention that the Arbitration Court would give to the Attorney General advice upon which he would act. I think the matter would be one for consideration and decision by the Attorney General in consultation, if he thought it necessary, with his colleagues in the Ministry. The principle ought to be that where the court instructs a union to take a secret ballot, the court, out of Governments funds, should pay the cost

of the ballot because the unions will have no alternative. The Attorney General, in a weak attempt to justify his opposition to the amendment, said that a union might be ordered to hold a secret ballot because its members were on strike for which there was little or no justification. His contention was that the union would be responsible for the fact that the court would order a ballot.

The Attorney General: The union might even ask the court to hold such a ballot.

Hon. A. R. G. HAWKE: If it did, I would say the union should pay the costs, and would be prepared to do so. But this part of the Bill does not provide for that. The court ought to pay for a ballot if it orders one to be held.

The Attorney General: Even if it is ordered at the request of the union?

Hon. A. R. G. HAWKE: No. Let the Attorney General amend this part of the Bill to provide that where the court orders the ballot on its own initiative, the court shall pay the costs of the ballot; and where a union requests the court to have a ballot taken, the union shall pay the cost of the ballot. We would have no objection to that.

Mr. McCulloch: That is already in the Bill.

Hon. A. R. G. HAWKE: Yes, in an early part in connection with the election of officers. The Attorney General cannot sustain his opposition to the amendment by saying that a ballot might be justified because the union was on strike without cause. It is not right to make the union pay for the ballot, because there are already penalties provided by law in respect to a union that is on strike, and there will be additional penalties when this Bill is passed. I would be glad if the Attorney General would give us an assurance in connection with the proposition I enunciated a moment ago. If he is not prepared to give that assurance, and to make the necessary alterations to the section before the Bill leaves this Chamber, we will continue to press for the amendment moved by the member for East Perth.

Mr. JOHNSON: I was under the impression last night that the Attorney General was in agreement with me that the court would not be legally empowered to take a ballot in regard to a strike. If, since then, he has consulted competent legal advice and found that it is within the court's powers to order a ballot when a union is on strike, I would be glad if he would let us know; because if the section is to be construed as he suggested last night, there does not appear to be any warrant for a union to pay, under any circumstances. If he still believes the fairy story he tells himself that unions in this State go on strike without the consent of their members, I feel that he should move for the withdrawal of the Bill until he is better informed.

It is the Minister's duty to know these things and yet he is asking us to agree to a proposition such as this, where it is purely information for the benefit of the court, the union already having the information. If the court wants it, it should pay for it. When the question of hanging Tapci was before the Attorney General he did not ask Tapci to pay for the rope or the gallows, yet he wants to do the same thing in principle to the unions. He asks us to trust the Attorney General and suggests that no Attorney General would do anything that was not right. Yet he introduces a Bill of this nature which, by its very introduction, has led to stop-work meetings. Why should we trust any Attorney General? They come and go; some are good, some are bad and some are indifferent.

Mr. May: Where do you put this one?

Mr. JOHNSON: I make no reference to present company. When the Attorney General buys potatoes to eat, does he expect the Leader of the Opposition to pay for them?

The Premier: He would be disappointed if he did.

Mr. JOHNSON: Then why should the Attorney General take a different attitude in regard to this provision? The court wants the information and it should pay for it. If it were establishing a library for reference purposes, would it ask the unions to pay for it? Of course it would not and the same thing should apply in this instance.

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

Ayes	22
Noes	22
A tie	0

Ayes.

Mr. Brady	Mr. McCulloch
Mr. Butcher	Mr. Moir
Mr. Cornell	Mr. Needham
Mr. Graham	Mr. Nulsen
Mr. Guthrie	Mr. Read
Mr. Hawke	Mr. Rodoreda
Mr. J. Hegney	Mr. Sewell
Mr. Hoar	Mr. Sleeman
Mr. Johnson	Mr. Styants
Mr. Lawrence	Mr. Tonkin
Mr. May	Mr. Kelly

(Teller.)

Noes.

Mr. Abbott	Mr. McLarty
Mr. Brand	Mr. Nalder
Dame F. Cardell-Oliver	Mr. Nimmo
Mr. Doney	Mr. North
Mr. Grayden	Mr. Oldfield
Mr. Griffith	Mr. Owen
Mr. Hearman	Mr. Thorn
Mr. Hill	Mr. Totterdell
Mr. Hutchinson	Mr. Watts
Mr. Mann	Mr. Wild
Mr. Manning	Mr. Bovell

(Teller.)

Pairs.

Ayes.	Noes.
Mr. W. Hegney	Mr. Ackland
Mr. Coverley	Mr. Yates

The CHAIRMAN: The voting being equal, I give my casting vote with the noes.

Amendment thus negatived.

Proposed new Section 36T—Offences in connection with ballots:

Hon. A. R. G. HAWKE: In line 35 of the section the words "or to induce" appear. I studied the position of these words in the paragraph and am practically convinced that they relate to those which precede them and not to the words which follow. Therefore, any inducement to do the things set out below those words has to be related to the preceding words, "violence, injury, punishment," etc. So I do not intend to move the amendment standing in my name on the notice paper.

On motions by Hon. A. R. G. Hawke, the section was amended by striking out the words "One hundred" in line 2 of Subsection (3) and inserting the word "Fifty" in lieu; by striking out the word "twelve" in line 3 and inserting the word "six" in lieu; and by striking out the words "or both" at the end of the subsection.

Clause, as amended, put and passed.

Clauses 12 and 13—agreed to.

Clause 14—Section 46 amended:

Mr. McCULLOCH: The object of this amendment is to delete all words in the last line of Section 46 of the principal Act. That section reads—

> In the case of the illness or absence of the President at any time, the Governor shall nominate a person qualified as aforesaid to act as President during such illness or absence; and may from time to time appoint a Judge as deputy President of the Court, and in that capacity to exercise the powers and functions of the President. And in case of the absence of a member of the Court other than the President, by reason of illness or other cause, the Governor may appoint such other person as he may think fit to fill his place during such absence and until the termination of any pending inquiry.

To delete the words "and until the termination of any pending inquiry" would be wrong because they are absolutely necessary. A case may be seven-eighths part-heard and the President would know nothing of the evidence that had been given up to that stage if he had been away sick. On his recovery and return to the court, he is prepared to give judgment. This section has served quite well for many years and I cannot see any reason for the deletion of those words. There have been instances in the past where a presiding judge has been taken ill and a deputy has been appointed in his place until the award was granted. In all cases, the judge who has been sick has been allowed to finish the hearing of the case.

The Attorney General: I think you are under a misapprehension.

Mr. McCULLOCH: The amendment is quite clear and it would mean that if the President of the court was ill when the case commenced and it was part-heard, he could return at a later stage and give his decision. If that is not the meaning of the amendment, what is?

The Attorney General: I will explain.

Mr. McCULLOCH: Very well.

The ATTORNEY GENERAL: As the Act now stands, if, during the hearing of a case any member of the court becomes sick, someone can take his place, which is the reverse of what the hon. member is seeking. He may finish the case but after that, if these words are struck out, the deputy could no longer continue to act, and in each case a new deputy would have to be appointed. The words "and until the determination of any pending inquiry" mean that the deputy could only act during such period as the inquiry was pending.

Mr. McCulloch: He would complete the inquiry.

The ATTORNEY GENERAL: Yes, but he could not start a new one.

Mr. McCulloch: If you delete these words he would only hear part of the inquiry and the rest would be heard by the man who came back.

The ATTORNEY GENERAL: As it stands now, yes. If someone were appointed temporarily he could carry on in that position until the person whose place he had taken was fit enough to come back. It limits it to the completion of a particular inquiry.

Hon. A. R. G. HAWKE: I am not absolutely sure about this. To my mind the Attorney General and the member for Hannans appear to agree not to disagree. The section with which Clause 14 deals provides for action to be taken when the President is ill or absent and in the second part of the section it provides that where a member of the court other than the President is absent the Governor may appoint such other person to fill his place during his absence and until the termination of any pending inquiry. Are we to understand from the Attorney General that he considers there is conflict in the wording in that final sentence?

The Attorney General: No, there is no conflict, but it would be limited to the particular inquiry.

Hon. A. R. G. HAWKE: I think there is conflict in the last sentence in the section of the principal Act. I thought that was possibly the reason why these final eight words are to be deleted. The person appointed in a temporary capacity under the Act is to fill the place of the permanent member of the court during his absence and until the termination of any pending inquiry.

The Attorney General: There are two things.

Hon. A. R. G. HAWKE: There are, and they could possibly conflict.

The Attorney General: I admit it is a bit confusing.

Hon. A. R. G. HAWKE: If they do not conflict then the reasoning of the member for Hannans is sound, because he suggested that if the temporary appointee is to be appointed only for the period that the permanent member is absent then the temporary member could hear the pending inquiry to the extent of 75 per cent. and then give way to the permanent member of the court who may have come back and he would complete the other 25 per cent. of the inquiry. If the law were amended as the Bill proposes it would mean that 75 per cent. of the inquiry would be heard by the temporary member and 25 per cent. by the permanent member when he returned.

The Attorney General: The same would apply to the President.

Hon. A. R. G. HAWKE: There is nothing about any pending inquiry.

The Attorney General: If you strike out the words the reading would be the same.

Hon. A. R. G. HAWKE: That would place all the appointments on the same basis. Then the point mentioned by the member for Hannans would come into force. I think the point he raised is a sound one. The Attorney General should let us know what justification there is for striking out the final eight words.

The Attorney General: I do not think the eight words would help the member for Hannans in his query.

Hon. A. R. G. HAWKE: They would if left in because they would guarantee that a temporary member of the court who had heard 75 per cent. of an inquiry would continue with the rest of the inquiry; he would go all the way through.

Mr. Styants: Until the judgment was delivered.

Hon. A. R. G. HAWKE: Yes. We have no objection to the deletion of these words if the Attorney General can justify it, and I trust he will let us know his reasons for desiring their deletion.

The ATTORNEY GENERAL: In this matter we have to rely on the sensiblity of the President of the court. As the Leader of the Opposition said the argument would apply equally to the President.

Hon. A. R. G. Hawke: I did not say that at all. It would only if these words were deleted.

The ATTORNEY GENERAL: That is what I meant. The words used in regard to the President are the usual words used in such cases. In other words where someone is unable to carry on with an inquiry then someone else may occupy the position until he is able to come back. No judge ever part hears a case. All part heard cases must be completely heard by another judge. No other judge would think of taking over a case of which he has only heard half.

Mr. McCulloch: That is what the Act says at the present time.

The ATTORNEY GENERAL: I am talking now about the President.

Mr. McCulloch: It includes the President.

The ATTORNEY GENERAL: The particular eight words do not include the President. This amendment was submitted through the court. At present during the absence of one of the nominees a man could not be appointed temporarily to act in his absence, because of those words in Section 46. I suggest that they were originally inserted so that the temporary man could act in the absence of the member of the court until a hearing had been completed. I cannot see how there can be any more objection to the words being used in connection with a member of the court than in connection with the President.

Hon. A. R. G. Hawke: We want to know what justification there is for striking out the words.

The ATTORNEY GENERAL : If a union representative were temporarily appointed during a pending inquiry, he should continue till the end of that inquiry but no longer.

Hon. A. R. G. Hawke: He could continue during the whole of any such absence.

The ATTORNEY GENERAL: The Parliamentary Draftsman has advised me that the word "and" imposes a limitation and that the appointment would be limited to the particular inquiry on which he was sitting. That is the explanation given by the Parliamentary Draftsman and also by the Registrar of the court who requested the alteration.

Hon. J. T. Tonkin: I am glad you call it an explanation.

The ATTORNEY GENERAL: It is an explanation. The striking out of the words would not prevent a representative of the union from sitting in the court until the case had been finished.

Hon. E. Nulsen: Why not retain the words? I cannot see that their retention would do any harm.

Hon. A. R. G. HAWKE: Perhaps the legal objection could be overcome by amending Clause 14 to provide that Section 46 of the Act is amended by inserting the words "in any event" after the word "and". The relevant portion of the section would then read, "during such absence and in any event until the termination of any pending inquiry."

The Attorney General: Would that carry it any further?

Hon. A. R. G. HAWKE: Yes. The Attorney General gave us to understand that, if a temporary man completed the inquiry that was pending when he was first appointed, his temporary appointment would cease. I do not think that is the meaning of the section because in the words immediately preceding, the implication is that the appointment is to last during the whole period of the absence of the permanent member.

The ATTORNEY GENERAL: Would the Leader of the Opposition consider striking out all the words of the section after the word "such" and inserting in lieu the words "during such illness and such further period as may be determined by the Governor?"

Hon. A. R. G. Hawke: I would be prepared to trust the Governor. That would be some compromise.

Mr. STYANTS: In my view the wording of the section completely covers the position and does not need to be altered. The section deals with two distinct situations, firstly, the illness or absence of the President and, secondly, the illness or absence of one of the nominated members. In the event of the President's being absent, the Governor shall nominate a qualified person, and what follows in the section relates, not to the President, but to the nominated members of the court.

The Attorney General: That is so.

Mr. STYANTS: According to the section, in the case of the absence of a member other than the President, the Governor may appoint such other person as he may think fit to fill his place during such absence and until the termination of any pending inquiry. That provides for exactly the same conditions as would apply in the event of the absence or illness of the President. Then there is a further provision for when a case is pending, that is in the course of being heard, and one of the members has been displaced because of illness or absence by a temporary representative, until such time as the case is terminated and judgment given. It is provided that even though the regular nominee is fit to come back he shall not be permitted to take his place, because of the circumstances outlined by the member for Hannans.

The substitute nominee would probably have heard 75 per cent. or more of the case, of which the regular nominee would have no knowledge whatever. In my opinion, the present wording completely covers that case because, in the penultimate line of the section it is provided that the Governor may appoint such other person as he may think fit to fill the place of the regular nominee "during such absence." That completely meets the situation which the Attorney General feared might arise.

The Attorney General: You have to add the additional link.

Mr. STYANTS: No; I think there is no need for that, because it says "and until the termination of any pending inquiry." The first portion of the second last line would obviate the situation which the Attorney General fears might arise; that is, that having completed one inquiry, the substitute would not have authority to continue and take another case if the regular nominee were still absent. In my opinion it is definite. The section would give him the authority to continue, because it says that the Governor may appoint such other person as he may think fit to fill the position in the absence of the regular nominee.

The Attorney General: "And until," the section states.

Mr. STYANTS: That is only to cover a case in course of hearing. The regular nominee is fit to come back, but because his substitute has heard 75 per cent. of the case, the last line of the section provides that the regular nominee shall not take over until after the termination of that inquiry.

The Attorney General: I think that is what was intended.

Mr. STYANTS: I think it is fairly clear, too. The second last line gives the substitute nominee authority to remain there until such time as the regular nominee comes back and is fit for duty. But in case the regular nominee is fit to resume, the last line is included to provide for where the substitute nominee has heard 75 per cent. or 90 per cent. of the case and the other man would not be in full possession of the facts. The Act covers both cases.

The Attorney General is afraid that if the words "until the termination of any pending inquiry" are not struck out, it would mean that during the absence of the regular nominee, the substitute would have to be authorised to hear each case as it came before the court. In my opinion the provision in the section covers the position, whether the regular nominee is absent for one case or six cases. It covers the whole period during which the regular nominee is absent. It is also provided that where the regular nominee is ready and willing to come back but the substitute nominee has heard a considerable portion of the evidence of a certain case, the regular nominee cannot take over and hear the remainder of the evidence, and take part in the deliberations and the judgment in connection with a matter of which he has not full cognisance.

The ATTORNEY GENERAL: I think it is still at the discretion of the Governor. But the Leader of the Opposition said he would be prepared to trust the Governor to use his discretion and I have

been thinking that if the section read in this way there might not be any objection—

> The Governor may appoint such other person as he may think fit to fill his place for such period as he shall consider necessary.

Does that meet with the approval of the Leader of the Opposition?

Hon. A. R. G. HAWKE: I think the position might be better met without bothering the Governor after he has made the appointment. Why not delete the words, as proposed, and insert a proviso to the effect that where a case has been part heard during the time the temporary appointee is on the bench, he shall remain on the bench until the case is completed?

The Attorney General: That would do.

Hon. E. NULSEN: I have no objection to the amendment, but I think it will leave the section as it is in the Act. Can the Attorney General cite any instance where there has been trouble in regard to Section 46?

The Attorney General: I cannot. This was done at the instigation of the President of the court. I did not question his interpretation of the rule. He may be wrong.

The Minister for Education: I think there is a substantial difference between the two amendments.

Hon. A. R. G. Hawke: Which two?

The Minister for Education: The one in the Bill, and the one you suggest.

Hon. A. R. G. Hawke: There is.

Mr. McCULLOCH: It seems to me that the only desire the Attorney General has is to prevent a person temporarily appointed from continuing in his appointment beyond the termination of a pending case. His proposition, in my opinion, does not fill the bill. If we substituted the word "or" for the word "and" in the last line of the section, his fears might be allayed; or, the words "and until" in that line, could be struck out and the words "but not longer than" inserted in lieu. The position would then be mandatory. The person so appointed would have no authority to carry on unless he were re-appointed by the Governor. The proposition put forward by the Attorney General does not seem to me to warrant the deletion of the last line of the present section.

Sitting suspended from 6.15 to 7.30 p.m.

The ATTORNEY GENERAL: During the tea adjournment I drafted an amendment which I think might meet the situation. I move an amendment—

> That at the end of the Clause the following words be added:—"and inserting in lieu thereof the following words:—'Provided that a person so appointed may continue to fill that place until he has completed all inquiries commenced before him.'"

Hon. A. R. G. HAWKE: This amendment appears to be quite suitable, and I therefore will not oppose it.

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

Clause 15—Section 61 amended:

Hon. A. R. G. HAWKE: I am opposed to the whole of this clause and must take some precautions in case it is approved by the Committee. I have in mind particularly paragraph (d), which is objectionable as it would give the court power to declare at any time what were the functions of an office in a union. A long definition of the word "office" appears at page 3 of the Bill.

The Minister for Education: This is only a corollary to that.

Hon. A. R. G. HAWKE: It is, to some extent, but we are not happy about the court being given this power. We think it would enable the court to run a union. It could make such declarations from time to time as would place a union in a difficult position and frustrate its activities. The court already has quite enough power to see that no union does anything to which exception could reasonably be taken. There is neither need nor justification for paragraph (d).

The Attorney General: Is that the one you are speaking of?

Hon. A. R. G. HAWKE: Yes, I intend to move to have it struck out. I admit the point made by the Minister for Education, as it would apply to paragraph (c). I would not agree to that in normal circumstances, but as we have already agreed to the definition of the term "strike", I suppose we must give the court the legal right to declare that something which might be regarded as a strike is not in fact a strike. That is a power the court must have, seeing that the Committee has approved of the definition of "strike" in an earlier part of the Bill. I reiterate that the court should not be given the right to declare what the functions of an office in a union are to be. Surely the members and officials of a union can be trusted.

The Premier: But there is no reference in the clause as to how officers of a union shall carry out their duties.

Hon. A. R. G. HAWKE: I did not say that that was so.

The Premier: I thought you did.

Hon. A. R. G. HAWKE: I said that this paragraph (d) proposes to give to the court power to declare what are the functions of any office in a union.

The Premier: It defines who shall be deemed to be an officer.

Hon. A. R. G. HAWKE: No, it does not.

The Attorney General: Not defines; it enables the court to define that he is an officer.

Hon. A. R. G. HAWKE: No, it does not. If we look at the definition of the term "office" on page 3 we find that it means the position in a union held by a particular person and not the person who holds it.

The Attorney General: Look at paragraph (e).

Hon. A. R. G. HAWKE: Paragraph (e) is only an addition to paragraphs (a), (b), (c) and (d).

The Attorney General: This links with (e).

Hon. A. R. G. HAWKE: It might, but it gives the court power to declare what are the functions of any particular office in a union.

The Attorney General: No. If you would like to link it up with (e) in some way I would accept it.

Hon. A. R. G. HAWKE: That would not make any difference because paragraph (e) on page 3 is a dragnet provision; it covers everything contained in (a), (b), (c) and (d) and anything else as well. The suggestion of the Attorney General would not be any concession to members on this side. The court would still be left with the legal power to declare what are to be the duties, functions and responsibilities attached to the position of president, vice-president, members of the committee of management of the union and so on. Why does not the Government bring down a Bill to hand over the unions to the Employers' Federation? Why does not the Government bring down legislation to take from members of unions any rights at all?

Mr. Brady: That is what is done under this Bill.

Hon. A. R. G. HAWKE: Yes, to a large extent. What type of thinking have Ministers indulged in to bring forward a proposition of this kind? What have the great majority of trade unionists in this State done to have this sort of thing inflicted upon them? It is an insult to the general body of trade unionists in Western Australia to say that they have not sufficient mentality, balance or sense of responsibility to be able to decide among themselves what are the functions to be associated with any of the offices in their unions. I move an amendment—

That paragraph (d) be struck out.

The ATTORNEY GENERAL: This particular paragraph links with the definition of "office". Its only purpose is to ensure that all vital positions in a union are, if necessary, subject to proper elections.

Mr. Hoar: It does not say so.

The ATTORNEY GENERAL: I suggest that the hon. member reads the definition of "office" on page 3. It is necessary to give the court power in this regard. Some union might say that all its power is vested in "X"; he is not the president, the vice-president or the holder of any office in the union, but might be called an organiser. Consequently, although he would have all the power, he would not have to be elected.

Hon. A. R. G. Hawke: There is a provision in the Bill to say that ballots shall be held where an election is to take place.

The ATTORNEY GENERAL: But only for certain offices. This will give the court power to say that whatever a man's classification may be, he shall be under the authority of the members of the union.

Hon. A. R. G. Hawke: But the court could disallow any rule.

Mr. Lawrence: The provision referred to by the Attorney General would have to be included in the rules which are registered with the Registrar.

The ATTORNEY GENERAL: It might be.

Hon. A. R. G. Hawke: It would have to be.

The ATTORNEY GENERAL: As we have agreed to the paragraph (e) referred to, it is necessary to give the court power to carry it into effect. This paragraph gives it that power.

Mr. May: In effect a union officer has to go to the court to find out his duties.

The ATTORNEY GENERAL: No. If a man is holding an important position in a union, whatever the position might be called, the court can declare that he is an officer of the union.

Hon. A. R. G. Hawke: That comes under the definition and not under this clause.

The ATTORNEY GENERAL: This paragraph simply states that the court has power to declare what functions are those of an office in an industrial union.

Mr. Lawrence: Has not the court that power already?

Mr. Hoar: This cannot be justified on any ground.

The ATTORNEY GENERAL: The Parliamentary Draftsman has assured me that my interpretation is the correct one.

Hon. A. R. G. Hawke: Would the Attorney General tell us what the word "functions" means in this setting?

The ATTORNEY GENERAL: It means exactly what it says.

Hon. A. R. G. Hawke: That is profound.

The ATTORNEY GENERAL: I cannot see the reason for the objection to the paragraph.

Mr. JOHNSON: I have been less amused since I have been here. I do not know whether the Attorney General expects us to believe what this is supposed to indicate or whether he believes it himself. The object of the clause, quite plainly, is to give the court power to change the functions of an office after an election. If the

court cannot upset an election held under its own jurisdiction, the purpose of the clause is to say in effect: "Although this man was carrying out the duties of president previously, those duties shall be performed by the vice-president, or, the president's duties shall be carried out by the secretary." The intention of the clause is to change the functions and the duties.

The Attorney General: That is not the intention.

Mr. JOHNSON: If it is not and the intention is the fairy story that the Attorney General told us a moment ago, I point out that that is covered by the provision relating to the rules because they stipulate what the duties and the functions of the various offices are. Once the court has determined, by accepting the rules, what are the functions of an office, it is not right that it should make a decision over and above the rules which it has already accepted and to which this Committee has agreed. That means that the treasurer will be responsible for the money and that the president will be responsible for the calling of a strike or not. This means that at any time the court will call the strike and the treasurer will not handle the money. I know from watching the expressions of members opposite, to whom the Attorney General has been nattering, that they, too, have found it extremely difficult to follow. I feel—

The Attorney General: The hon. member is feeling all the time. It is a wonder he does not suffer from his feelings.

Mr. JOHNSON: I find it extremely provoking to have fairly plain English made so confused by the man who has produced the Bill. This paragraph states quite clearly that the court shall have jurisdiction to declare what the functions are and from time to time to add to, vary or cancel a declaration made under this paragraph. The declaration of the functions of an office is set out in the rules of a union which are passed by the court and it will not register the union unless those rules are agreed to. This provision is completely unnecessary unless the purpose of the clause is to change the power of individuals who are legally in office. I consider, very strongly, that this paragraph should be deleted.

Mr. MOIR: This paragraph is an absolutely unwarranted interference with the private affairs of a union and its members. Despite what the Attorney General has said, the intention of the paragraph is quite clear, namely, that the court will lay down what are the functions of any office in a union from time to time. It shall also, from time to time, add to or vary or cancel the declaration made under this paragraph. So, from time to time, the members of a union would not know what were the functions of their offices. If they were nominated as candidates for any particular office they would not know what function or duties they had to perform. They would have to apply to the court to find out.

Mr. May: They would have to go to the court to find out what their job really comprised.

Mr. MOIR: That is so. A man could stand for an office in a union and would not know what to do until he obtained a declaration from the court, which might direct that his duties were entirely foreign to those which he was prepared to undertake and for which he had no qualifications. There are no elections held for the filling of some offices. A large union employs an industrial officer. In smaller unions it may be the function of the secretary to take cases before the court, and to conduct negotiations with the employer on behalf of various members with a view to reaching agreement on terms and conditions. That man is an employee of a union. Many such men are employed in unions throughout the State and the Commonwealth and their duties are laid down by the union management. The officers of the A.W.U. for instance, carry out different functions in different districts.

An organiser in the metropolitan area would not appear in the Arbitration Court as an advocate unless the industrial officer was ill and could not appear. On the Goldfields it is the secretary of the mining division who appears before the court and puts the case on behalf of members of that section of the union. In lesser cases before the Industrial Arbitration Court it may be the organiser. There have been times when members of the union have requested a particular official to take their cases and that has been agreed to. Under this amendment members would have absolutely no say in what their officials were to do; the court would name the functions of the official. It is an unwarranted interference with the liberties of the members of the unions and of the people who manage them. Let us give the union members and the people who manage them a little credit for knowing the requirements necessary for the best man to carry out any particular function.

This amendment could have a very sinister effect. If an election is held, let us say, for the secretary of a union and a ballot is taken at the direction of the court after which a certain member is elected, because he does not find favour with the court, it can say to the president of the union that it will be his function to appear before the court and bring up all cases on behalf of the union. The members never intended that when they voted for that person as president.

Under the present setup they all know what the functions are; they know what qualifications are required for a particular

office and they are able to ascertain which candidate has the best qualifications. Under this amendment they would not know where they stood, nor would the man who had been elected. After he had been elected he might feel that he did not possess the qualifications to do the job set out by the court. The position would be farcical. The Attorney General might have something in mind concerning a particular union; I do not know. Nobody has a right to impose a provision like this on unions and their members.

The Attorney General: This provision does not use the word "allocate."

Mr. May: We can see what it means.

Mr. MOIR: I know what is meant by the words "from time to time to declare what functions are those of an office." The two things have to be read together. The definition of "office" is a very wide one. A short while ago the Attorney General mentioned a caretaker. Under this provision the court can declare a caretaker's job as an office in a union. I would not say that would be done but it could be done. If the Attorney General wants to lay down something hard and fast so that everybody will know the functions of offices of a union, why not set it down in the Bill?

The Attorney General: That is not intended.

Mr. MOIR: No, of course it is not. I am only just waking up. I thought that the Attorney General had made a serious mistake but he is quite sincere in wanting this Committee to carry a preposterous proposal of this nature.

The Minister for Education: It is not preposterous; just badly thought of.

Mr. MOIR: It is one of the most undemocratic things I have heard of. Much has been said about giving the members control of their unions. I cannot see where that control exists. The whole matter is to be decided by the court. I would like the Attorney General to make the provision a bit clearer, otherwise we can only think the worst in connection with it.

Mr. LAWRENCE: I am perturbed about this clause. The Attorney General said he wanted the court to have the power to declare what these functions of an office should be. Peculiarly enough the court already has that power in the principal Act. There is a set of rules registered with the Federal Arbitration Court which set out plainly the duties and powers of the general president, the vice president, the general secretary, the treasurer and so on.

Mr. May: He is not satisfied with that.

Mr. LAWRENCE: Unless these rules conform to the requirements of the Registrar of the court, they will not be registered. Accordingly the Attorney General is either mistaken in this matter or he is trying to pull a confidence trick. There is some hidden meaning in the paragraph and I am not satisfied that the Attorney General has given us the true explanation. Surely he realises that trade unionists are not fools and are quite capable of conducting their own business!

Mr. McCULLOCH: Does the Attorney General think that union officials are a lot of dumb Doras? The President would not know the functions of an office and neither would the Attorney General. The rules of a union, when submitted for registration, are not accepted haphazardly. They are examined critically to ensure that they are in conformity with the Act and it might take a month or a year to get them through.

The Attorney General: I might accept the amendment if you will sit down.

Mr. McCULLOCH: I shall do so with the greatest of pleasure.

Hon. A. R. G. HAWKE: I think the aim of the Attorney General could be achieved by deleting paragraph (d) and inserting in lieu a paragraph to empower the court to make declarations for the purposes of paragraph (e) of the definition of "office". This would mean that the court could declare an office to exist, but could not declare the duties related to or associated with such office. That responsibility would rest completely with the union, where it should rest.

The Attorney General: I will accept that.

Amendment put and passed.

Hon. A. R. G. HAWKE: I move an amendment—

> That a paragraph be inserted as follows:—
>
> (d) from time to time to make declarations for the purposes of paragraph (e) of the definition of "office".

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

Clause 16—Section 67 amended:

Mr. BRADY: Does the Attorney General intend, under paragraph (c), to permit legal practitioners to appear and take part in the court proceedings? If so, it would be contrary to Section 67.

The ATTORNEY GENERAL: The paragraph will create an exception in the event of a question of law being raised or argued or being likely in the opinion of the court to be raised or argued. Some unions have raised the point where a difficult question of law has been involved. Under the paragraph, the consent of the court will be necessary.

Mr. BRADY: I oppose the paragraph. I do not know whether the Attorney General is right in saying that the unions desire this provision. Generally unions try to avoid that sort of thing. The paragraph instances where a question of law is likely to be raised. A lawyer might appear because he thought some legal point would be raised.

The Attorney General: He could only appear with the permission of the court.

Mr. BRADY: I am not happy about the paragraph and still oppose it.

Mr. STYANTS: I do not think the Minister is correct when he says that this has to be allowed by the court. If he makes inquiry, he will find that the President himself allows it.

The Attorney General: He cannot, under this provision.

Mr. STYANTS: Evidently the Minister does not know the procedure in Arbitration Court matters. There is a provision that the President, sitting by himself, without the other two members of the court, can take evidence and inquire into certain matters, and he has ruled that there can be legal representation in such cases. This is an extension of that to permit legal representations in cases being heard by the Full Court, which is precluded under the existing legislation.

The Attorney General: I think the definition of "court" is quite clear.

Mr. STYANTS: The definition is clear all right, but at present the President himself, when hearing industrial cases, has allowed legal representation.

The Attorney General: That is, with the consent of all parties.

Mr. STYANTS: It is all very well to say that. But the Minister knows as well as we do that if the Employers' Federation brings along a solicitor, then, in self-defence, the union must incur the same expense, and employ a legal man, because the employers' lawyer will raise all the legal technicalities possible and confuse the issue, and if the union did not have to represent it someone who was skilled in words, it would be at a disadvantage. The employers in these cases have considerable means and are quite able to afford the luxury of a solicitor, but the unions, particularly the smaller ones, are not able to pay the tremendous fees demanded by lawyers. But, in the circumstances I have outlined, they would be compelled to do it in self defence.

The Premier: Is it not likely that the unions would require the services of a lawyer to argue a point of law?

Mr. STYANTS: They say they do not want one. The representatives of the Trade Unions Industrial Council have informed us that they have a distinct objection to this provision. There are four members on this side who can bear me out in that statement. The clause uses the words "where a question of law is raised or argued or is likely to be raised or argued". Anything can be a question of law. It need not be some legal technicality attached to ordinary common law that is going to be argued in industrial cases. It could be anything of an industrial nature such as has been dealt with for many years by industrial representatives and the employers' representatives, who are not legal men, and has been dealt with to the satisfaction of all parties.

The Premier: Do you think it likely that the court would give it that wide interpretation when it covers points of law only?

Mr. STYANTS: I think the court would be likely to do anything. That is my estimate of the court. If the trade unions are prepared to accept this legislation they deserve all that is coming to them. It is the most dastardly legislation that anyone has attempted to put in the statute book of this State. It is class legislation, biased in every particular, and is being forced through by sheer numbers and not by logic or justice. I am of opinion that the trade unions will not take it lying down.

The Attorney General: They will not take anything lying down that is not perfectly just.

Mr. STYANTS: If the court decides, on the application of the employers, to allow a legal practitioner to appear for the employers, in defence the unions will have to incur the same expense, but it is a totally different proposition for them. The employer has unlimited funds with which to pay high fees but the unions are incapable of providing the money without making severe levies upon their members. Has there been any weakness or deficiency under the system that has operated for many years? If not why alter it? One side is quite satisfied. I do not know what the employers' views are on this matter but, seeing that the provision has appeared in the Bill, I imagine they have given some indication that they would favour the proposition. Certainly, however, the other side is not favourabble to it.

Mr. MOIR: The principal Act contains a provision for legal practitioners to be permitted to appear in certain circumstances. I refer to Subsection (4) of Section 67. This was wisely inserted in the parent Act. Also under the Act, if all parties agree, there can be legal argument. The clause in the Bill would eliminate all the small unions.

The Attorney General: It would help the small unions.

Mr. MOIR: It would put them out of existence.

The Attorney General: Do you think the small unions can afford a man of the calibre of someone who has sat on the Arbitration Court bench for years, and is a skilled advocate?

Mr. MOIR: The representative of a small union has always had justice in the court irrespective of the calibre of the employer's representative opposed to him.

The Attorney General: Then what difference does it make?

Mr. MOIR: We have had eminent legal men appointed to the Arbitration Court bench, and they have always aided the man with limited legal knowledge. How could a small union engage counsel to appear before the court? The employer on the other hand—

The Attorney General: The employer will not worry about it. He can afford to pay a skilled advocate, but he is not a solicitor.

Mr. MOIR: He would be under this.

The Attorney General: No.

Mr. MOIR: The employer only has to raise an issue involving law to have the right to employ a lawyer. We come then to the point of what is the law.

The Attorney General: That is easily decided.

Mr. MOIR: The Act will be the law. If the employer raises an issue under the Act, it will be a point of law and he would be entitled to engage a solicitor. Is it the intention to debar small unions from going to the court? This would have the effect of keeping people out of it. Small unions would. not be able to function. They would have to amalgamate with larger unions.

The Attorney General: You have a much better opinion of the average lawyer than I have.

Mr. MOIR: Candidly, I have not a very good opinion of lawyers, but I give them credit for being able to drag in a lot of irrelevancies, and so make a mountain out of a molehill. The original provision was included in the Act so that the Arbitration Court would not be a happy hunting ground for the legal fraternity. The clause here will throw the position right open. The legal gentlemen in Western Australia must be pleased to know that it is in the Bill, but I cannot imagine the members of the Arbitration Court being pleased, because they would not want to hear long legal argument on a log of claims. We have seen how cases have dragged on for months and even years, in the Eastern States because of the legal argument that has been trotted out.

The Attorney General: The lawyers in this Chamber are not the most verbose.

Hon. A. R. G. Hawke: The lawyers here have, in connection with the Bill, no case.

The Premier: That again is purely a matter of opinion.

Hon. A. R. G. Hawke: No.

Mr. MOIR: I assume that is a bit of a dig at members like myself who get up and express their opinions. I am not paid by the length of time I speak here, but lawyers are paid according to the time they speak in court.

Mr. Styants: They get refreshers, too.

The Attorney General: Not these lawyers.

Mr. MOIR: The amending clause will allow lawyers to be in the court all the time. It will be hard on a large union, and extremely hard on a small one.

The PREMIER: I am surprised at the opposition to this clause as I know it is not intended to inflict any hardships on unions or involve them in unnecessary expense. The member for Kalgoorlie said that lawyers are permitted by consent to appear in court, and this clause provides that where a question of law is involved the court shall have power to allow legal practitioners to appear. The member for Boulder said the door would be thrown open to the lawyers but I am certain that will not be so. Where involved questions of law arise one naturally seeks professional advice but I cannot see where, under this provision, lawyers are going to have anything to do with the fixation of wages, hours or many of the other important matters that have to be dealt with. The Attorney General made a point—

Hon. A. R. G. Hawke: In what year was that?

The PREMIER: —that under existing conditions the employers have permanently employed men who are skilled advocates in the Arbitration Court.

Hon. J. B. Sleeman: We have some of them, too.

The PREMIER: Some of the union secretaries are skilled men, but I am referring to men who have given many years of their lives to gaining a full understanding of industrial law. As the member for Boulder said, some secretaries of smaller unions have not had a great deal of time to devote to arbitration or industrial law, and so on occasions may desire to have legal advice on certain questions.

Hon. J. B. Sleeman: As that can be done by consent now, why alter the Act?

The PREMIER: On one occasion, when the unions requested that they be allowed legal representation in court, the employers objected and eventually it was agreed that legal representatives should be permitted to appear in court. That position could arise again when the unions wanted an involved matter of law cleared up. This provision will not throw open the door to the lawyers as has been suggested, and I am certain the court will see that this aspect is confined to questions where there are involved legal points to be argued.

Hon. E. NULSEN: This provision will not alter the jurisdiction of the court in any way, so why interfere with what has paid dividends in the past? The provision will simply make opportunity for legal practitioners to come into court against the in-

terests of the smaller unions and to that extent is purely vexatious. Somebody must have requested the inclusion of this provision.

The Attorney General: It was not the employers.

Hon. E. NULSEN: And it was not the employees, so why include it? It will only make conciliation more difficult in the long run and will have an adverse effect, financially and psychologically, on the unions.

Mr. McCULLOCH: I wanted to know whether this was industrial or civil law. The Premier did mention civil law coming into an industrial case.

The Premier: I did not mention civil law.

Mr. McCULLOCH: The Premier did mention it. He said that civil law—

The Premier: I did not mention civil law.

Mr. McCULLOCH: This means industrial law.

The Premier: That is it.

Mr. McCULLOCH: Why was arbitration introduced in the first place?

Mr. Griffith: To settle differences of opinion between employer and employee.

Mr. McCULLOCH: Yes, and not for the benefit of the legal fraternity. Arbitration was instituted to settle disputes between employers and employees.

Mr. Griffith: Without any strikes.

Mr. McCULLOCH: Lawyers have come into industrial matters. I have seen them arrive in court carrying bundles of papers and quoting laws and cases dating back to Queen Anne's day. When they do that the ordinary union secretary or advocate is unable to follow them. There are many employers not affiliated with the Employers' Federation and in no case have I seen them suggest that a lawyer should come into it, because they have their own advocates—generally the foreman or manager or some other officer who does the job. As the member for Boulder said, we are throwing the door wide open.

This provision has not been necessary in past years and it is most unnecessary now. The President is a judge of the Supreme Court and he knows all the legal technicalities concerned in a case, and consequently can put advocates on the right track. If this clause is agreed to some of the smaller unions will be left hopelessly in the lurch because they will not be able to find sufficient funds to engage lawyers to advocate cases for them. If one asks a lawyer's advice on an award, or for an interpretation in a certain clause in an award, it costs two guineas.

These people will not appear on behalf of the Employers' Federation because its advocates are more able than any lawyer. But as I said there are some employers who are not affiliated with the Employers' Federation and such people could engage counsel to put up cases for them. The union advocates know what they are talking about, but in the case of some of the smaller unions the secretaries are working every day and they have to get advice from some other secretary. This arbitration law was drawn up with the idea of keeping the lawyers out of it and under the Act as it stands they can appear only if all parties agree. Surely that is sufficient. The court has functioned satisfactorily up to date and it would be far better to leave the Act as it is.

Mr. NEEDHAM: The more I read the Bill the more I am convinced that the Attorney General is going out of his way to try to make the arbitration Act more difficult and more expensive to work. The clause with which we are now dealing is the latest example in that regard and I cannot see any justification for it. The industrial law of this State is half a century old, and during that time there has been no necessity for lawyers to appear in the Arbitration Court. During those 50 years I have been a most strenuous opponent of this particular provision and I took up the same attitude when I was a member of the Commonwealth Parliament. There are two professions that I like to avoid—medicine and law—and consequently I can see no justification for including this provision in the Act.

These are not cases of civil law but of equity and that should be the prevailing atmosphere in an industrial court. Unnecessary expenses will be incurred if this provision is agreed to. I see no reason why this Parliament should give the Arbitration Court power to say when a legal representative should appear. If the union and the employer concerned in the dispute agree that legal representatives should appear on their behalf that should be sufficient. The Attorney General, by interjection, said that the employers did not suggest this amendment. The member for Eyre replied that the unions certainly did not ask for it and I am certain that they do not want it. They had sufficient evidence to show what could happen if this provision were passed; there was the basic wage case in the Federal Arbitration Court. That particular case proceeded for some months and both sides engaged counsel. Powerful organisations were involved but the smaller unions would be severely handicapped because they could not afford to pay for legal representation. We should leave the Act as it stands. I oppose the clause.

[*Mr. Hill took the Chair.*]

Mr. BRADY: I would like the Attorney General to tell us whether the Arbitration Court is to become one where law is to be argued rather than arbitration. I admit that we are dealing with an amendment to Section 67 of the Act, but Section 69 reads—

(1) In the hearing and determination of every industrial dispute the Court or President shall act according to equity, good conscience, and the substantial merits of the case without regard to technicalities or legal forms, and shall not be bound by any rules of evidence, but may inform its or his mind on the matter in such a way as it or he thinks just.

I thought, therefore, that if a matter of law is raised in the court the President could inform himself as to the legal technicalities which could be adduced by the parties on either side. If we allow the legal fraternity into the court, it is merely going to hold up the proceedings and the natural function of the court will be slowed up accordingly. The fact remains that the Arbitration Court has functioned for 40 years without the need for a provision such as this, and laymen have argued the pros and cons of the case and upon such evidence the President has made his decision. Our system of arbitration has been proved to be more peaceful in its effect in this State than in the Eastern States.

I think it is agreed by all that the employee—employer relationships are better in this State than are those in any other State of the Commonwealth. If the Attorney General insists on this clause he will introduce into our Court a state of anarchy that already exists in the Eastern States. The Attorney General has said that certain things have been done by Dr. Evatt and the Commonwealth Arbitration Court, but he did not give the reasons. The disputes that are heard in that court involve all the States of the Commonwealth and for that reason heavier penalties are provided.

The position here is entirely different. We have only a small population and small unions, some with 30 members and some with only 20. For instance, in the hairdressing trade the number of employers is practically equal to that of the employees. All that we will do by this clause is to get the unions' backs up. The Attorney General was fearful that because of the restricted duties of the secretaries of the smaller unions, they would be unable to present their cases properly before the court. However, in such an instance, a small union would approach a larger one to allow its advocate to put its case before the court. That system has worked quite satisfactorily in the past and there is no need for this clause.

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

Ayes	22
Noes	20
Majority for	2

Ayes.	
Mr. Abbott	Mr. Nalder
Mr. Brand	Mr. Nimmo
Dame F. Cardell-Oliver	Mr. North
Mr. Cornell	Mr. Oldfield
Mr. Doney	Mr. Owen
Mr. Griffith	Mr. Perkins
Mr. Hearman	Mr. Thorn
Mr. Hutchinson	Mr. Totterdell
Mr. Mann	Mr. Watts
Mr. Manning	Mr. Wild
Mr. McLarty	Mr. Bovell
	(Teller.)

Noes.	
Mr. Brady	Mr. McCulloch
Mr. Butcher	Mr. Moir
Mr. Graham	Mr. Needham
Mr. Guthrie	Mr. Nulsen
Mr. Hawke	Mr. Read
Mr. J. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sleeman
Mr. Johnson	Mr. Styants
Mr. Lawrence	Mr. Tonkin
Mr. May	Mr. Kelly
	(Teller.)

Pairs.	
Ayes.	Noes.
Mr. Ackland	Mr. W. Hegney
Mr. Yates	Mr. Coverley

Clause thus passed.

Clause 17—Section 70 amended:

Hon. A. R. G. HAWKE: I have an amendment on the notice paper but I understand the Attorney General also has one which contains the same principle as my amendment, and I am prepared to allow him to move his in preference to mine.

The ATTORNEY GENERAL: My amendment proposes to strike out, in lines 26 and 27, the words "deleting all words after the word 'hearing' in line five to" and insert in lieu the words "adding at", with a view later to adding the words "Subsection" in lines 27 and 28 the words "except where the court is of opinion that urgency requires shorter notice, in which case the notice to be given shall be that fixed by the court". The effect of this will be that seven days' notice will be provided by the Act except where the court is of the opinion that urgency requires shorter notice, and in such case the notice to be given shall be fixed by the court. I move therefore, an amendment—

That the words "deleting all words after the word 'hearing' in line five to" be struck out and the words "adding at" inserted in lieu.

Mr. MOIR: I am not quite clear about this. Does this mean that the union will not be given requisite notice?

The ATTORNEY GENERAL: The amendment means that the union will be given requisite notice, as provided for now, in all cases except those of urgency when it shall be decided by the court.

Amendment put and passed.

The ATTORNEY GENERAL: I move an amendment—

That at the end of the clause the following words be added:—"except where the Court is of opinion that urgency requires shorter notice, in which case the notice to be given shall be that fixed by the court."

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

Clauses 18 to 23—agreed to.

Clause 24—Section 132 amended:

On motion by Hon. A. R. G. Hawke, the word "five" in line 5 of proposed new Subsection (1) was struck out, and the word "two" inserted in lieu.

The ATTORNEY GENERAL: I cannot accept the previous amendment.

Hon. A. R. G. Hawke: It is too late; it has been carried.

The ATTORNEY GENERAL: No, it was not.

The CHAIRMAN: I put the amendment and it was carried on the voices.

The ATTORNEY GENERAL: In that case, I shall have to recommit the clause.

Hon. A. R. G. HAWKE: I move an amendment—

> That in line 6 of the proposed new Subsection (1) the words "one hundred" be struck out with a view to inserting the word "fifty."

Amendment (to strike out words) put and passed.

Hon. J. B. SLEEMAN: I think even £50 is too much by way of penalty. If a man refuses or neglects to offer for employment, he is declared to be on strike and is to be fined £50. It is ridiculous. If a man who is used to working in an industry refuses to offer for work, in consultation with another person, he will be declared on strike and will be fined £50. The penalty is too great. I move—

> That the word "twenty" be inserted in lieu of the words struck out.

Amendment on amendment put and negatived.

Mr. McCULLOCH: In the Act as it stands, the penalty in the case of an employer or an industrial union or asscoiation is £100, and in other cases it is £10. Instead of £10, we propose to make it £50. So, while the employers' penalty is doubled the other cases have their penalty increased by 400 per cent. Why such differentiation should be allowed beats me. I propose to move that the amendment be amended by striking out the word "fifty" and inserting "five" in lieu.

The CHAIRMAN: The hon. member cannot move to substitute a smaller amount than £20, which has already been moved.

Mr. J. HEGNEY: I move—

> That the word "twenty-five" be inserted in lieu of the words struck out.

To suggest that a worker who refuses to offer for employment or to accept employment offered to him should be fined £50 is an atrocious proposition. To bludgeon men into working in the face of such a penalty will not get us very far. People are killed on the highways in traffic accidents, often because of drunken driving, and the individual responsible is not fined anything like so much. This minor offence is to be made a much more serious crime than one involving the loss of life. There is no uniformity in our penalties. Surely the Minister must be trying to increase revenue so as to aid Government finance.

Such a penalty as that proposed is punitive in the extreme and should not be tolerated. Decidedly, the Government will be in difficulties if it endeavours to implement such a provision. What is the good of placing in the statute book a law that is nothing less than oppressive? Last session the Attorney General introduced legislation to provide for sessions during which drinking could be indulged in on the Goldfields because the previously existing licensing laws could not be applied there. The proposal here is ridiculous in the extreme. How can we expect industrial cooperation between employer and employee? Workers will be made more class-conscious than ever, and will be fighting the employers all the time.

Amendment, on amendment, put and negatived.

Hon. A. R. G. HAWKE: I move—

> That the word "fifty" be inserted in lieu of the words struck out.

Amendment (to insert word "Fifty) put and passed: the clause, as amended, agreed to.

Clause 25—Section 137 repealed and reenacted:

Mr. LAWRENCE: I protest strongly against the clause which appears to me to be the most vicious in the Bill.

Hon. J. B. Sleeman: The whole Bill is vicious!

Mr. LAWRENCE: But this is the most vicious provision of all. I do not know who was responsible for its drafting, but whoever it was must have copied some of the provisions from the Crimes Act and the Communist Party Dissolution Act. It represents a complete travesty of justice. In Subsection (1) of the proposed re-enacted section there appear the words, "Where it appears reasonably likely to the court that an act, omission or circumstance will occur." That turns the court into a sort of crystal-gazer, looking into the future. The court will be able to say that men are thinking of striking. The Government should be satisfied with what has been agreed to and be content to allow the court to deal with what has happened, rather than enable the court to take action regarding what, in its opinion, will occur.

I cannot understand how anyone could foresee what will happen in the future or that any act that has occurred will be repeated or continued. Then in paragraph (a) of that subsection there is reference to

some action being calculated "to cause, contribute to or hasten the occurrence of a lock-out or strike." That provision is stupid in its content. Again, in paragraph (b) there is reference to the act being likely to "jeopardise or delay settlement of" a lock-out or strike. Such a provision could very easily be hurled back in the teeth of the Government in connection with the strike that was recently terminated, because the Government itself delayed the settlement. No one will convince me otherwise.

The Premier: You do not want to be convinced.

Mr. LAWRENCE: The Premier has not stated what he tried to do with that object in view or when he did so. I know for a fact that the strike could have been terminated within the first fortnight merely by the application of the Act that the Government is now tearing to pieces so that it will be completely unworkable. I challenge the Government in this respect, that I say it will not be game to attempt to put this legislation into operation. It will be somewhat like the position that arose in connection with legislation that the Commonwealth Government endeavoured to implement but could not do so because the trade union movement would not tolerate it. Instead of endeavouring to establish industrial peace, the Government is acting to the contrary. By this legislation it will upset the maintenance of industrial peace upon which His Excellency the Governor recently complimented the workers.

Other paragraphs relate to an act causing, contributing to, constituting or continuing a contravention of this measure or of an award or industrial agreement, or jeopardising the security and proper use of the funds and property of a union or needlessly dissipating or improperly concealing the funds or property. The Attorney General cannot deny that those provisions have been copied from the Crimes Act. When unions have genuinely amassed funds, no Government or court would be justified in seizing the property and, if necessary, auctioning it for a shilling. How would Government supporters feel if their property were estreated in the same way?

When the waterside workers contributed to strikers, in order that the wives and children might be fed, the Commonwealth stepped in and froze the funds of the organisation. That made no difference; the workers became more determined than before to continue their contributions. A sum of £6,000 was withdrawn from the bank and hidden, so determined were the workers that the contributions should continue. Similar action could be taken by the court under this clause.

The proposed new Subsection (2) provides that the court may make the order on the application of a person who, in the opinion of the court, has a sufficient interest, or of its own motion. The secretary of the Employers' Federation could move to this end and, if he did so, the Attorney General himself would be equally culpable. The court is to be empowered to specify in the order the person or class of person to whom or the body or class of body to which the order applies and to say that the order applies generally to all persons and all bodies. This means that the Employers' Federation could move to have an official deposed who had been elected at a secret ballot ordered by the court. The provision could be directed against dairy farmers who decided not to deliver milk.

Hon. J. B. Sleeman: Or who decided to tip it down the drain.

Mr. LAWRENCE: When it was suggested that the dairy farmers should take that action, they had my full support. Members do not appreciate the terrific implication of these proposals. If dairy farmers were proceeded against, their farms could be taken, their stock sold and every penny they had in the bank could be frozen.

The Premier: I do not think you are likely to frighten the farmers by that sort of talk.

Mr. LAWRENCE: I am not trying to frighten anybody; I am asking the Government to be fair. These provisions could be directed against newspapers, the A.L.P., the Red Cross and similar bodies. I assure the Government that legislation of this type will not have any effect on the trade unionists. They will not be deterred by it and the Government will find itself in the position of being unable to enforce the measure. I oppose the clause.

Mr. McCULLOCH: This is going a step too far. The court could seize goods and chattels and freeze the funds of a union. A union contemplating a strike would be lax in its duty if it allowed its funds to be frozen. I think I could work up some scheme whereby that would not occur. This is a vicious provision. The present section has worked quite all right and I can see nothing wrong with it.

Hon. J. B. SLEEMAN: Judging from some of the penalties in this Bill, it may be possible to order that a man be shot at dawn to prevent him from going any further! If a strike occurs and there is a good deal of poverty suffered by wives and families of the strikers, and some charitable person puts in a few shillings towards their upkeep, anything can happen to him. The whole thing is nonsense. The quicker the Government discards the Bill, the better it will be. We are nearing the completion of the Committee stage, but I hope the third reading will not be agreed to. If it is, it will be a standing disgrace to this country and the people who have forced the Bill through with, in most cases, a majority of one.

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

Ayes	21
Noes	19
Majority for	2

Ayes.		Noes.	
Mr. Abbott		Mr. Nimmo	
Mr. Brand		Mr. North	
Dame F. Cardell-Oliver		Mr. Oldfield	
Mr. Cornell		Mr. Owen	
Mr. Doney		Mr. Perkins	
Mr. Griffith		Mr. Thorn	
Mr. Hearman		Mr. Totterdell	
Mr. Hutchinson		Mr. Watts	
Mr. Manning		Mr. Wild	
Mr. McLarty		Mr. Bovell	
Mr. Nalder	*(Teller.)*		
Mr. Brady		Mr. McCulloch	
Mr. Butcher		Mr. Moir	
Mr. Graham		Mr. Needham	
Mr. Guthrie		Mr. Nulsen	
Mr. Hawke		Mr. Read	
Mr. J. Hegney		Mr. Rodoreda	
Mr. Hoar		Mr. Sleeman	
Mr. Johnson		Mr. Tonkin	
Mr. Lawrence		Mr. Kelly	
Mr. May	*(Teller.)*		

Pairs.	
Ayes.	Noes.
Mr. Yates	Mr. W. Hegney
Mr. Ackland	Mr. Coverley
Mr. Grayden	Mr. Sewell
Mr. Mann	Mr. Styants

Clause thus passed.

Clause 26—Section 138 repealed and re-enacted:

The ATTORNEY GENERAL: There is a typographical error to be corrected in line 6 of Subsection (1) of proposed new Section 138 where the word "Act" should begin with a small "a". There is some confusion at the end of this provision and it should be made clear that if a man has been punished for an offence he should not be punished for it again unless he continues the offence. In addition it should be made quite clear that the court has power to fine. There is no doubt that it has the power to imprison for contempt, but I am informed by the legal officers that there is a doubt as to whether the lesser penalty can be imposed. Accordingly I move an amendment—

> That in line 12 of Subsection (1) of proposed new Section 138 the words "as such" be struck out and the following inserted in lieu:—"if, after having been so punished, he repeats or continues the offence; and without prejudicing the generality of the power, where the Court considers that a contempt may be appropriately punished by a fine, it may inflict a fine."

Amendment put and passed.

The ATTORNEY GENERAL: The President has power to act in certain interlocutory proceedings, but there is doubt whether he is empowered to keep control of the proceedings when appearing by himself under these conditions. I therefore move an amendment—

> That a subsection be added as follows:—
>
> (5) The President when acting alone in exercise of a power or authority conferred by this Act, has the same power to punish contempts of his power and authority whether in relation to his judicial powers and functions or otherwise as has the Court in respect of contempts of Court and the provisions of the preceding subsections of this section apply mutatis mutandis in respect of those contempts of the President's power and authority.

Mr. McCULLOCH: I do not like the amendment. It appears to be another one of the vicious attempts of the Attorney General to squeeze the last possible drop out of the workers. It contains some Latin words which I do not understand.

Mr. BRADY: I would like the Attorney General to explain Subsection (4). Is it to give power to inflict a second fine for one offence?

The ATTORNEY GENERAL: The amendment just passed would prevent a man from being fined for the same offence. He can be fined only if it is a continuing offence.

Amendment put and passed.

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

Ayes	21
Noes	19
Majority for	2

Ayes.		Noes.	
Mr. Abbott		Mr. Nimmo	
Mr. Brand		Mr. North	
Dame F. Cardell-Oliver		Mr. Oldfield	
Mr. Cornell		Mr. Owen	
Mr. Doney		Mr. Perkins	
Mr. Griffith		Mr. Thorn	
Mr. Hearman		Mr. Totterdell	
Mr. Hutchinson		Mr. Watts	
Mr. Manning		Mr. Wild	
Mr. McLarty		Mr. Bovell	
Mr. Nalder	*(Teller.)*		
Mr. Brady		Mr. McCulloch	
Mr. Butcher		Mr. Moir	
Mr. Graham		Mr. Needham	
Mr. Guthrie		Mr. Nulsen	
Mr. Hawke		Mr. Read	
Mr. J. Hegney		Mr. Rodoreda	
Mr. Hoar		Mr. Sleeman	
Mr. Johnson		Mr. Tonkin	
Mr. Lawrence		Mr. Kelly	
Mr. May	*(Teller.)*		

Pairs.	
Ayes.	Noes.
Mr. Yates	Mr. W. Hegney
Mr. Ackland	Mr. Coverley
Mr. Grayden	Mr. Sewell
Mr. Mann	Mr. Styants

Clause, as amended, thus passed.

Clause 27—agreed to.

Clause 28—Section 140 repealed and re-enacted:

On motions by the Attorney General, clause amended by striking out in paragraph (a) of proposed new Section 140, the words "the Court or a member or officer of the Court or" and inserting the word "a" in lieu; by striking out in paragraph (c) the words "an officer of the Court or other" and inserting the word "a" in lieu; by striking out in paragraph (d), the words "an officer of the Court or" and inserting the word "a" in lieu; and by striking out paragraph (e).

Hon. A. R. G. HAWKE: I move an amendment—

That in the penalty provision the word "fifty" be struck out and the word "twenty-five" inserted in lieu.

Amendment put and passed.

Hon. A. R. G. HAWKE: I move an amendment—

That in the penalty provision the word "six" be struck out with a view to inserting another word.

Amendment (to strike out word) put and passed.

The ATTORNEY GENERAL: I move—

That the word "three" be inserted in lieu of the word struck out.

Hon. A. R. G. HAWKE: I move an amendment—

That the word "one" be inserted in lieu of the word struck out.

Amendment (to insert "one") put and a division taken with the following result:—

Ayes	....	....	....	19
Noes	....	....	....	21
Majority against			....	2

Ayes.

Mr. Brady	Mr. McCulloch
Mr. Butcher	Mr. Moir
Mr. Graham	Mr. Needham
Mr. Guthrie	Mr. Nulsen
Mr. Hawke	Mr. Read
Mr. J. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sleeman
Mr. Johnson	Mr. Tonkin
Mr. Lawrence	Mr. Kelly
Mr. May	*(Teller.)*

Noes.

Mr. Abbott	Mr. Nimmo
Mr. Brand	Mr. North
Dame F. Cardell-Oliver	Mr. Oldfield
Mr. Cornell	Mr. Owen
Mr. Doney	Mr. Perkins
Mr. Griffith	Mr. Thorn
Mr. Hearman	Mr. Totterdell
Mr. Hutchinson	Mr. Watts
Mr. Manning	Mr. Wild
Mr. McLarty	Mr. Bovell
Mr. Nalder	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. W. Hegney	Mr. Yates
Mr. Coverley	Mr. Ackland
Mr. Sewell	Mr. Grayden
Mr. Styants	Mr. Mann

Amendment thus negatived.

Amendment (to insert word "three") put and passed; the clause, as amended, agreed to.

Clause 29—Section 141 amended:

Hon. J. B. SLEEMAN: I move an amendment—

That proposed new Subsections (3) and (4) be struck out.

The penalty for committing an offence is £500, and I want to know whether the penalty for attempting to commit an offence is to be £500 also. We recall vividly a case at Fremantle where a person was convicted of attempting to commit an offence, notwithstanding that the principal witness refused to be sworn. The offender was banned for life. Is that position to apply here? I think we should strike out these provisions.

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

Ayes	....	....	....	19
Noes	....	....	....	21
Majority against			....	2

Ayes.

Mr. Brady	Mr. McCulloch
Mr. Butcher	Mr. Moir
Mr. Graham	Mr. Needham
Mr. Guthrie	Mr. Nulsen
Mr. Hawke	Mr. Read
Mr. J. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sleeman
Mr. Johnson	Mr. Tonkin
Mr. Lawrence	Mr. Kelly
Mr. May	*(Teller.)*

Noes.

Mr. Abbott	Mr. Nimmo
Mr. Brand	Mr. North
Dame F. Cardell-Oliver	Mr. Oldfield
Mr. Cornell	Mr. Owen
Mr. Doney	Mr. Perkins
Mr. Griffith	Mr. Thorn
Mr. Hearman	Mr. Totterdell
Mr. Hutchinson	Mr. Watts
Mr. Manning	Mr. Wild
Mr. McLarty	Mr Bovell
Mr. Nalder	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. W. Hegney	Mr. Yates
Mr. Coverley	Mr. Ackland
Mr. Sewell	Mr. Grayden
Mr. Styants	Mr. Mann

Amendment thus negatived.

Hon. A. R. G. HAWKE: I move an amendment—

That in line 8 of paragraph (a) of proposed new Subsection (5) the word "five" be struck out and the word "two" inserted in lieu.

The ATTORNEY GENERAL: I cannot agree to this amendment. This penalty is provided for striking and at present, under Section 98 of the Act, the penalty for a breach of an award is £500. It would be absurd to have a penalty of £500 for a breach of the award and a lesser figure for a strike.

Hon. A. R. G. HAWKE: The Attorney General's argument is very weak. Could he suggest one instance where the court has imposed a penalty of £500 against an employer for a breach of an award?

The Attorney General: I think it has been done, but I am not sure.

Hon. A. R. G. HAWKE: The penalty in the parent Act, in regard to a strike, is a maximum of £100 and yet in this Bill the Attorney General proposes to increase it to £500. As the member for Fremantle pointed out, an attempt to commit an offence would be punishable in the same way. I hope the Attorney General, on reconsideration, will see his way clear to accepting the amendment.

Hon. J. B. SLEEMAN: I cannot understand the Attorney General. On page 30 the Attorney General agreed to an amendment to reduce a penalty of £500 to £200 for a person who took part in a lockout or strike.

The Attorney General: That was a mistake on my part and I intend to recommit the Bill.

Hon. J. B. SLEEMAN: Then I think the Attorney General is looking for considerable trouble, and he will get it before long. We will have the biggest industrial upheaval that Western Australia has ever suffered, and if the trade unions take this lying down, they are bigger damn fools than I thought they were. A penalty of £500 for attempting to commit an offence! It is too damned ridiculous for words and I think we should march out and let them have the damned thing by themselves.

The CHAIRMAN: Order!

Mr. McCULLOCH: I certainly oppose this penalty of £500. It might satisfy the Attorney General and his supporters if we strike out the words "five hundred pounds" and insert in lieu "each member of the union shall be hanged by the neck until he is dead."

The Attorney General: Do not joke about a serious matter.

Hon. J. B. Sleeman: You are not taking it too seriously.

Mr. MOIR: I must add my protest. The Attorney General has mentioned the penalty that exists for breaches of an award. Fines are imposed for breaches of awards but only trivial penalties are inflicted.

The Attorney General: It was not a trivial penalty the other day; a union was fined £500.

Mr. MOIR: Who was fined £500?

The Attorney General: The A.E.U.

Mr. Lawrence: That was on five charges —£100 for each charge.

Mr. MOIR: Let the Attorney General show me where a fine of £500 has ever been imposed.

Hon. J. B. Sleeman: Show me where they have ever prosecuted the employers.

Mr. MOIR: They have been on occasions, but only trivial penalties of £1, or at the most £5, for breaches of awards have been imposed.

Mr. McCulloch: And some have not been prosecuted at all, notwithstanding the fact that they have been charged.

The CHAIRMAN: Order!

Mr. MOIR: Because this deals with the workers, the penalty is £500. This is the most savage and repressive legislation that could be imagined.

Mr. Lawrence: Wait until the people hear of it.

Mr. MOIR: When Joe Stalin hears about it, he will turn green with envy.

The Attorney General: Mr. Holman introduced a similar subsection into the New South Wales Act. It is taken from the New South Wales Act where it has been in existence for many years.

Mr. MOIR: The member for East Perth proved that the Attorney General's remarks about Dr. Evatt were untrue, and consequently I would like to see it in black and white before I would believe the Attorney General again.

The Attorney General: I was right on that occasion.

Mr. Graham: It was introduced by Mr. Holt last year, and you know it.

Mr. MOIR: There is no reason for introducing such savage penalties into the arbitration laws of this State. One would think that we were in a state of turmoil and something drastic had to be done. This proviso intends to inflict a £500 penalty on a union. Like the member for Hannans, I consider that the Attorney General must have been feeling extremely generous in not providing for the death penalty in this clause. In the circumstances it would appear to be a costly business to be a worker, because he can hardly escape committing some infringement of this proposed legislation at some time or another. He will be liable for penalty after penalty. A union can be fined for a breach committed by its members anywhere although they might be hundreds of miles away from its jurisdiction. I cannot understand why the Government did not go the whole hog and provide for company unions; unions to be managed by the employer.

I have read about the old slave days of years ago. It seems that this Bill is a modern version of the coercion and restriction that were imposed on people in those dark days. They have merely been given respectability by law. Down through the ages men have struggled and fought against harsh and unjust laws. What the action of this Government will bring about is fierce, unrelenting opposition to this legislation. Instead of having industrial peace it will create industrial uproar; turmoil without end. I cannot understand the Government's providing penalties of such a nature.

The Attorney General: We have just had a six months strike against the Government.

Mr. Lawrence: You will have another one before we are finished with this.

Mr. May: And it will be nothing compared with the last one.

Mr. MOIR: This Bill will simply manufacture trouble.

Mr. Manning: Somebody else manufactured trouble long before this Bill was introduced.

Hon. J. B. Sleeman: The hon. member manufactured some too.

Mr. Lawrence: Yes, the hon. member is uncivilised.

The CHAIRMAN: Order!

Mr. MOIR: By taking a line of action such as this the Government has shown its ineptitude. It is all it can think of to deal with any industrial trouble that crops up now and again. I hope that the people of the State will take cognisance of this legislation, and put the Government where it will not be able to bring forward legislation of such a description.

Mr. GRAHAM: The Attorney General stated that this provision was similar in context to that appearing in the New South Wales Act introduced by a Labour Minister.

The Attorney General: I did not say that. I said it had been introduced by Mr. Holman.

Mr. Needham: He was not a Labour Minister when he introduced it.

Mr. GRAHAM: For our information, I wonder if the Attorney General would indicate when?

The Attorney General: In 1920, I think.

[*Mr. Perkins resumed the Chair.*]

Mr. GRAHAM: The provisions contained in the New South Wales Act have been quoted as a reason why we should support what is contained in this Bill. The New South Wales Industrial Arbitration Act is a short document and nowhere in that measure is there provision for a penalty approaching £500. I take the strongest exception to the Attorney General's attempting to bludgeon through the Committee this outrageous piece of legislation by telling lies; by saying anything that comes into his head. As he is a Minister of the Crown, surely we are entitled to something better than that.

Hon. J. T. TONKIN: It would appear from the Bill that this could have application to employers as well as employees or members of unions, but, of course, it cannot. It is only a one-sided penalty. It is farcical to use the word "lock-out" in this clause because there can be no lock-out at all. This penalty could not be imposed against the directors of a limited company, but it could be imposed against the executive members of a union. That it should be all one way is not a reasonable proposition. The union is singled out for this savage penalty although the subsection suggests that it could be imposed against employers. An employer could prevent a worker from working but this penalty could not be imposed against him. In the circumstances, the Attorney General should agree to the amendment.

Mr. BRADY: I want to try to have the penalties reduced. Under the definition of "strike" people can be considered to be on strike for very simple acts and can be fined £500, or at least their union can. This is an impossible situation. Members of several unions are scattered in dozens all over the State and if two or three members decide to have a meeting concerning a strike, the union can be charged with aiding and abetting those men and the executive may be fined £500. I support the amendment.

Mr. MAY: I suggest that the Attorney General prepare Fremantle gaol to hold about three times more prisoners than it does now, in order to deal with the repercussions which this repressive, repulsive, vicious legislation will have. Does the industrial record of this State over the past six years warrant such repressive legislation? I think the Minister will go down in history as the most repulsive Minister this State has ever known!

The Minister for Lands: That is not in the clause!

Mr. MAY: I never thought any Government could bring itself to take such an action, having in mind the industrial record of this State over the past years. There has only been one instance of a serious industrial trouble and for six months the Government took no action, after which it now starts to panic and proposes to inflict such heavy penalties as the Bill contains.

The Minister for Lands: If you would stop hitting the bench, we would be able to hear you!

Mr. MAY: There is nothing funny about that because we will have the biggest industrial upheaval this State has ever known, if penalties like this are allowed to stand. I can speak for a very big union and I know what its feelings will be concerning these penalties. The workers will never be able to pay the fines.

The Attorney General: This is only a maximum.

Mr. MAY: The only alternative will be to put the workers in gaol, and the gaol will not be large enough to hold them.

The Attorney General: It is not proposed to fine the worker.

Mr. MAY: Where does the Attorney General think the union gets its funds from? From the wage-earner, of course.

Now the Attorney General proposes to rob him with such big penalties. The Attorney General should accept the amendment; he will find that it will pay dividends in due course.

Mr. HOAR: When Ministers introduce legislation in this Chamber they ought to be careful of their facts. It is bad enough to have legislation like this inflicted on the community without having deliberate lies told about it. I have had a look at the New South Wales Act and I hope the Attorney General will also have a look at it.

The Attorney General: I will look at it.

Mr. J. Hegney: You said you had done so.

Mr. HOAR: In that Act the only fine mentioned is one relating to perjury for a civil offence, which is to be taken in a civil court. Since that is so, why does the Attorney General seek to mislead the Committee into imagining that there is any value in his suggestion? I have heard other Ministers do the same thing on other subjects. They attempt to bulldoze through Parliament something which this Government believes in.

Mr. Graham: Did you say bulldust?

Mr. HOAR: No, I said bulldoze. The Attorney General and other Ministers have referred to industrial trouble in New South Wales. The industrial strife in the Eastern States has been far greater than anything we have had here, so why should the Attorney General seek to introduce the laws of New South Wales into our statutes? Why should he make the penalty £500 when it is only £100 at present?

The Attorney General: There is a penalty of £500 provided in Section 98 of our Act for a breach of an award.

Mr. J. Hegney: You referred to the New South Wales Act.

The Attorney General: I did, and I know a penalty of £500 was imposed there.

Mr. HOAR: After the way in which the patience of this Committee has been tried over this Bill, one would imagine that the Attorney General would have some reasonable approach to this matter. I do not know how much experience he has had in industrial matters, but I should say very little other than in a legal sense. Most of the members on the Opposition side have been brought up in that manner and they know the working-man. The union of workers in the timber industry has a membership of about 3,500 men scattered through the bush and has been very peaceful; there has never been any suggestion of industrial strife or upheaval such as we are discussing now. Most other unions in the State have the same record. So why does the Government want to aggravate the situation?

In an earlier speech I made on this Bill I accused the Government of deliberately setting itself out to break down trade unionism in this State. I have no reason to retract that statement. Consciously or unconsciously, every clause in this Bill has that aim. No Government can get away with this sort of thing. When a reasonable suggestion—such as the amendment moved by the Leader of the Opposition—is made to a Government it should accept it as in the interests of everybody concerned, irrespective of the Government's political colour.

We do not give such advice in an endeavour to beat the Government on a particular issue. We do so merely because of our industrial background and the knowledge we have of the effect of legislation of this type on the minds of working class people throughout the State. That is the only reason we have participated in the debate. Where will we get if the Attorney General will not heed the warning that we, as responsible people, have uttered? Who will be blamed for industrial strife in the future? It will not be the members of the Opposition. If the Government will not heed the warning, it will deserve what it will get.

The ATTORNEY GENERAL: I cannot understand the reason for the opposition to the clause, particularly with respect to the penalty. Section 98 of the principal Act provides that the court may fix and determine what constitutes a breach of the award and what sum, not exceeding £500, shall be the penalty payable by any party in respect of any breach. Here we have simply provided a similar penalty to that which has been in the Act ever since 1912. Has it caused any trouble or any difficulty such as members opposite envisage?

Hon. A. R. G. Hawke: Can the Minister tell us the highest fine imposed upon an employer for a breach of an award?

The ATTORNEY GENERAL: No, I cannot at the moment, but that is not the point.

Hon. A. R. G. Hawke: It would be more like 500 pence.

The ATTORNEY GENERAL: It is all at the discretion of the court. A penalty such as has appeared in the Act ever since 1912 has been included in the Bill for what I consider to be a much more serious offence.

Hon. J. T. Tonkin: Under the Act the penalty could apply to both sides, but the penalty in the Bill will not.

The ATTORNEY GENERAL: For a breach of an award?

Hon. J. T. Tonkin: The penalty in the Bill applies only one way.

The ATTORNEY GENERAL: I cannot agree with the hon. member.

Hon. J. T. Tonkin: Look at paragraph (b) and you will see it refers only to an industrial union.

The ATTORNEY GENERAL: Yes, but—

Hon. A. R. G. Hawke: A lock-out could not be proved.

The ATTORNEY GENERAL: I suggest it could.

Hon. A. R. G. Hawke: How could you prove it?

The ATTORNEY GENERAL: Very wild language has been indulged in regarding this clause.

Hon. A. R. G. Hawke: You would have no more hope of proving that a lock-out had occurred than you would of flying to the moon.

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

Ayes	19
Noes	19
A tie	0

Ayes.

Mr. Brady	Mr. McCulloch
Mr. Butcher	Mr. Moir
Mr. Cornell	Mr. Needham
Mr. Graham	Mr. Nulsen
Mr. Hawke	Mr. Read
Mr. J. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sleeman
Mr. Johnson	Mr. Tonkin
Mr. Lawrence	Mr. Kelly
Mr. May	*(Teller.)*

Noes.

Mr. Abbott	Mr. Naider
Mr. Brand	Mr. North
Dame F. Cardell-Oliver	Mr. Oldfield
Mr. Doney	Mr. Owen
Mr. Griffith	Mr. Thorn
Mr. Hearman	Mr. Totterdell
Mr. Hill	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Manning	Mr. Bovell
Mr. McLarty	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. W. Hegney	Mr. Yates
Mr. Coverley	Mr. Ackland
Mr. Sewell	Mr. Grayden
Mr. Styants	Mr. Mann
Mr. Guthrie	Mr. Nimmo

The CHAIRMAN: The voting being equal, I give my casting vote with the noes.

Amendment thus negatived.

Hon. J. T. TONKIN: Paragraph (d) sets out that it shall be a defence in any proceedings for an order under the previous paragraph that the industrial union by the enforcement of its rules and by other means reasonable under the circumstances endeavoured to prevent its members from taking part in or encouraging and continuing to take part in or encourage a lock-out or strike. I intend to show how that provision could not apply with regard to a person who has been found guilty of attempting to commit an offence. Suppose a worker moved a motion that his union hold a special meeting for the purpose of considering strike action. Such a worker could be convicted of attempting to commit an offence. How on earth could a union take advantage of paragraph (b) to escape a penalty? How could it show that it had taken steps to prevent a worker from moving a motion? Nothing would be known of the matter until the motion was actually moved.

The Attorney General: I do not think "attempt" would apply here.

Hon. J. T. TONKIN: Why not? Already we have agreed that a person charged with committing an offence may be convicted of an attempt to commit it.

The Minister for Education: Paragraph (b) has reference to a strike that has occurred as provided in paragraph (a).

Hon. J. T. TONKIN: But what about the action of a man who moved a motion, as I have indicated?

The Attorney General: It would be necessary for the strike to have occurred.

Hon. J. T. TONKIN: But a man might move a motion that ultimately resulted in the occurrence of a strike.

The Attorney General: I do not think that would apply.

Hon. J. T. TONKIN: Will the Attorney General tell me why?

The Minister for Education: The paragraph you are dealing with has reference to a strike that has occurred.

Hon. J. T. TONKIN: Is it not possible for a person, who moved a motion that might lead to a strike, to be charged with being responsible for the strike?

The Minister for Education: Not under this paragraph.

Hon. J. T. TONKIN: Why? Because it has reference only to a union?

The Minister for Education: No, to a strike that has occurred.

Hon. J. T. TONKIN: But there may be members who could not be found guilty of actually causing a strike but who could, upon being charged with that offence, be found guilty of having attempted to cause a strike.

The Attorney General: Not under this proposal.

Hon. J. T. TONKIN: Why not?

The Attorney General: The paragraph contains nothing at all about an attempt to cause a strike.

Hon. J. T. TONKIN: Let us get the position perfectly clear. This cannot refer to an employer; it deals only with unions. It also refers to the fact that there might have been encouragement of a strike. A member of a union could encourage a strike by moving a certain motion. If he were charged by reason of his having moved a certain motion that he had encouraged a strike, and it was not proved, and if he were then found guilty of having attempted to do so, would not he be

liable to the penalty? I take it he would. How on earth then could the union use its rules to prevent it and escape a penalty? How could union rules be used to prevent a man from moving a motion? After it had been moved, he could be ordered to withdraw it but, once having moved it, he would have taken a step that might render him liable to prosecution for attempting to create a strike.

That is my impression of the paragraph and nothing has been said to prove that I am wrong. If I am off the beam, I want to be shown why. When a strike occurred, it would be possible to proceed against a member of the union for having caused a strike, and, if that barrel misfired, he could be caught with the second barrel on a charge of having attempted to cause a strike. Not in any circumstances that I can envisage will this paragraph be of any value to a union as a defence. I would like to hear the Attorney General's or the Deputy Premier's reasons why I am wrong in that view.

The ATTORNEY GENERAL: It was a clever argument that the hon. member submitted, but if we read the provision we find that the actual position is set out clearly. There is nothing in paragraph (a) to say that it is an offence. Other clauses say that if certain things are done an offence is committed. Here it is not stated that there is an offence. It sets out certain conditions, and if they obtain there is a penalty not exceeding £500.

Hon. A. R. G. Hawke: What value is there in the fact that the provision does not say that it is an offence?

The ATTORNEY GENERAL: But it does say that it shall be a defence in any proceedings that the industrial union, by the enforcement of its rules and other means, endeavoured to prevent its members from taking part in or encouraging a lock-out or strike. I cannot see that we can go beyond those words.

Hon. J. T. Tonkin: In certain circumstances they are worth nothing.

The ATTORNEY GENERAL: There are the words, and it is reasonably clear what they mean.

Mr. J. HEGNEY: These paragraphs (a) and (b) are nothing more or less than a subterfuge. The Attorney General has given no instance of where workers have contributed to a lock-out. Yet he is sponsoring an amendment to the law which makes provision for an executive of a union to be fined up to £500 for being associated with a strike or a lock-out. Surely the Attorney General should give us instances of where members of the union have been associated with a lock-out!

The Minister for Education: "Industrial union" includes employers' unions as well as those of employees.

Mr. J. HEGNEY: The Attorney General said this applies only to members of industrial unions. No penalty is imposed on employers for creating a lock-out.

The Minister for Education: "Industrial union" includes employers. There are unions of employers as well as of employees.

Mr. J. HEGNEY: Paragraph (a) refers specifically to an industrial union and it does not say a union of employers.

The Minister for Education: Look at Section 8 which defines "industrial union" as including bodies of employers and employees not less than 15 in number.

Mr. J. HEGNEY: The Attorney General has admitted that these two provisions are applicable only to employees.

The Attorney General: I never said so.

Mr. J. HEGNEY: Yes. I listened to the discussion.

The Attorney General: I did not say so at all.

Mr. J. HEGNEY: At one stage I heard the Attorney General try to justify a certain provision by saying that it was introduced in N.S.W. by Mr. Holman who was a Labour leader at one time, but at that period he had been long out of the Labour Party on account of the conscription issue and was leading the National Party. So that was no reason to justify the clause, which is reactionary and a subterfuge.

Hon. A. R. G. HAWKE: I hope the Committee will vote this clause out. It does not even lay down that the existence of a strike has to be proved. If the court is satisfied that a strike has taken place it can order a union to pay £500 by way of penalty. So far as I can interpret that part of the clause, a union can be suddenly ordered to pay a penalty of £500 without being given a hearing. The first it need know about what is happening is when it receives a demand or order served upon it by the court to hand up a penalty of £500 or some amount less than that.

What protection for a union is there in this part of the clause? What right is given to a union to be heard in its own defence before the court makes a decision and issues its order? The Attorney General told us earlier that there is no offence stipulated in this part of the clause. There does not appear to be, either. The court appears to be given the right to order the payment by a union of £500 merely on its own say-so; and the union would have no option but to pay it. It would have no right to put up a case.

The Attorney General: A strike has to occur. That has to be established.

Hon. A. R. G. HAWKE: The union would have no opportunity to prove anything.

The Attorney General: The union must have an opportunity to do so.

Hon. A. R. G. HAWKE: Where is that provided?

The Attorney General: In paragraph (b).

Hon. A. R. G. HAWKE: Yes, but that is after the union has been served with an order to pay £500.

The Attorney General: No, in the proceedings for an order.

Hon. A. R. G. HAWKE: There is no provision in paragraph (a) for any proceedings. The court has carte blanche, as it were, to make an order against an industrial union. The legal interpretation, I suppose, would be that once the court is satisfied that a strike has occurred, it could issue an order against the union to pay a penalty not exceeding £500.

The Attorney General: The union would have to be heard.

Hon. A. R. G. HAWKE: Where does the Bill lay that down?

The Attorney General: It is an inherent right.

Hon. A. R. G. HAWKE: The Bill does not say anything about the court requiring to have proved to its satisfaction that the union ought or ought not to be fined.

The Minister for Education: It does not say that in relation to any offences. It is a rule of law that they must be proved.

Hon. A. R. G. HAWKE: But does the court, in fact, require to have proved to it that a strike has occurred?

The Attorney General: Yes.

Hon. A. R. G. HAWKE: It seems to me that the court has merely to satisfy itself that a strike has occurred or is in existence.

The Attorney General: In the event of a lock-out or a strike occurring, it has to be proved.

Hon. A. R. G. HAWKE: We can forget about the lock-out. It is farcical to refer to a lock-out because the Attorney General knows as well as I do that a lock-out cannot be proved against an employer.

The Attorney General: I do not know that. It has been proved.

Hon. A. R. G. HAWKE: When?

The Attorney General: Some years ago. But how many lock-outs are there?

Hon. A. R. G. HAWKE: Plenty.

The Attorney General: That is news to me.

Hon. A. R. G. HAWKE: Quite a number are going on at present. Employers know their onions, and an employer who had any nous at all could not possibly be caught under the lock-out provision of the Act. If he wanted to put his men off for some ulterior purpose, he would find plenty of excuses. He could say that taxation was too high; that business was not too good, and so on. A school child, ten years of age, could get round the lock-out provision in the Act. The Attorney General and his colleagues would not allow us to alter that provision to make it effective because it would offend their friends who, of course, in the great majority are employers. I hope the Committee will vote the clause out of the Bill.

Hon. J. B. SLEEMAN: We should not let the clause go to a division as it is now worded. We cannot have a lock-out, but as everyone knows, there is a Government lock-out at Fremantle. The object is to smash a small union. The authorities do not try to lock out the members of the Seamen's Union because it is too strong. We should cut out the word "lock-out" and let people know that the Bill is only aimed at one side.

The CHAIRMAN: Order! Where is the word to which the hon. member refers?

Hon. J. B. SLEEMAN: It is in proposed new Subsection (5) (a), line one.

The CHAIRMAN: The hon. member cannot go back to that part of the clause as an amendment dealing with a later portion has been defeated.

Hon. J. B. SLEEMAN: Then I shall deal with paragraph (b). I move an amendment—

> That in line 12 of paragraph (b) of proposed new Subsection (5) the words "lock-out or" be struck out.

Amendment put and negatived.

Hon. J. T. TONKIN: The Attorney General has not convinced me that I am wrong about this clause. This is a question not only of causing a strike but also of encouraging a strike. If the metal trades unions were on strike and the Dock, River and Harbour Works Union encouraged the strike it could be proceeded against.

The Attorney General: That is not quite right.

Hon. J. T. TONKIN: The provision has reference to an industrial union that encourages a lock-out, and that could apply to any union irrespective of the one on strike. If some other union supplied vegetables for the families of the strikers or looked after their women-folk and children, that would be encouraging the men to be on strike.

The Attorney General: I do not think so.

Hon. J. T. TONKIN: Does the Attorney General say it would be discouraging them?

The Attorney General: No, but it would not be encouraging them.

Hon. J. T. TONKIN: If one offers to assist the people who are on strike, one is encouraging them to stay out.

The Attorney General: I do not think any court would hold that providing food for the strikers' families was encouraging a strike.

Hon. J. T. TONKIN: Undertaking to provide for the relatives of those on strike would be encouraging them to stay on strike.

The Attorney General: No.

Hon. J. T. TONKIN: I am sure it would be. One encourages a man to do anything if one offers to assist him along the lines that he proposes to travel.

The Minister for Lands: Would you say that Dr. Jolly of Midland Junction, by feeding the strikers in the recent strike, was encouraging them?

Hon. J. T. TONKIN: No. I would say he was encouraging them to go back to work. What does the Minister think?

The Premier: I think that the laughter following that sally should be inserted in "Hansard."

Hon. J. T. TONKIN: I am convinced that this provision could apply to unions other than the one on strike. A resolution commending the strikers could be held to be encouraging them to remain on strike. If an organisation held a stop-work meeting and carried a resolution in support of the union on strike and congratulating them on their stand, that could be held to be encouraging the strike. It would be necessary for someone to move and someone to second the resolution that a meeting be held for that purpose. How could one use the rules of a union to prevent someone having a meeting called in accordance with those rules? In such a case, how could that other union go into court and prove it had used its rules to prevent certain people encouraging the strike?

The Attorney General: If a member of the union executive opposed the resolution that would be sufficient.

Hon. J. T. TONKIN: That might be so if the Attorney General were the judge but another judge might think otherwise.

The Attorney General: I think it would be sufficient.

Hon. J. T. TONKIN: Just thinking that is no good.

The Attorney General: We are dealing with hypothetical cases.

Hon. J. T. TONKIN: No, this is what would happen in practice. I was present this week when certain resolutions were carried on the waterfront. I heard a resolution moved and seconded and so I could be held to have encouraged those men—by going down there and speaking to them in connection with this Bill—to do what they subsequently did.

The Attorney General: You are not a member of the union.

Hon. J. T. TONKIN: Suppose I were?

The Attorney General: If you were a member of the executive and encouraged them, yes.

Hon. J. T. TONKIN: Those men, having carried a resolution to hold meetings of their organisations, could be held to have done something to encourage a strike, because when the meetings were held the question of whether a stoppage should take place as a protest came up for discussion, though the organisations, within their rules, decided against the proposal. That would not absolve those who moved the motions from having done something to encourage the strike. How on earth could the unions get any advantage from this provision—

The Attorney General: They would have to be members of the executives.

Hon. J. T. TONKIN: —by saying, "We held the meeting in accordance with our rules and the motion was moved and seconded and this was the result?"

The Attorney General: They would have only to prove that members of the executive had spoken against it. If they could not do that, I would have to agree with what you have said.

Hon. J. T. TONKIN: Is it said that a sufficient defence would be that members of the executive were able to prove that when this proposition was moved—even though it was subsequently carried—they got up and spoke against it?

The Attorney General: Yes.

Hon. J. T. TONKIN: I doubt it.

The Attorney General: What else could they do? They could not help the resolution being carried.

Hon. J. T. TONKIN: That is what I am saying, they could not use their rules to stop it.

The Attorney General: No, but it says "by other means reasonable under the circumstances."

Hon. J. T. TONKIN: If those words would cover that position, and it would be regarded as a satisfactory defence, there is a let-out which I did not previously see.

The Attorney General: I think so. There is some case law on this, but I could not quote it now. I am strongly of the opinion that there are some New South Wales cases on it.

Hon. J. T. TONKIN: I do not like this because it seems to be so one-sided. Take the case of an employer who makes up his mind that he will not employ a man who has just left another job; he has an understanding with an employer. That exists today in a number of industries, and if a man comes looking for a job the employer says, "Where did you work last?"

When the worker tells him, the prospective employer rings up the previous employer and says, "Did Smith work for you?" When he is told "Yes," he asks, "Why did he leave you?" If the previous employer says, "He was going to look for another job," the workman is told that there is no employment offering and that he must return to his previous employer. That has happened for years.

Mr. Johnson called attention to the state of the Committee.

Bells rung and a quorum formed.

Hon. J. T. TONKIN: There has never been any attempt to impose a penalty on or to force an employer to employ a workman. Consequently, why should not a workman change his job and go from one employer to another if he dislikes the surroundings?

The Attorney General: I see no reason why he should not go.

Hon. J. T. TONKIN: But under this Bill he will be creating a strike.

The Attorney General: No.

Hon. J. T. TONKIN: He would be refusing to work; he would be striking.

The Attorney General: He has to do it in conjunction with somebody else: it must be planned or organised.

Hon. J. T. TONKIN: He could talk to his wife or his mate about it.

The Attorney General: No.

Hon. J. T. TONKIN: That is what the Bill says—"a common understanding with another person." So if a couple of workers say, "We have had this job; we will go and get another one," they have created a strike, and will be penalised, but an employer can shut out a worker on an understanding with other employers and no action will be taken! I can visualise a number of cases under this provision where it could be held that men were doing things which would encourage a strike, or where unions were encouraging strikes and it would be difficult for them to show that they were unable to do anything to prevent these people from encouraging a strike, because the encouragement might have taken place before any particular union had an opportunity to do anything about it. This covers not only the executive but also the members of the union. So if some members of a union do something which in any way encourages another union to go out on strike, they are in trouble.

The Attorney General: Unless the executive tried to stop it.

Hon. J. T. TONKIN: But how can it show that it did anything to prevent something from occurring when it did not know it was going to occur—the encouragement occurs first. It is a bad provision, and I think the Minister must have conjured it up himself.

The Attorney General: I did not say where I got it.

Clause put and passed.

Clause 30—agreed to.

Clause 31—Section 142A added:

Hon. A. R. G. HAWKE: I oppose this clause and I ask the Committee to vote against it. In all clauses prior to this one, there are all sorts of penalties, impositions and burdens for trade unions and unionists. This clause proposes to heap more penalties upon them, so I think the Government might well agree to delete it.

Mr. GRAHAM: The Attorney General and the Government generally have apparently been convinced during the Committee debate on this measure that the penalties are far too severe, and in every case, without exception, the Attorney General has accepted amendments to reduce the penalties by half.

Hon. J. T. Tonkin: Not without exception.

Mr. GRAHAM: I agree; but almost without exception. Accordingly, the Government might agree to the proposition that the daily penalty which this clause seeks to impose should similarly be reduced. To test the attitude of the Attorney General, I move an amendment—

> That in line 6 of proposed new Section 142A., the word "one-tenth" be struck out and the word "one-twentieth" inserted in lieu.

Surely a penalty of £25, being one-twentieth of the maximum penalty of £500, would be sufficient for the purpose.

The ATTORNEY GENERAL: There is some suggestion that this penalty is too high. Had I not made a mistake tonight on one clause, I would be inclined to agree with the hon member, but, having made it, I cannot agree. If I could get the Leader of the Opposition to agree that I have made that mistake—

Hon. J. T. Tonkin: We will agree to report progress.

The ATTORNEY GENERAL:—I would be prepared to accept this amendment.

Mr. Hoar: That is not the only mistake the Attorney General has made; the whole Bill is a mistake.

The ATTORNEY GENERAL: We shall have to differ on that; long years will prove it otherwise. As I have made a mistake on one clause, I propose to recommit the Bill to rectify it. If that is agreed to, I will agree to this amendment.

Mr. GRAHAM: If we accept that the Attorney General has made a mistake and the Bill is recommitted to insert some provision in Clause 24, then it is as good as done. That is up to him. Therefore, in anticipation of the inevitable, I will persist with my amendment.

The ATTORNEY GENERAL: As the Bill stands now, I cannot agree that the amendment is reasonable. If the Leader of the Opposition agrees with my suggestion, I will agree to the amendment.

Mr. Graham: It is not the Opposition; it is the Committee!

The ATTORNEY GENERAL: I agree, but I am asking for the support of the Committee.

Hon. A. R. G. Hawke: The Leader of the Opposition does not agree.

Amendment put.

The CHAIRMAN: I declare the amendment agreed to on the voices.

Mr. GRAHAM: Divide!

Bells rung.

Point of Order.

Hon. J. B. Sleeman: On a point of order, Mr. Chairman. I ask for your ruling whether the member for East Perth can call for a division.

The Chairman: I shall call off the division. I did not realise that the member for East Perth had moved the amendment, but a division would have been in order if any other member had called for it.

Hon. J. T. Tonkin: Mr. Chairman, you declared the result of the vote, did you not?

The Chairman: Yes.

Hon. J. T. Tonkin: I am pointing out to you that under the Standing Orders a person who votes according to the decision cannot call for a division.

The Chairman: I did not know how the hon. member voted.

Hon. J. B. Sleeman: I asked for your ruling, Sir. Are you calling off the division?

The Chairman: Yes, I have already called it off.

Committee Resumed.

Amendment thus passed; the clause, as amended, agreed to.

New clause: Long Title amended:

The ATTORNEY GENERAL: I move—

> That a new clause be inserted as follows:—
>
> "(2) The long Title of the principal Act is amended by adding after the word, 'Arbitration,' in line two of the long Title of the principal Act the words, 'for the Prevention of Industrial Disputes and Preservation of Industrial Law and Order."

This is merely to amend the long Title of the Bill.

Hon. A. R. G. HAWKE: The Attorney General makes no effort to justify this rambling addition to the long Title. The present long Title is, "Industrial Arbitration Act, 1912-1950." I move an amendment—

> That in line five of proposed new clause the word "prevention" be struck out with a view to inserting the word "provoking" in lieu.

I would like to know whose brain conceived this new clause.

The Attorney General: The Parliamentary Draftsman's.

Hon. A. R. G. HAWKE: On whose instructions?

The Attorney General: On his own.

Hon. A. R. G. HAWKE: Presumably the Parliamentary Draftsman is governing the country.

The Attorney General: He certainly decides the long Title.

Hon. A. R. G. HAWKE: Why is there any need to add to the existing long Title?

The Attorney General: Because it is for the prevention of industrial disputes.

Hon. A. R. G. HAWKE: Oh, I know that! I am surprised that the Attorney General could not have gone further and made the long Title more decorative and much longer; he might have added a bit more embroidery. This would be inserting in the law something which is opposite to the truth—to describe the amending Bill as one for the prevention of industrial disputes.

The debate so far has clearly demonstrated that the Bill cannot be described as being for the prevention of industrial disputes. That might be the hope of its sponsors; it might be the wish of the Parliamentary Draftsman, as it would, of course, be the wish of all of us. But anyone who has studied the Bill so far and has any industrial experience at all—and if he knows the psychology of the worker—will appreciate that this will have the result of provoking industrial disputes. We have shown that almost every clause will have that effect.

We had a fight as to the definition of the term "strike", which is as wide as it can be. I doubt if any lawyer could have made it wider. We tried to make it fair and reasonable by moving an amendment to the clause to expand considerably the definition of the term "lock-out" in the principal Act. In fact we moved to apply the same principles to the definition of the term "lock-out" in the Act as are contained in the Bill in relation to the definition of the term "strike." The Attorney General, his colleagues in the Ministry and all the supporters of the Government voted against our amendment, and therefore voted to

retain the definition of the term "lock-out" as it is at present in the Act. At the same time they voted to put in a savage definition of the term "strike."

Its interpretation is so wide as to enable verdicts of guilty to be brought in against working men in this State who did things in the course of their employment which have been the inherent and inalienable right of the working man in Australia for the last 50 years at least. There are many other savage provisions still in the Bill which, if put into operation against trade unions and industrial workers, will have the effect of causing a great amount of unrest and of provoking industrial disputes. Yet now the Attorney General brings forward a new clause to add to the long Title of the Act!

Mr. J. Hegney: The unkindest cut of all!

Hon. A. R. G. HAWKE: The Attorney General can give no reason that will justify an addition to the long Title. Unless the Government wants a long struggle in connection with this proposal, it had better abandon it straightaway; there is no need for it at all. It is untrue in the words it proposes to add to the long Title; it is farcical and if it were put into the long Title it would cause trade unions in Western Australia to regard the amendment of the law as rubbing it into them in the worst possible form.

This proposed addition to the long Title would certainly rub the dirt in. I imagine that the Parliamentary Draftsman, if he did this off his own bat without any instruction from the Attorney General, must have been in a mischievous mood. I will not say he was trying to fool the Attorney General and the Government or that he was trying to make them look ridiculous. It is possible he thought that the members of the Legislative Assembly needed something to brighten up the proceedings. There is no sense in the proposed addition and I put it to the Attorney General and the Premier in all seriousness that they should abandon it.

If any additions are to be made to the long Title, then they had better be made along the lines we propose. The other amendment I propose to move would make the long Title read "for the provoking of industrial disputes and the suppression of trade unions." These alterations would at least inject a great amount of truth into the long Title—

Midnight.

The Premier: You are certainly trying to make a farce of things now!

Hon. A. R. G. HAWKE: —whereas the Attorney General's proposal would inject untruth and make it an absolute laughingstock. In order to preserve our rights and still hoping that the Government will abandon its proposal, I submit the amendment.

The ATTORNEY GENERAL: The Government introduced the Bill in order to try to prevent industrial disputes and to terminate strikes. That is the whole object of the Bill.

Hon. A. R. G. Hawke: It is the Bill that counts, not the object.

The ATTORNEY GENERAL: I do not know why the long Title was altered, but I understand the alteration is necessary to cover the objects of the Bill. The Title at present deals with the position only after a dispute has occurred.

Hon. J. T. Tonkin: I thought the Title should cover the provisions and not the object of the Bill.

The ATTORNEY GENERAL: The provisions are designed to prevent strikes.

Hon. J. T. Tonkin: To produce strikes.

The ATTORNEY GENERAL: No. The Government sincerely believes that it will have the effect of preventing strikes. I would not have sat here for hours if I had not really believed that the measure would be good for the citizens of the State and for the trade unions. Undoubtedly the trade unions in many instances have not had a fair go. I take it that the draftsman considered the amendment necessary. He certainly received no instructions about it. He drafted the amendment and it was placed on the notice paper for the reasons I have given. No one realises better than I do the suffering that occurs during a strike.

Hon. J. B. Sleeman: You want to make more.

The ATTORNEY GENERAL: That is not a fact.

Hon. J. B. Sleeman: It is.

The ATTORNEY GENERAL: Everyone knows what suffering occurs during a strike.

Hon. J. B. Sleeman: You know that the Bill will make more suffering.

The ATTORNEY GENERAL: It will not; it will stop a few troublemakers from causing strikes for their own purposes. I cannot see any objection to the new clause.

Hon. J. B. SLEEMAN: It is time we woke up and looked around. The Attorney General has brought down an important Bill and now wants to start making alterations to the first line of it. I am satisfied that the Parliamentary Draftsman would never have produced an abortion of a thing like this. We have already altered the short Title and citation for the Minister and now he wants us to alter the long Title. It is time we insisted upon the work being done properly. There is no doubt that this measure is going to cause trouble. The amendment of the Leader of the Opposition is the best I can imagine. It will fit the Bill admirably. The amendment should be carried in order to show people the real merits of the measure.

Mr. MOIR: The Attorney General, in moving the new clause, has shown a rather quaint sense of humour. If he is sincere, as he claims to be, in wishing to prevent industrial disputes and preserve industrial law and order, all I can say is that he would fall for the tale of the Three Bears. By no stretch of imagination can it be claimed that the measure will prevent industrial disputes or preserve industrial law and order. Rather will experience be the reverse of that.

The Attorney General: I hope not.

Mr. MOIR: The amendment of the Leader of the Opposition very aptly describes the measure. I think this Bill—

Mr. Hoar: Stinks.

Mr. MOIR: —Worse than that. It has been hastily and ill-advisedly conceived. When I say it has been hastily conceived, I refer to the fact that the Bill was only in the second reading stage when the Attorney General brought forward no fewer than 17 amendments. When we commenced the sitting yesterday, there were no fewer than 10 amendments in his name. That shows just what sort of a Bill it is.

The CHAIRMAN: The hon. member is now getting away from the amendment.

Mr. MOIR: I am speaking about the Title to the Bill and relating my remarks to the amendment. I am also indulging in a general criticism of the measure.

The CHAIRMAN: The hon. member may not indulge in a general criticism of the Bill on this amendment. He must reserve those remarks for the third reading stage.

Mr. MOIR: There is not the slightest doubt that the measure will provoke industrial disputes.

The CHAIRMAN: We have not got to that part yet. The amendment is to delete the word "prevention".

Hon. A. R. G. Hawke: The question is whether the Bill will prevent industrial disputes .

Mr. MOIR: I am quite clear on that. I am saying it will not do so. How can it, when it interferes with the rights which workers have had for many years? I would refer specifically to the provisions that declare a limitation of output a strike. Anything of that kind provided in a Bill of this nature is not proposed with the idea of preventing disputes. Rather will it encourage them. I disagree entirely with the Attorney General's amendment to the effect that this Bill shall be designated a Bill for the "prevention of industrial disputes and for the preservation of industrial law and order."

Mr. J. HEGNEY: I oppose the addition of these words to the long Title of the Bill because this out-Herods Herod. The measure deals in a ruthless fashion with the activities of trade unionists and is repressive in character. The Attorney General said that in many instances trade unionists have not had a fair go. He did not mention those instances.

The Attorney General: I said, from their executives.

Mr. J. HEGNEY: For years past even the Government in this country has given recognition to the industrial peace that has existed. This Bill was allegedly brought down to deal with the dispute in the metal trades, but it is admitted that even the metal trade workers got a pretty raw deal; that they suffered an injustice and were forced to go out on strike. Then the Attorney General said in connection with his long Title that he did not know why the draftsman had included these words. Surely, as the Minister in charge of this Bill, he would have conferred with the draftsman and would have known something about it! One would have thought that, as the sponsor of the Bill, and with his long experience and his qualification as a legal practitioner, he would have known why this addition was proposed at this stage.

We are opposing the proposition because it belies what it says. The Bill is to be given a further Title to the effect that it is for the prevention of industrial disputes and the preservation of law and order. Even in connection with the recent industrial dispute there were no instances of infringement of law and order. The men involved were fighting for a principle, for an increase in margins, and they conformed scrupulously to law and order. In spite of what the Attorney General might say, the members of their executives scrupulously observed the law and counselled their men to do so; and they did. Yet we find a proposition of this kind is to be added to the long Title to glorify this inherently rotten measure which has been considered by this Parliament for the last few weeks.

The amendment only makes the position worse. The measure is one of the worst to be passed through this Chamber, and this proposal will only intensify the rancour engendered in the minds of the workers of this country. There has been no reason or justification for submitting this proposal to the Committee at this late hour. In any event, the Attorney General admits that he did not consult the Parliamentary Draftsman and there are conditions set out in the Bill that he did not know anything about; that he was not conversant with.

Yet the Attorney General sponsors this measure and submits it to the Committee, and when he is asked to explain the reason for the addition of these words, he is unable to do so except to say that the Parliamentary Draftsman says that they should be included. He should be able to give reasons why that should be so.

The amendment is to strike out the word "prevention", because the whole Bill is provocative of industrial unrest. When it becomes law and the trade unions have to operate under it, there will be many industrial disputes and, rather than create industrial peace, the measure will provoke industrial unrest.

Hon. E. NULSEN: I do not know what is wrong with the present Title. I do not understand why the Attorney General should have brought down his amendment, because it is provocative, just as the whole Bill has been provocative, to the industrial unions in Western Australia. The Bill will not prevent but will provoke industrial disputes because it will cause the industrial unions to be prejudiced against the Act.

Mr. McCULLOCH: The present Title has operated for over 40 years, and very few industrial disputes have occurred. Where in any other similar legislation in the Commonwealth is there a long Title which includes the words now proposed? There can be only one object here, namely, to provoke the workers who come under the Act. I do not want to see strikes. I do not think these words will do any good, but will have a tendency to make the ordinary individual say, "Here is another stab."

The ATTORNEY GENERAL: I ask members whether they would object to the following being the Title to the Arbitration Act:—

> An Act to amend and consolidate the law relating to the prevention and settlement of industrial disputes by arbitration and conciliation and for other relative purposes.

If there is no objection, I would not mind amending the clause so that the long Title shall read as I have stated.

Hon. A. R. G. HAWKE: This is tons better than what appears on the notice paper; and is a somewhat better description of the Act, even though it is not 100 per cent. perfect. As the Attorney General has come probably 75 per cent. along the road towards our way of thinking, I am prepared to go 25 per cent. his way and agree to what he now suggests. I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

The ATTORNEY GENERAL: I ask leave to withdraw my motion for a new clause.

New clause, by leave, withdrawn.

New clause: Long Title amended.

The ATTORNEY GENERAL: I move—

> That a new clause be inserted as follows:—
>
> (2) The long Title of the principal Act is amended by inserting before the word "settlement" in line two of the long Title the words, "Prevention and" and also by inserting after the word "Arbitration" in line two of the long Title of the principal Act the words "and Conciliation."

Mr. BRADY: I cannot agree to this Title. It should be amended to read, "The Arbitration Internment Act." With the passing of this measure, thousands of workers who have some regard for arbitration in Western Australia, and many union secretaries and, I am sure, all Labour politicians, will feel that arbitration, as far as the workers are concerned, is a thing of the past. The Arbitration Court is now to be a one-way channel. The workers must accept what the Government or the employers give them, or else! To include the word "conciliation" is to slap the workers in the face, particularly in view of the fact that during the recent six months' strike the Government refused to meet the leaders of the metal trades unions or to attempt any conciliation.

New clause put and passed.

New clause—Duration of Act:

Mr. GRAHAM: I move—

> That a new clause be inserted as follows:—
>
> "(32) The principal Act is amended by adding after Section 180 a new section as follows:—
>
> '181. The provisions of this amending Act shall continue in operation until the thirty-first day of October one thousand nine hundred and fifty-three and no longer.'"

Hon. J. B. Sleeman: Why keep it for that long?

Mr. GRAHAM: I hope and trust the Government will agree to this new clause because I believe the Bill will cause repercussions and dislocations in the economy of Western Australia, to an extent not dreamed of by the Government, if certain of its more pernicious provisions are carried into effect. The Government has already agreed to limiting periods in the case of other measures. If this Bill, having become law, subsequently proves to be unworkable and opposite in effect to what is intended by the Government, there will be practically no possibility of its being amended, particularly in the direction of the repeal of its harsher provisions, owing to the attitude of the Legislative Council.

"The West Australian" agrees with my contention, as is shown in an editorial published on the 11th August, which states, among other things—

> The Arbitration Bill is not for today or tomorrow alone. Incidentally, if it becomes law it is likely to remain law, apart from amendments acceptable to the Legislative Council.

I take it that we all believe in democracy. If, during the approaching election campaign, the Labour Party puts forward, as one of the primary planks of its platform, the repeal of this legislation, and as a result of the election the Labour Party is returned to office, I see no prospect whatever of repealing legislation being passed.

If the present Government learned by bitter experience that this legislation, instead of preventing strikes, incited precipitate industrial action, and sought to remove the more severe provisions, it would find itself unable to do that, owing to the attitude of the Legislative Council. There are far-reaching proposals contemplated to deal with industrial matters in this State to a degree hitherto undreamed of, and I think it is therefore safe to say that this measure can be regarded as experimental legislation. If experience shows that it is not sound—and if my proposal be agreed to—the measure need not be reintroduced.

The Premier: You do not seriously think the Government will accept your suggestion?

Mr. GRAHAM: I hope and trust it will, if not in the exact terms I have suggested, then at least along somewhat similar lines.

Mr. Hoar: What is the objection to it?

The Premier: You know what it is.

[*Mr. Hill took the Chair.*]

Mr. GRAHAM: I would be pleased to hear what objections there could be to my proposal. If the Premier thinks the period should be altered, he can indicate that, presumably through the Attorney General. We know that class legislation of this type directed against the workers cannot be repealed—irrespective of the wishes of the people or the type of Government that may be in office—because of the Legislative Council. All my proposed new clause seeks to do is to make it possible for the will of the people of this State to prevail. Apparently the Premier thinks there is something extraordinary about that. As members are aware, I asked him a question recently as to whether he would be prepared to submit a matter of this nature to the people of Western Australia, by way of referendum, before the proposals in the Bill were implemented. The Premier has so much regard for democracy and the will of the people that he said, "No."

Mr. Hoar: Shame!

Mr. GRAHAM: Yet I suggest that the Premier and his Government have no mandate or authority to introduce legislation of this character. This Government is fortunate that the only organs of publicity, the morning and evening newspapers, owned by the same concern, defend and proctect it up to the hilt. Accordingly, the people have no conception of the ramifications and the possibilities in this Bill.

The Premier: You have tried very hard to tell them but they do not bother to turn up to listen to you.

Mr. GRAHAM: We tried exceedingly hard to tell the people and we are so confident of the position, given an opportunity to tell the people, that I invited the Premier, not to risk his seat or his position, but to submit to the people by way of referendum this very issue: but the Premier was not game. If we had a campaign, without any other issues to cloud this proposition, there would be no question as to where the Premier and his colleagues would finish.

The Minister for Education: It would be a four to one majority in favour of the Bill.

The Premier: You will get the surprise about this Bill, not us.

Mr. GRAHAM: The invitation is still open to the Premier, and the Deputy Premier, and I say that they have not the guts—

The Premier: You are very brave!

Mr. GRAHAM: —to accept my proposition. I make the statement from my seat in this Chamber that not one half of one per cent. of the people in Western Australia have any conception of what is contained in this nefarious document. There has been no analysis of the Bill by any newspaper in Western Australia. But if a campaign were held on this issue, the Premier could rest assured that every individual in Western Australia would be thoroughly informed as to the Government's intentions, objects and wishes as they are contained in this legislation.

Mr. Griffith: A good deal of that is what you imagine would be the case.

Mr. GRAHAM: Of course, the member for Canning knows nothing about industrial matters. He was not the least impressed by the fact that Mr. Burt, as a legal man, gave an opinion on these provisions. Mr. Burt did not do it for any political reasons and he showed the fantastic nature of this legislation. He was a man who was chosen by the Government to make all the annotations that appear in the Industrial Arbitration Act, a man regarded as an absolute authority on industrial matters.

Notwithstanding that I and other members have quoted his opinion, and have illustrated the farcical and extraordinary nature of the provisions of the Bill, the member for Canning and all the other ciphers on that side of the House were not moved one jot. What member on that side of the Chamber has had any experience with regard to industrial matters? Drawing from the classics, I might say, "I pause for a reply."

Mr. Hoar: You will not get one.

Mr. GRAHAM: Drawing from an entirely different source, I might summarise the position by saying, "Forgive them, for they know not what they do."

Mr. Brady: Hear, hear!

Mr. GRAHAM: As I have said on numerous occasions, the workers and the rest of the community of Western Australia cannot be governed by the big stick. It worked in Germany and Italy for a period and apparently it is working in Russia, but it is a totally different matter in Australia. The Government cannot fine and imprison workers for assuming their elementary rights. The Government is quite complacent about the whole matter because of the protection it is being afforded; it is quite complacent because it feels that "The West Australian" can protect it for ever and a day and make apologies and encourage public sympathy. The sands are running out.

The Premier: Says you!

Mr. GRAHAM: Notwithstanding the statement by the Premier the other evening, I am not given to speculating with regard to the future. The time is coming—it may be a few months, it may be three years or even a longer period than that—when the people of Western Australia will wake up to the nature of the Government and remove it from the Treasury bench.

The Minister for Works: That has not happened in the past. Was there this same waking up in those times?

Mr. GRAHAM: Under the redistribution of seats there were 18 Labour members, but in the following elections 23 were returned to this Chamber. There have been three by-elections since that time and at Maylands our position was substantially improved by many hundreds of votes. In Gascoyne the endorsed Liberal candidate ran third in a field of three and in Leederville our majority was doubled.

The CHAIRMAN: The hon. member must keep to the clause.

Mr. GRAHAM: I wish the interjections were relevant so that my replies would be more in conformity with the new clause I am submitting. I am amazed at the Government's attitude because I discussed this proposition with a number of people.

The Premier: You would be more amazed if we accepted your new clause.

Mr. GRAHAM: Nothing of the sort. I discussed this matter with persons who are not members of the Labour Party, and they readily agreed that it was a fair proposition.

The Minister for Works: Who were they?

Mr. GRAHAM: I do not think that private conversations should be mentioned.

Mr. Griffith: Ask the member for Middle Swan about that. He does not mind what he says in the Chamber about private conversations.

The CHAIRMAN: Order! The hon. member will address the Chair.

Mr. GRAHAM: Apart from the disagreement on the time factor, the only objection to my proposal is that the Government is afraid of public opinion.

The Premier: Let me assure the hon. member that the Government is not afraid of public opinion.

Mr. Hoar: The Premier is not abreast of the times, then.

The Premier: We are all right.

Mr. GRAHAM: If that be the position, the Government should be prepared to refer it to the people by way of referendum because this is a most drastic step for Western Australia. The Bill interferes with the private domestic affairs of certain organisations. Even the rules and constitutions of industrial bodies can be ignored and be ridden over roughshod by an outside authority. Union officers can not only be replaced, but also the nature of their offices can be changed by an outside authority.

The Minister for Education: That, of course, is not so.

Mr. GRAHAM: It is so.

The Minister for Education: It is not, and the hon. member knows it very well.

Mr. GRAHAM: Under the provisions of the Bill the Arbitration Court has authority to interfere with the functions of any union office and the Deputy Premier knows perfectly well that there was a debate lasting about an hour over that matter.

The Minister for Education: Because there was a debate, that does not prove your argument.

The CHAIRMAN: I ask the hon. member to keep to the amendment and not to discuss the Bill generally.

Mr. GRAHAM: Surely my amendment permits me to discuss every part of the Bill. Surely I am entitled to submit reasons why there should be a limitation on the life of this measure. The Bill permits the funds of an organisation to be spent by some outside authority. Is that something which should be allowed to become a permanent feature? An outside authority can decide that something should be done, take action accordingly, the union can be compelled to pay all expenses of conducting a ballot and then the Nosey Parker responsible for it can disregard the decision of the ballot; and I would be held responsible for a decision such as that to become a permanent feature unless the Committee agrees to my amendment. If the Government considers that October, 1953, is too short a period, let it put forward an amendment to make it two or three years, or any other period, but let there be some limitation.

Hon. J. B. Sleeman: The hon. member will strain my loyalty to breaking point if he makes it that long.

Mr. GRAHAM: I know; it is something I would not like myself. If the provisions of the Bill are allowed to continue for 12 months, that is long enough. The reason for making the date the 31st October, 1953, was to make it conform with the acceptance of a position that was agreed to under the rents and tenancies legislation. When that Bill was dealt with the Government agreed that the 31st of October of the following year was a reasonable period. That is all I suggest in this instance. There may be a difference of opinion as regards the time factor; the Premier may wish a longer period, perhaps indefinitely; I do not know. We think it should be shorter. If the savage provisions in this Bill are given effect to, there will be a tremendous industrial upheaval in Western Australia.

1 a.m.

The Attorney General: And that will be the end of this Government, will it not?

Mr. GRAHAM: The days of this Government are numbered in any event.

The Premier: You hope.

Mr. GRAHAM: Of course I hope.

Mr. Hoar: You do not want to be responsible for that upheaval, do you?

The Premier: We cannot hear!

Mr. GRAHAM: I repeat—

The CHAIRMAN: The hon. member is getting very close to tedious repetition.

Mr. GRAHAM: If you, Mr. Chairman, paid a little more attention to the interruptions of your colleagues on the other side and a little less attention—

The CHAIRMAN: The hon. member will not reflect on the Chair. I endeavour to be fair to everybody.

Mr. GRAHAM: All of us with experience of industrial matters have warned the Government of the possiblities of reactions to legislation.

The Minister for Education: And which you have done your best to create though without much success.

Mr. GRAHAM: The trouble will occur when effect is given to the iniquitous provisions of the Bill.

The Minister for Education: Then it will never occur; because there are no iniquitous provisions in it.

Mr. GRAHAM: The Minister for Education has a big bump in his cheek which, of course, is his tongue. The Minister has no knowledge or experience of industrial matters.

The Minister for Education: He has some knowledge of human nature, which apparently is more than you have.

Mr. GRAHAM: If one has a knowledge of industrial affairs, it follows one also has experience of human nature. The Government is inviting trouble with this legislation. Yet it insists that the measure should become permanent legislation because of the inability to move the Legislative Council. Nobody can gainsay that. Does the Government doubt that industrial organisations will permit of this interference and loss of dignity and such severe penalties without any protest? Members are aware what the Government of South Africa is doing; they know that fines and imprisonment are not deterring the coloured people in South Africa, and there is far more organisation among industrial unions in Western Australia than there is among the darkies of South Africa.

The industrial organisations and trade unions are in effect the backbone of the Labour Party in this State and accordingly have considerable political power. In such circumstances the Government cannot succeed. Elected members of these organisations are expected to carry out their offices in accordance with the rules and constitutions endorsed by the Arbitration Court or an officer of that court under the provisions of this Bill, and yet the Premier and the Attorney General think that the unions will accept the position. I wonder if anybody can imagine any single thing in regard to an industrial union in future which will be its own.

Under the Bill an industrial organisation today will cease to be so tomorrow and will become a mere pawn and tool in the hands of the Arbitration Court. Though the Premier chided me the other evening, the fact remains that many unionists and industrial organisations have little confidence in the Western Australian Arbitration Court at present. Without criticising the individual concerned, this is due to the blunder of the Government in appointing as President of the court a person who, in himself, may have all the qualities in the world but who, nevertheless, prior to the appointment, had been appearing in court as a partisan.

The Premier: You appointed an ex-Labour member of Parliament in your time.

Mr. GRAHAM: That is perfectly true.

Mr. Lawrence: And he did a better job than the present one.

The Premier: We are not saying anything about the job that is being done.

Mr. GRAHAM: I have not heard any criticism from the other side of the two early appointments to which reference has been made.

The Premier: Oh, yes; there has been a bit of criticism.

Mr. GRAHAM: I have heard many criticisms, on grounds I am not prepared to state in this Chamber, against the present occupant of that position.

The Premier: You have no right to attack him either.

Mr. GRAHAM: Apart from all these interferences with industrial organisations, there are penalties in the Bill which the Government intends should be permanent. These penalties far exceed those contemplated for industrial matters. Will the Premier admit that there would be any prospect of making a material alteration to the measure in view of the composition of the Legislative Council? Of course not! The Legislative Council is dominated by the boss class, who will take care that the cards are stacked accordingly. All the cards are stacked against the workers—the Legislative Council, a powerful Press and so forth.

The court, instead of being a friend to aggrieved workers will become a tribunal for inflicting penalties. Can the Government indicate how any harm would be done if the duration of the measure were limited to 12 months? The real effect of my proposal would be to permit democracy to operate. However, I am afraid that the Government will use its brutal majority to ensure that the injustices embodied in this Bill become a permanent feature of our industrial legislation.

Mr. BRADY: I support the proposed new clause. This is a most important piece of legislation and, much as I should like to be in bed at this hour, we would be justified in keeping members here till 8 a.m. if needs be in order to get the new clause accepted. The provisions of the measure are harsh in the extreme, and I should be failing in my duty if I did not endeavour to break them down as much as possible. I believe that the measure will be the cause of a tremendous amount of industrial unrest. Not for months will the workers be able to ascertain its full import and, in consequence, we may expect a succession of industrial troubles.

Because less than one per cent. of the trade unionists in the State became a little fractious, the Government has gone to this trouble to shackle all the other unions, notwithstanding that they have abided by the law and played the game. Thus 142 unions in the State will be penalised. A total of 88,000 workers will be affected by this legislation. Amongst such a number of workers, we may always expect to find five to ten per cent. who are dissatisfied and anxious to improve their conditions, as is their natural right.

Yet if they took some minor action such as holding a stop-work meeting, the result could easily be a serious industrial upheaval. A harsh employer could take advantage of the measure. Most employers in this State are reasonable men, but there is always to be found a section that try to provoke trouble, particularly if they know that there are some militants amongst their employees. I feel that the whole trade union movement has been jettisoned because of one or two fractious unions. The member for East Perth is trying to do the right thing by limiting the life of this legislation, so that at the end of 12 months we can review the position and, if it has become a little out of hand, we can amend the Act, with a view to doing away with harsh provisions and bringing about industrial peace.

Considering the attack this legislation is making on the unions and their 88,000 workers, the debate has not been as contentious as could have been expected. The Opposition has tried to be reasonable but the Government has not conceded much. I think there has been one concession; that was that in the event of a union going out on strike the benefits of the award or agreement would not be withdrawn from all the members. That was the only worth-while concession and, in all the circumstances, I think the Opposition has taken up a reasonable attitude.

Now there is an opportunity for the Government to meet the Opposition, because this measure is attacking the very heart of the Labour movement and of the party to which I belong. The Labour Party was built up on the trade unions, and we would be justified in continuing here till 8 o'clock in the morning to try to have this clause accepted. When the Industrial Arbitration Court makes an award, it operates for three years, but there is always the right for unions to apply to have it amended at the end of 12 months, and the least the Government can do is to give the members of the Opposition the same chance in connection with this measure.

Unions are not out to cause industrial strife, but want industrial peace. The way the Bill has been framed, it would appear that the Attorney General and the Government have the idea that the only thing the workers want is industrial unrest which, however, is furthest from their minds. I have been secretary of five or six unions and have never known one endeavour to create industrial unrest. They have invariably accepted arbitration as the way out. I have advised them to do that, but I am beginning to ask myself whether I shall be doing right in the future if I advise them to go to arbitration and whether I would not be doing the right thing if I tried to get them away from arbitration, since arbitration will work only one way.

The workers are entitled to certain elementary rights. The whole of the activities of the State revolve around what the workers do. It is all right for members of Parliament, and for people in St. George's Terrace offices and in various establishments to feel that they are the only ones that count. The workers on the coalfields and in the mines, on the roads and on the farms have to be looked after, and all they want is the elementary right

to decent wages and conditions and the right to strike if need be. There are matters, such as long service leave and superannuation, which do not come within the ambit of the court, and the men may need to strike to obtain such privileges. They should not be treated harshly by the Government in their efforts to achieve such objectives.

This legislation should not operate for more than 12 months because, apart from the difficulties the unions will have to face in regard to lock-outs and strikes, there are those with which union secretaries will be confronted in trying to give effect to the legislation, which will be experimental. For instance, in addition to having to provide once a year a full list of their members and being subject to penalties if that list is not provided within a certain period, they will have to supply particulars every three months of the movements of members of the union. Imagine the work involved in trying to chase members around and find out whether they are on or off the job! In the course of their inquiries, friction is likely to occur between the unions and the bosses. Apart from its effect with regard to stop-work meetings and strikes, this legislation should be reviewed to see how it is working in other directions, such as those I have mentioned.

[*Mr. Perkins resumed the Chair.*]

Mr. LAWRENCE: Whilst I realise that the hour is late, I agree with the sentiment of the member for Guildford-Midland that we should make a last appeal to the Government to insert this new clause in the Bill. Surely we can come to some reasonable agreement as to how long the clauses of the measure shall be in operation. I am not satisfied as to the reason why the legislation has been brought down. I do not think the Attorney General or the Premier has made it clear at all. I can arrive at only one conclusion: This Bill is aimed at militant unions. I refer to unions such as the Maritime Services Union, the Waterside Workers' Union, the A.E.U. and the Boilermakers' Society.

They are four unions out of well over 100 registered with the State Arbitration Court. The far-reaching effect of the legislation can easily be that the unions that have not taken militant action will have to do so. If the Government were defeated at the next elections and the present Opposition occupied the Treasury bench, the Labour Government then would not withdraw the legislation if it were working in the best interests of the State. The rents and tenancies legislation was originally introduced for a period of 12 months because the Government was not sure whether it would be of benefit to the State for a longer period. I saw a Press statement by the Chief Secretary that there will be a continuation Bill in respect of that legislation this session.

The Government, if it refuses this request to limit the duration of the legislation, must realise what its position will be when next it faces the electors. Many members on this side of the Chamber have had long experience in trade union administration, and are just as interested in the economic welfare of the State as are members on the Government side. We do not wish to see workers on strike, because we know the misery suffered by their families. We wanted the last strike settled as early as possible. If the legislation is passed, is it not fair to ask the Government to give it a trial for 12 months?

If the measure is applied to unions, I am positive we will see, not a banding together of three or four militant unions, but a general upsurge of the whole movement, such as we have noticed in the Eastern States. The Attorney General has said on many occasions that Dr. Evatt was responsible for the drafting of certain of these provisions. But in the Eastern States, unions and their management are different from what they are here. This State is politically and industrially ignorant compared with the Eastern States as far as the trade union movement goes.

Legislation of this type that is good for the Eastern States is not good for Western Australia. The latest strike is possibly the only one we have had here for many years, and the Government must take some share of the responsibility for its continuance. I am positive it could have been settled very early in the piece if the proper approaches had been investigated.

The Premier: If we had given way on the margins question.

Mr. LAWRENCE: I suggest that is not correct.

The Premier. I know it is correct.

The CHAIRMAN: Order! I have allowed a good deal of latitude. The hon. member should relate his remarks to the clause. The Premier's interjection is rather outside the terms of the clause.

Mr. LAWRENCE: I accept your ruling, Sir. I cannot see any objection that the Government can raise to the proposed new clause.

The PREMIER: I do not think members opposite seriously believe the Government will accept the proposed new clause.

Mr. Graham: Why not?

The PREMIER: I regard this as a major proposal.

Mr. Graham: So what?

Mr. Hoar: It is an amazing Bill.

The PREMIER: I said it is a major amendment and I think it was probably moved with the idea of getting rid of the whole Bill. This measure, which is being

so maligned and about which so much exaggeration has been indulged in, is not of the kind that can be tested thoroughly in a period of 12 months.

Mr. Graham: What period do you suggest?

The PREMIER: I do not suggest any period. When we consider that it is something like 27 years since the Industrial Arbitration Act has been amended, I do not think any period should be set.

Mr. Graham: But nothing like this has been attempted before.

The PREMIER: It can be said, in view of the changing conditions that we have faced and are facing, that it is time our industrial laws were amended.

Mr. Graham: Perhaps, but this Bill is not the solution.

The PREMIER: Thousands of people in this State keenly desire our industrial law to be amended and many thousands are dissatisfied with the way things are going.

Mr. Lawrence: Which things?

The PREMIER: The disruption that has taken place when there has been no need for it.

Mr. Lawrence: On one occasion in 27 years!

The PREMIER: The Bill was framed not only to deal with industrial unrest as we know it, but also to prevent further industrial unrest before it actually occurs. If agreed to, the proposed new clause would largely nullify the benefits of the Bill and give the impression outside Parliament that the measure would probably be short-lived.

Mr. Lawrence: Could it not be continued?

The PREMIER: Yes.

Mr. Lawrence: If it proved satisfactory we would not object to that.

The PREMIER: If the legislation proved half as bad as the hon. member seems to expect, public opinion would be such that neither the Legislative Council nor any other body could prevent its amendment or repeal.

Mr. Graham: When did another place ever take notice of public opinion?

The PREMIER: I repeat that if public opinion were strongly against the legislation in future, there is no doubt that amendments to it would be carried, but I do not believe public opinion will be against it. The measure will tend to bring about industrial peace and all the exaggerated talk about concentration camps and coercion of the workers is sheer nonsense and exaggeration of the worst order. Instead of trying to foster hysteria by exaggerating the provisions of the Bill, members opposite should take a realistic attitude towards it.

Mr. Moir: The Government was actuated by hysteria when introducing it.

The PREMIER: The Government gave it a great deal of thought.

Mr. Lawrence: Why did you not carry on with it last session?

The PREMIER: It was not prepared then and, as events have proved during the recess, if there was need for this class of legislation last session there is much greater need for it today.

Mr. Lawrence: For good legislation.

The PREMIER: This is good legislation. The workers and others engaged in industry who are willing to abide by the laws of the country—I think they are the great majority—have nothing to fear from this measure but will, in fact, benefit greatly by it.

Mr. Lawrence: You are maligning the workers.

The PREMIER: I think the workers need protection against certain people who would have them out on strike with or without pretext. That is what this measure aims to prevent.

Mr. Hoar: You do not know much about it.

The PREMIER: I move about this State freely and meet large numbers of people of all sections of the community. From their response to the measure, I think the Government has every justification for proceeding with it. Threats about what will happen at the next election do not affect me. I am willing to take whatever is coming at that time if this legislation is made the issue.

Mr. Graham: You cannot avoid it.

The PREMIER: That is so, and I am willing to accept the inevitable, but I am not afraid of what will happen because of the hon. member's criticism of this legislation.

Mr. Graham: If you are so confident, why not turn on an election tomorrow?

The PREMIER: We have a great deal of useful work to do before the election. Perhaps I am getting away from the Bill.

The CHAIRMAN: The Premier is straining the tolerance of the Chair.

Mr. Hoar: Do you think you can bludgeon the workers into peace?

The PREMIER: We are not attempting to do that.

Mr. Hoar: You are not going the right way about it.

The PREMIER: No Government would be foolish enough to attempt to do that.

Mr. Hoar: I did not think so, until today.

The PREMIER: Then have another look at the measure.

The CHAIRMAN: The Premier should leave those aspects to be dealt with at the third reading stage.

The PREMIER: The proposed new clause is not acceptable. This Bill would not be workable if it had the very short period of 12 months in which to operate. Certain people, particularly the extreme element, would throw up their hands and say, "This is a victory for the extremists and we have nothing to fear. We know that legislation of this kind, which the Government has introduced, cannot be effective." If that is the case, as I firmly believe it to be, this new clause is absolutely mischievous and would not achieve any good purpose, so I ask the Chamber to vote against it. Even members on the other side would be justified in voting against this new clause.

Mr. GRAHAM: I cannot permit the Premier—

The Minister for Education: Must we have more of this?

Mr. GRAHAM: Yes, there will be, because the Premier is not going to escape with the irresponsible statements he has just made.

Hon. A. R. G. Hawke: Good night, Mr. Minister for Education!

Mr. GRAHAM: I noticed, when the Premier finished in a dramatic voice and spoke about this amendment of mine being absolutely mischievous, that he turned his eyes up to the Press gallery.

The Premier: I did nothing of the sort.

Mr. GRAHAM: Of course, the Premier did.

The Premier: It would be an excuse to take my eyes away from you. Anything to get away from looking at you. However, I did not do it.

Mr. GRAHAM: The Premier did that in order to make certain that the reporters were taking down in full those telling words of his. But unfortunately, "The West Australian" reporters have all gone home.

The Premier: Long ago.

The Minister for Works: They were not there while you were talking.

Mr. GRAHAM: Like the Attorney General, the Premier seeks to mislead the Committee. He informed us that for 27 years—and he repeated the assertion—there have been no amendments made to the Industrial Arbitration Act. Incidentally, this is the fifth occasion on which amendments have been made to that Act since 1925. The Premier should be a little more sure of his facts—

The Premier: Major amendments.

Mr. GRAHAM: —before misleading the Committee. These are certainly major amendments.

Hon. A. R. G. Hawke: Made your hair stand on end when you heard of them!

Mr. GRAHAM: It is all very well for the Premier to talk about the Opposition seeking to create hysteria in respect of this measure. What we have done, on every occasion, has been to quote from the Bill itself and to show what it means and what it intends. What the Attorney General thinks might occur is entirely irrelevant; the Bill and the substance of it is what counts. The Government has been hysterical in connection with this matter and, as was pointed out by the member for South Fremantle, it introduced legislation last session but did not have the courage to proceed with it. Rather has it sought to take advantage of a strike which occurred in Western Australia in order to introduce these provisions. That strike, which created a record, was allowed by the Government to continue for five months before it stirred itself into action.

The Premier: It was not any lack of courage; it was lack of time.

Mr. GRAHAM: The Government could have done five months earlier what it did a few weeks ago, and this strike would have been settled.

The CHAIRMAN: I think the member for East Perth is getting away from the actual subject matter of the new clause.

Mr. GRAHAM: If I may say so, Mr. Chairman, from that statement you are reflecting on yourself, because I am only replying to assertions made by the Premier. If I am out of order, then obviously the Premier was out of order.

The CHAIRMAN: I had to call the Premier to order on two or three occasions. I think I have allowed a certain amount of latitude, and I must ask the hon. member to keep to the subject matter of the new clause.

Mr. GRAHAM: Very well. All I am seeking to do is to place a time limit in the Bill for the purpose of allowing us to overcome a position where the Legislative Council could dominate the Government of this State.

Mr. J. Hegney: And allow the people to express an opinion on it later on.

Mr. GRAHAM: Yes. The Premier carefully and cunningly avoided the point and did not seek to answer it, because there is no answer. Once this Bill becomes law no Government, irrespective of its political complexion or the authority it gets from the people, would be able to make amendments to it.

The Attorney General: I think you have made it very clear.

Mr. GRAHAM: I made it so clear that I was able to convince a supporter of this Government of the merit of my new clause and it took both the Premier and the Attorney General to bring him back into the fold. Now they feel confident that they have sufficient numbers to vote against it.

Mr. Hoar: Long live democracy!

Mr. GRAHAM: The merits of the case were sufficient to convince at least one supporter of the Government and there would probably be more but apparently party loyalty comes first.

The Premier: Hear, hear!

Mr. GRAHAM: There we have an admission.

The Premier: I am a great believer in party loyalty.

Mr. GRAHAM: So it would appear that the merits of what I am submitting carry no weight whatever.

Hon. J. T. Tonkin: I think I read somewhere that members on that side were allowed to please themselves.

Mr. GRAHAM: It does not exist so far as practical application is concerned. Unless my proposed new clause is agreed to, we will be tied and hamstrung by the Legislative Council.

The Premier: You have had most of your legislation passed by the Legislative Council.

Mr. GRAHAM: In order to become legislation, it had to be passed by the Legislative Council; but many important Bills never saw the light of day.

The Premier: Very few have not. We have some of the most progressive legislation in the world.

2 a.m.

The CHAIRMAN: Order!

Mr. GRAHAM: In any parliamentary session there are many formal Bills, many minor ones and there are only two or three that are very important. The latter are the ones that are generally rejected by the Legislative Council. The Premier stated that unions that obey the law have nothing to fear from this legislation. I agree. If we pass legislation that the Premier should wear rose-coloured bloomers, he would have nothing to fear if he obeyed the law of the land.

The Premier: I am not so sure about that.

Mr. GRAHAM: Of course, I am not fully cognisant of the pastimes of the Premier.

Hon. A. R. G. Hawke: Does the hon. member reckon he would look all right in his "Bikinis"?

Mr. GRAHAM: In Hitlerite Germany, anybody who obeyed the dictates of the dictator had nothing to fear.

Mr. Bovell: How does the hon. member know? Was he there?

Mr. GRAHAM: The Government Whip has wakened from a long sleep! That is the greatest contribution he has made to the debate on this measure. Although I think it is without avail, I am finally appealing again to the Government to have some regard for democracy and the wishes of the people.

Mr. Needham: It does not know what it means.

The Premier: I will promise the hon. member that.

Mr. GRAHAM: I am glad to have that assurance. I will withdraw my proposition if the Premier can suggest a way to repair the damage that will be done by the Bill, bearing in mind that the Legislative Council is not responsible to the public of Western Australia. I am disgusted and heartily fed up with the attitude of the Government, not only with respect to my proposed new clause, but also with the discussion on this Bill ever since it was introduced.

Mr. McCULLOCH: I support the proposed new clause. I would not have risen to my feet but that I heard the Premier say that there have been very few amendments to this legislation during the past 20 years.

Mr. Graham: It has been in existence for 40 years, but the Premier would not know that.

Mr. McCULLOCH: Since 1948 there have been four amendments.

The Premier: Only minor ones.

Mr. McCULLOCH: Yes, but amendments nevertheless. To have a time limit put on this legislation may be an extraordinary procedure, but of course, it is an extraordinary Bill.

Mr. Graham: Introduced by an extraordinary Minister of an extraordinary Government.

Mr. McCULLOCH: Therefore, some limitation should be placed on it. If at the end of the period the public is satisfied with it, there is nothing to stop its continuance. The Attorney General even went as far as to re-name the Industrial Arbitration Act. If we are to get away from arbitration, which seems to be the objective of the Government, within 12 months we will know whether the workers are prepared to carry on under arbitration or not, and then next year, when this legislation becomes defunct, the Government could take steps to make it a permanent measure. Although the Premier says the proposal of the member for East Perth negatives the Bill, I do not think it does and consider it a good proposition. I would have liked to see more members on the Government side discuss this Bill. I do not think 20 per cent. of them have read it.

Hon. A. R. G. Hawke: Only about two Ministers have read it.

Mr. McCULLOCH: The proposed new clause is not in the least ambiguous, and there would be no harm in trying it. The entire contents of the Bill are, in my opinion, obnoxious and will be so to the unions and the public generally. The

Premier said he had been in contact with some workers and they were satisfied with this legislation. But the Premier would not even meet the workers to discuss arbitration with them. With this new clause, the workers will at least know the law and will abide by it. We do not want them up in arms. If it is necessary, the measure can be repealed. I do not say we shall be on the Government bench next session, nor do I say we will remain in opposition.

Mr. JOHNSON: I would not like to cast a silent vote on this important clause. We know that a similar provision was inserted in the rents Bill. That legislation was important and affected a large proportion of the population of Western Australia; it was given a life of 12 months, and the Chief Secretary has intimated his intention to bring down continuing legislation. By the proposed new clause, it is intended to apply the same principles to another important section of the community of this State, namely, the workers. If short-term legislation could be adopted in the case of rent, it can also be adopted in regard to this Bill. So the Government can make no claim that a principle is involved.

Some time during the life of the proposed clause an election will take place, and it is possible that the incoming Government will be different in some degree from the present one. My experience of Parliament is that the Ministry is seldom exact in every detail. It may be that the incoming Government, in the light of experience it will have had during the 12 months, may think the provision obnoxious. The Premier should realise that people who have spoken on this side of the Chamber have a far greater personal experience of arbitration than has any Government member. Opposition members have a working knowledge of arbitration in all its details. The Government has been warned that this legislation will create industrial strife. My own industrial experience is slight.

One of the unions to which I belong has as its secretary the same gentleman that is employed by the Perth Chamber of Commerce. I have been an executive member of that union for a fairly long time, and, in passing, I might mention that the president of that body is a paid employee of the Liberal Party at election time. I also know from my contact with with members of the union that they are more restive now under arbitration than they were 12 months ago. They do not know the provisions contained in this Bill because "The West Australian" has indicated that the Bill is mainly concerned with ballots.

On the matter of ballots, there was practically no debate because, in the main, the Bill contains provisions that are already in force. The debate has been concentrated mainly on other parts of the Bill. Some time in the next 12 months, the union I have referred to will approach the court for an award and will find it necessary to examine existing legislation. Although its members are not extremists, they are not jellyfish and they will strongly resent some of the provisions. I think the secretary will resent the provision requiring a list of members to be supplied every three months.

The CHAIRMAN: I do not think the hon. member's remarks are relevant to the new clause.

Mr. JOHNSON: I am trying to show why a second thought should be given to the Bill, and the principle contained in the proposed new clause provides for that.

The CHAIRMAN: The hon. member must relate his remarks to the proposed new clause. Any legislation may be amended, but the proposal in the new clause is that this legislation shall have a duration of only 12 months.

Mr. JOHNSON: I bow to your ruling, Mr. Chairman. If the duration of the Act is restricted to 12 months, a union would have to supply only four lists of its members and that would give sufficient experience to enable the union to form an opinion. This legislation, like the rent measure, represents a fairly big departure from what previously existed, and I feel that the Government could safely, honestly and decently accept the new clause. No member on the Government side has offered sound reasons for not supporting it. The dramatics of the Premier were often further from the new clause than were my remarks. However, I appeal to the Government to accept this reasonable and logical proposal.

Mr. LAWRENCE: The Premier, in answer to a question, conceded that the measure could be continued 12 months hence. His reason for not accepting the new clause was that there would not be sufficient time to gain experience of the operation of the measure. If the Premier heads the Government next year, he could introduce a continuance Bill and, on the other hand, if Labour assumed office and considered the measure beneficial, that party could introduce a continuance measure. Acceptance of the new clause would satisfy the trade unions that the Government had not introduced the Bill as a repressive measure. That is one of the most important factors to be considered.

New clause put and a division taken with the following result:—

Ayes	17
Noes	19
Majority against	2

Ayes.

Mr. Brady	Mr. Moir
Mr. Butcher	Mr. Needham
Mr. Graham	Mr. Nulsen
Mr. Hawke	Mr. Read
Mr. J. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sleeman
Mr. Johnson	Mr. Tonkin
Mr. Lawrence	Mr. Kelly
Mr. McCulloch	*(Teller.)*

Noes.

Mr. Abbott	Mr. McLarty
Mr. Brand	Mr. Nalder
Mr. Cornell	Mr. North
Mr. Doney	Mr. Oldfield
Mr. Grayden	Mr. Owen
Mr. Griffith	Mr. Thorn
Mr Hearman	Mr. Totterdell
Mr. Hill	Mr. Watts
Mr. Hutchinson	Mr. Bovell
Mr. Manning	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. W. Hegney	Mr. Yates
Mr. Coverley	Mr. Ackland
Mr. Sewell	Mr. Wild
Mr. Styants	Mr. Mann
Mr. Guthrie	Mr. Nimmo
Mr. May	Dame F. Cardell-Oliver

New clause thus negatived.

Title—agreed to.

Bill reported with amendments.

As to Recommittal.

The ATTORNEY GENERAL: I move—

That the Bill be recommitted for the further consideration of Clause 24.

Hon. A. R. G. HAWKE: I move an amendment—

That after "Clause 24" the following be added: "and Clause 3."

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

Ayes	17
Noes	19
Majority against	2

Ayes.

Mr. Brady	Mr. Moir
Mr. Butcher	Mr. Needham
Mr. Graham	Mr. Nulsen
Mr. Hawke	Mr. Read
Mr. J. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sleeman
Mr. Johnson	Mr. Tonkin
Mr. Lawrence	Mr. Kelly
Mr. McCulloch	*(Teller.)*

Noes.

Mr. Abbott	Mr. McLarty
Mr. Brand	Mr. Nalder
Mr. Cornell	Mr. Oldfield
Mr. Doney	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Griffith	Mr. Thorn
Mr. Hearman	Mr. Totterdell
Mr. Hill	Mr. Watts
Mr. Hutchinson	Mr. Bovell
Mr. Manning	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. W. Hegney	Mr. Yates
Mr. Coverley	Mr. Ackland
Mr. Sewell	Mr. Wild
Mr. Styants	Mr. Mann
Mr. Guthrie	Mr. Nimmo
Mr. May	Dame F. Cardell-Oliver

Amendment thus negatived.

Hon. J. B. SLEEMAN: I do not think we should recommit the Bill. Even if it were worth placing on the statute book, we have already done a good day's work and it is fair that we should now make our way homeward. But the Bill is not fair and is not worth recommitting. The only purpose of the recommittal is to make it more savage than it is by increasing the penalties. This Bill provides that if a man refuses a job or does not offer for a job, that is a strike, and continues to be a strike until the Arbitration Court declares otherwise. Penalties are also provided. We should refuse a recommittal at this hour of the morning. If the Government desires a recommittal it should be left to the next sitting.

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

Ayes	19
Noes	17
Majority for	2

Ayes.

Mr. Abbott	Mr. McLarty
Mr. Brand	Mr. Nalder
Mr. Cornell	Mr. Oldfield
Mr. Doney	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Griffith	Mr. Thorn
Mr. Hearman	Mr. Totterdell
Mr. Hill	Mr. Watts
Mr. Hutchinson	Mr. Bovell
Mr. Manning	*(Teller.)*

Noes.

Mr. Brady	Mr. Moir
Mr. Butcher	Mr. Needham
Mr. Graham	Mr. Nulsen
Mr. Hawke	Mr. Read
Mr. J. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sleeman
Mr. Johnson	Mr. Tonkin
Mr. Lawrence	Mr. Kelly
Mr. McCulloch	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Yates	Mr. W. Hegney
Mr. Ackland	Mr. Coverley
Mr. Wild	Mr. Sewell
Mr. Mann	Mr. Styants
Mr. Nimmo	Mr. Guthrie
Dame F. Cardell-Oliver	Mr. May

Question thus passed.

Bill recommitted.

In Committee.

Mr. Perkins in the Chair; the Attorney General in charge of the Bill.

Clause 24—Section 132 amended:

The ATTORNEY GENERAL: I admit I made a mistake in not getting on my feet quickly enough when we were discussing this clause, and I sincerely regret having to recommit the Bill now. I move an amendment—

That in line 5 of proposed new Subsection (1), the word "two" be struck out with a view to inserting the word "five."

I did consent to an amendment to reduce the continuing penalties from one-tenth to one-twentieth. Therefore I thought, from the attitude of members, it was not unreasonable to believe that my oversight should to some extent be overlooked. That is why I gave way.

Amendment (to strike out word) put and a division taken with the following result:—

Ayes	19
Noes	17
Majority for	2

Ayes.

Mr. Abbott	Mr. McLarty
Mr. Brand	Mr. Nalder
Mr. Cornell	Mr. North
Mr. Doney	Mr. Oldfield
Mr. Grayden	Mr. Owen
Mr. Griffith	Mr. Thorn
Mr. Hearman	Mr. Totterdell
Mr. Hill	Mr. Watts
Mr. Hutchinson	Mr. Bovell
Mr. Manning	*(Teller.)*

Noes.

Mr. Brady	Mr. Moir
Mr. Butcher	Mr. Needham
Mr. Graham	Mr. Nulsen
Mr. Hawke	Mr. Read
Mr. J. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sleeman
Mr. Johnson	Mr. Tonkin
Mr. Lawrence	Mr. Kelly
Mr. McCulloch	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Yates	Mr. W. Hegney
Mr. Ackland	Mr. Coverley
Mr. Wild	Mr. Sewell
Mr. Mann	Mr. Styants
Mr. Nimmo	Mr. Guthrie
Dame F. Cardell-Oliver	Mr. May

Amendment thus passed.

The ATTORNEY GENERAL: I move—

That the word "five" be inserted in lieu of the word struck out.

Amendment (to insert word) put and a division taken with the following result:—

Ayes	19
Noes	17
Majority for	2

Ayes.

Mr. Abbott	Mr. McLarty
Mr. Brand	Mr. Nalder
Mr. Cornell	Mr. North
Mr. Doney	Mr. Oldfield
Mr. Grayden	Mr. Owen
Mr. Griffith	Mr. Thorn
Mr. Hearman	Mr. Totterdell
Mr. Hill	Mr. Watts
Mr. Hutchinson	Mr. Bovell
Mr. Manning	*(Teller.)*

Noes.

Mr. Brady	Mr. Moir
Mr. Butcher	Mr. Needham
Mr. Graham	Mr. Nulsen
Mr. Hawke	Mr. Read
Mr. J. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sleeman
Mr. Johnson	Mr. Tonkin
Mr. Lawrence	Mr. Kelly
Mr. McCulloch	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Yates	Mr. W. Hegney
Mr. Ackland	Mr. Coverley
Mr. Wild	Mr. Sewell
Mr. Mann	Mr. Styants
Mr. Nimmo	Mr. Guthrie
Dame F. Cardell-Oliver	Mr. May

Amendment thus passed; the clause, as amended, agreed to.

Bill again reported with a further amendment and the reports adopted.

Third Reading.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—Mt. Lawley) [2.49 a.m.]: I move—

That the Bill be now read a third time.

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

Ayes	19
Noes	17
Majority for	2

Ayes.

Mr. Abbott	Mr. McLarty
Mr. Brand	Mr. Nalder
Mr. Cornell	Mr. North
Mr. Doney	Mr. Oldfield
Mr. Grayden	Mr. Owen
Mr. Griffith	Mr. Thorn
Mr. Hearman	Mr. Totterdell
Mr. Hill	Mr. Watts
Mr. Hutchinson	Mr. Bovell
Mr. Manning	*(Teller.)*

Noes.

Mr. Brady	Mr. Moir
Mr. Butcher	Mr. Needham
Mr. Graham	Mr. Nulsen
Mr. Hawke	Mr. Read
Mr. J. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sleeman
Mr. Johnson	Mr. Tonkin
Mr. Lawrence	Mr. Kelly
Mr. McCulloch	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Yates	Mr. W. Hegney
Mr. Ackland	Mr. Coverley
Mr. Wild	Mr. Sewell
Mr. Mann	Mr. Styants
Mr. Nimmo	Mr. Guthrie
Dame F. Cardell-Oliver	Mr. May

Question thus passed.

Bill read a third time and transmitted to the Council.

House adjourned at 2.53 a.m. (Friday).