

1926-27-28.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA,
CANBERRA.

No. 187.

VOTES AND PROCEEDINGS
OF THE
HOUSE OF REPRESENTATIVES.

MONDAY, 11TH JUNE, 1928.

1. The House met, at eleven o'clock a.m., pursuant to adjournment.—Mr. Speaker (the Honorable Sir Littleton Groom) took the Chair, and read Prayers.
2. PARLIAMENTARY STANDING COMMITTEE ON PUBLIC WORKS—REPORT.—Mr. Mackay, Chairman of the Parliamentary Standing Committee on Public Works, brought up the following Report from the Committee :—
Report, together with Minutes of Evidence, relating to the proposed erection of a School of Public Health, Sydney.
Ordered to be printed.
3. PAPERS.—The following Papers were presented, pursuant to Statute—
Northern Australia Act—Ordinances of 1928—
Central Australia—
No. 8—Stock Diseases.
No. 9—Maintenance Orders (Facilities for Enforcement).
North Australia—
No. 8—Stock Diseases.
No. 9—Maintenance Orders (Facilities for Enforcement).
4. CONCILIATION AND ARBITRATION BILL (No. 2) (1927).—The Order of the Day having been read for the further consideration of this Bill in Committee of the whole House—Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

Clause 44 debated—

Mr. Latham (Attorney General) moved, as an amendment, That after "organization" (page 13, line 33) the words "or a branch thereof" be inserted.

Debate continued.

Amendment agreed to.

Mr. Latham moved, as a further amendment, That the words "a branch thereof" (page 13, line 35) be omitted, with a view to the insertion of the words "the branch" in place thereof.

Debate continued.

Amendment agreed to.

On the motion of Mr. Latham, the following further amendments were made :—

Page 13, lines 38-39, omit "and the vote shall thereupon be so taken accordingly".

Page 13, lines 40-45, omit sub-section (1.) of proposed section 56B, insert the following sub-sections :—

"(1.) If, after a demand made under section fifty-six A of this Act for a vote to be taken by an organization or branch by secret ballot, the organization or branch fails to hold the secret ballot accordingly, the Court may, if satisfied that the demand for a secret ballot is *bona fide* and relates to a matter of substantial importance, upon application made to the Court, give directions for the conduct of a secret ballot under the control of an officer of the Court with or without provision for absent voting.

11th June, 1928.

“(1A.) Applications under this section for directions for the conduct of a secret ballot shall take precedence over all other business in the Court.”

Page 14, after sub-section (1.) of proposed section 56c insert the following sub-sections :—

“(1A.) Applications made by any number of members less than ten shall be received by the Registrar and if, during any one period of twenty-one days, the number of members making applications relating to the same question amounts to not less than ten, the applications shall be treated as together constituting a single application for the purposes of sub-section (3.) of this section.

“(1B.) Applications may be made by letter enclosed in an envelope marked ‘Secret Ballot’ which envelope is enclosed in another envelope addressed to the Registrar.

“(1C.) If any person other than the Registrar opens or causes to be opened an envelope marked as aforesaid, he shall be guilty of an offence.

Penalty : One hundred pounds.”

Page 14, line 29, omit “shall”, insert “may”.

Page 14, after proposed section 56E insert the following section—

“56EA.—(1.) Any order or directions made or given by the Court or a Judge under section fifty-six B, fifty-six C, fifty-six D, or fifty-six E of this Act for the taking of a secret ballot of an organization or of a branch of an organization shall, in the first instance, be provisional, and notice thereof shall be given by the Registrar by registered letter to the secretary of the organization or branch concerned.

Orders for
secret ballot
provisional
in first
instance.

“(2.) The secretary of the organization or branch may thereupon forward a statement in writing upon the matter to the Registrar for submission to the Judge dealing with the matter, and, in particular, may state whether the organization or branch will itself take, within any and what period, a secret ballot upon the question, or will take any other action in relation thereto.

“(3.) Upon the expiration of fourteen days from the date of the provisional order the Judge shall make the order final or set aside the order :

Provided, however, that the Judge may adjourn the matter for such period as he thinks proper.”

On the motion of Mr. Maxwell, the following further amendment was made :—

Page 14, lines 34–36, omit paragraph (b) of proposed section 56F, insert the following paragraph :—

“(b) uses any form of intimidation to prevent from voting any person entitled to vote at a ballot under this Act ; or ”

On the motion of Mr. Gullett, the following further amendment was made, after debate :—

Page 14, line 41, after “requires” insert “or (d) falsely represents in any application made under this Act that he is a member of an organization.”

Question—That the clause, as amended, be agreed to—put.

The Committee divided—

Ayes, 30.

Mr. Atkinson	Mr. Jackson
Mr. Bayley	Mr. Killen
Mr. Bell	Mr. Latham
Mr. Bruce	Mr. Lister
Mr. Malcolm Cameron	Mr. Maxwell
Mr. Corser	Mr. Nott
Mr. Duncan-Hughes	Mr. Earle Page
Mr. R. W. Foster	Mr. Parsons
Mr. Grosvenor Francis	Mr. Perkins
Mr. Gardner	Mr. Rodgers
Sir John Gellibrand	Mr. Seabrook
Mr. Gibson	Mr. Thompson
Mr. Gregory	
Mr. Gullett	<i>Tellers:</i>
Mr. Hill	Mr. Hunter
Sir Neville Howse	Mr. Manning

Noes, 17.

Mr. Anstey	Mr. E. C. Riley
Mr. Blakeley	Mr. Soullin
Mr. Brennan	Mr. Watkins
Mr. Charlton	Mr. West
Mr. Forde	Mr. Yates
Mr. Lacey	
Mr. Lazzarini	<i>Tellers:</i>
Mr. W. Maloney	
Mr. Parker Moloney	Mr. Fenton
Mr. Edward Riley	Mr. Makin

And so it was resolved in the affirmative.

Clauses 45 and 46 agreed to.

Clause 47—

On the motion of Mr. Latham, the following amendment was made :—

Page 15, lines 10–28, omit proposed section 58c.

Clause, as amended, agreed to.

Clause 48—

On the motion of Mr. Latham, the following amendment was made, after debate :—

Page 17, lines 10–20, omit proposed sub-section (6.), insert the following sub-section :—

“(6.) Upon cancellation of the registration of an organization, the organization shall cease to be an organization and a corporation under this Act, but shall not by reason of the cancellation cease to be an association. The property of the organization shall, subject to any order which the Court may make with respect to the satisfaction of the debts and obligations of the organization out of that property, be the property of the association and shall be held and applied for the purposes of the association in accordance with the constitution and rules of the organization in so far as they can be carried out or observed notwithstanding the deregistration of the organization.”

Clause, as amended, agreed to.

11th June, 1928.

Clause 49 debated—

Question—That the clause be agreed to—put.

The Committee divided—

Ayes, 29.

Mr. Atkinson	Mr. Killen
Mr. Bell	Mr. Latham
Mr. Bruce	Mr. Lister
Mr. Malcolm Cameron	Mr. Maxwell
Mr. Duncan-Hughes	Mr. Nott
Mr. R. W. Foster	Mr. Earle Page
Mr. Grosvenor Francis	Mr. Parsons
Mr. Gardner	Mr. Perkins
Sir John Gellibrand	Mr. Rodgers
Mr. Gibson	Mr. Seabrook
Mr. Gregory	Mr. Thompson
Mr. Gullett	
Mr. Hill	
Sir Neville Howse	<i>Tellers:</i>
Mr. Hurry	Mr. Hunter
Mr. Jackson	Mr. Manning

Noes, 17.

Mr. Anstey	Mr. E. C. Riley
Mr. Blakeley	Mr. Scullin
Mr. Brennan	Mr. Watkins
Mr. Charlton	Mr. West
Mr. Forde	Mr. Yates
Mr. Lazzarini	
Mr. Makin	<i>Tellers:</i>
Mr. W. Maloney	
Mr. Parker Moloney	Mr. Fenton
Mr. Edward Riley	Mr. Lacey

And so it was resolved in the affirmative.

Clause 50 debated—

Question—That the clause be agreed to—put.

The Committee divided—

Ayes, 28.

Mr. Atkinson	Mr. Jackson
Mr. Bell	Mr. Killen
Mr. Bruce	Mr. Latham
Mr. Malcolm Cameron	Mr. Lister
Mr. Duncan-Hughes	Mr. Nott
Mr. R. W. Foster	Mr. Earle Page
Mr. Grosvenor Francis	Mr. Parsons
Mr. Gardner	Mr. Perkins
Sir John Gellibrand	Mr. Rodgers
Mr. Gibson	Mr. Seabrook
Mr. Gregory	Mr. Thompson
Mr. Gullett	
Mr. Hill	
Sir Neville Howse	<i>Tellers:</i>
Mr. Hurry	Mr. Hunter
	Mr. Manning

Noes, 18.

Mr. Anstey	Mr. Edward Riley
Mr. Blakeley	Mr. E. C. Riley
Mr. Brennan	Mr. Scullin
Mr. Charlton	Mr. Watkins
Mr. Forde	Mr. West
Mr. Lazzarini	Mr. Yates
Mr. Makin	
Mr. W. Maloney	<i>Tellers:</i>
Mr. Maxwell	Mr. Fenton
Mr. Parker Moloney	Mr. Lacey

And so it was resolved in the affirmative.

Clause 51 debated—

On the motion of Mr. Latham, the following amendments were made:—

Page 18, lines 43-44, omit "two qualified persons as special auditors", insert "a qualified person as a special auditor".

Page 18, line 45, after "receive" insert "from the Commonwealth".

Debate continued.

Question—That the clause, as amended, be agreed to—put.

The Committee divided—

Ayes, 29.

Mr. Atkinson	Mr. Killen
Mr. Bell	Mr. Latham
Mr. Bruce	Mr. Lister
Mr. Malcolm Cameron	Mr. Maxwell
Mr. Duncan-Hughes	Mr. Nott
Mr. R. W. Foster	Mr. Earle Page
Mr. Grosvenor Francis	Mr. Parsons
Mr. Gardner	Mr. Perkins
Sir John Gellibrand	Mr. Rodgers
Mr. Gibson	Mr. Seabrook
Mr. Gregory	Mr. Thompson
Mr. Gullett	
Mr. Hill	
Sir Neville Howse	<i>Tellers:</i>
Mr. Hurry	Mr. Hunter
Mr. Jackson	Mr. Manning

Noes, 17.

Mr. Anstey	Mr. E. C. Riley
Mr. Blakeley	Mr. Scullin
Mr. Brennan	Mr. Watkins
Mr. Charlton	Mr. West
Mr. Forde	Mr. Yates
Mr. Lacey	
Mr. Makin	<i>Tellers:</i>
Mr. W. Maloney	
Mr. Parker Moloney	Mr. Fenton
Mr. Edward Riley	Mr. Lazzarini

And so it was resolved in the affirmative.

Clauses 52 to 54 agreed to.

11th and 12th June, 1928.

The Committee continuing to sit until after midnight—

TUESDAY, 12TH JUNE, 1928.

Clause 55 debated—

On the motion of Mr. Latham, the following amendment was made :—

Page 20, lines 30–31, omit “ or to refuse to offer or to accept employment upon the terms of an award”.

Question—That the clause, as amended, be agreed to—put.

The Committee divided—

Ayes, 29.

Mr. Atkinson	Mr. Killen
Mr. Bell	Mr. Latham
Mr. Bruce	Mr. Lister
Mr. Malcolm Cameron	Mr. Maxwell
Mr. Duncan-Hughes	Mr. Nott
Mr. R. W. Foster	Mr. Earle Page
Mr. Grosvenor Francis	Mr. Parsons
Mr. Gardner	Mr. Perkins
Sir John Gellibrand	Mr. Rodgers
Mr. Gibson	Mr. Seabrook
Mr. Gregory	Mr. Thompson
Mr. Gullett	
Mr. Hill	<i>Tellers:</i>
Sir Neville Howse	
Mr. Hurry	Mr. Hunter
Mr. Jackson	Mr. Manning

Noes, 17.

Mr. Anstey	Mr. E. C. Riley
Mr. Blakeley	Mr. Scullin
Mr. Brennan	Mr. Watkins
Mr. Charlton	Mr. West
Mr. Forde	Mr. Yates
Mr. Lazzarini	
Mr. Makin	<i>Tellers:</i>
Mr. W. Maloney	
Mr. Parker Moloney	Mr. Fenton
Mr. Edward Riley	Mr. Lacey

And so it was resolved in the affirmative.

Clause 56—

On the motion of Mr. Latham, the following amendment was made :—

Page 20, line 41, after “ seventy-two ” insert “ seventy-two A ”.

Clause, as amended, agreed to.

Clauses 57 and 58 agreed to.

New Clauses—

Mr. Gregory moved, That the following new clause be added to the Bill :—

“ 3A. Section four of the Principal Act is amended by adding to paragraph (iii) of the definition of ‘ Industrial dispute ’ the words ‘ but shall not include any industrial dispute in relation to State railways ’.”

Debate ensued.

Proposed new clause negatived.

Mr. Killen moved, That the following new clause be added to the Bill :—

“ 3A. Section four of the Principal Act is amended by inserting in the definition of ‘ Industrial matters ’ after the word ‘ includes ’ (second occurring) the words ‘ piece work, payment by results and similar systems of payment.’ ”

Debate ensued.

Question—That the new clause be added to the Bill—put.

The Committee divided—

Ayes, 14.

Mr. Atkinson	Mr. Killen
Mr. Bell	Mr. Nott
Mr. Malcolm Cameron	Mr. Rodgers
Mr. Duncan-Hughes	Mr. Thompson
Mr. R. W. Foster	
Sir John Gellibrand	<i>Tellers:</i>
Mr. Gregory	Mr. Jackson
Mr. Gullett	Mr. Seabrook

Noes, 31.

Mr. Anstey	Mr. Makin
Mr. Blakeley	Mr. W. Maloney
Mr. Brennan	Mr. Parker Moloney
Mr. Bruce	Mr. Earle Page
Mr. Charlton	Mr. Parsons
Mr. Forde	Mr. Perkins
Mr. Grosvenor Francis	Mr. Edward Riley
Mr. Gardner	Mr. E. C. Riley
Mr. Gibson	Mr. Scullin
Mr. Hill	Mr. Watkins
Sir Neville Howse	Mr. West
Mr. Hunter	Mr. Yates
Mr. Hurry	
Mr. Lacey	<i>Tellers:</i>
Mr. Latham	
Mr. Lazzarini	Mr. Fenton
Mr. Lister	Mr. Manning

And so it was negatived.

11th and 12th June, 1928.

On the motion of Mr. Latham, the following new clauses were added to the Bill :—

“ 13A. After section eighteen A of the Principal Act the following section is inserted :—

‘ 18AA. Notwithstanding anything contained in this Act, where—

(a) an interpretation is given of any term of an award which interpretation declares that the standard hours of work fixed by the award in an industry or in a section of an industry are more or less than those theretofore in fact observed in that industry or section as being the standard hours of work fixed by that award ; or

(b) a variation of an award is made affecting the standard hours of work fixed by that award in an industry or in a section of an industry,

the interpretation or variation shall have no force or effect unless it is considered by the Court constituted by the Chief Judge and not less than two other Judges and is approved by a majority of the members of the Court.’”

“ 39A. After section forty-nine of the Principal Act the following section is inserted :—

‘ 49A. An employee entitled to the benefit of an award may at any time within six months from any payment by way of wages in accordance with the award becoming due to him, but not later, sue for the same in any court of competent jurisdiction.’”

Schedule—

On the motion of Mr. Latham, the following amendment was made :—

After the item—

“ Section 19—Omit ‘ the Chief Judge ’ (wherever occurring) insert ‘ a Judge ’ ”,

insert the following item—

“ Section 21A—Omit ‘ Chief Judge ’ insert ‘ Court ’ ”.

Schedule, as amended, agreed to.

Title agreed to.

Bill to be reported with amendments.

The House resumed ; Mr. Bayley reported accordingly.

Mr. Bruce (Prime Minister) moved, pursuant to contingent notice, That the Standing Orders be suspended, to enable the remaining stages to be passed without delay.

Question—put and passed.

On the motion of Mr. Latham, the House adopted the report.

Mr. Latham moved, That the Bill be now read a third time.

Debate ensued.

Question—put.

The House divided—

Ayes, 30.

Mr. Atkinson	Mr. Jackson
Mr. Bayley	Mr. Killen
Mr. Bell	Mr. Latham
Mr. Bruce	Mr. Lister
Mr. Malcolm Cameron	Mr. Maxwell
Mr. Duncan-Hughes	Mr. Nott
Mr. R. W. Foster	Mr. Earle Page
Mr. Grosvenor Francis	Mr. Parsons
Mr. Gardner	Mr. Perkins
Sir John Gellibrand	Mr. Rodgers
Mr. Gibson	Mr. Seabrook
Mr. Gregory	Mr. Thompson
Mr. Gullett	
Mr. Hill	<i>Tellers:</i>
Sir Neville Howse	Mr. Hunter
Mr. Hurry	Mr. Manning

Noes, 17.

Mr. Anstey	Mr. E. C. Riley
Mr. Blakeley	Mr. Scullin
Mr. Brennan	Mr. Watkins
Mr. Charlton	Mr. West
Mr. Forde	Mr. Yates
Mr. Lacey	
Mr. Lazzarini	
Mr. W. Maloney	<i>Tellers :</i>
Mr. Parker Moloney	Mr. Fenton
Mr. Edward Riley	Mr. Makin

And so it was resolved in the affirmative.—Bill read a third time.

5. ADJOURNMENT.—Mr. Bruce (Prime Minister) moved, That the House do now adjourn.
Question—put and passed.

And then the House, at twenty-eight minutes past three o'clock in the morning, adjourned until this day at three o'clock p.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except—Mr. Aubrey Abbott, Mr. Bowden*, Mr. Donald Cameron, Mr. Coleman, Mr. Robert Cook, Mr. Josiah Francis, Mr. Albert Green, Mr. Roland Green*, Sir Elliot Johnson, Mr. Lambert, Mr. Ley, Mr. Mann, Mr. Marks, Mr. Marr, Mr. McGrath, Mr. Nelson, Mr. Parkhill, Mr. Thomas Paterson, Mr. Prowse, Mr. Stewart, Mr. Theodore, and Mr. Watt.

* On leave.

E. W. PARKES,
Clerk of the House of Representatives.