

1946-47.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

No. 42.

THURSDAY, 24TH APRIL, 1947.

1. The House met, at half-past ten o'clock a.m., pursuant to adjournment.—Mr. Speaker (the Honorable J. S. Rosevear) took the Chair, and read Prayers.
2. ALTERATION OF DAY OF NEXT MEETING.—Mr. Chifley (Prime Minister) moved, That the House, at its rising, adjourn until Tuesday next at three o'clock p.m.
Question—put and passed.
3. PAPERS.—The following Papers were presented, pursuant to Statute—
Arbitration (Public Service) Act—Determinations by the Arbitrator, &c.—1947—
No. 19—Commonwealth Public Service Artisans' Association.
No. 20—Commonwealth Public Service Clerical Association.
No. 21—Commonwealth Public Service Artisans' Association.
4. COMMONWEALTH CONCILIATION AND ARBITRATION BILL 1947.—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 8—

Proposed section 18—

On the motion of Mr. Evatt (Attorney-General), the following amendment was made, after debate :—

Page 8, line 27, after "dispute," insert "or upon application made by any party to the dispute,".

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

Page 8, after sub-section (1.) insert the following sub-section :—

"(1A.) In determining the persons to whom directions are given under the last preceding sub-section, the Conciliation Commissioner shall take into consideration the persons having the highest degree of authority, on behalf of the parties to the industrial dispute, to negotiate for the settlement of that dispute."

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

Page 8, line 46, after "Commissioner" insert "or other person presiding over the conference".

Page 8, line 49, after "Commissioner" insert "or other person presiding over the conference".

Proposed section, as amended, agreed to.

Proposed section 19—

Mr. Menzies (Leader of the Opposition) moved, as an amendment, That sub-section (1.) be omitted with a view to inserting the following sub-sections in place thereof :—

"(1.) An appeal shall lie to the Court constituted by the Chief Judge and not less than two other Judges against any provision in any award or order of a Conciliation Commissioner affecting—

(a) wages ;

(b) hours ;

(c) any condition of employment which in the opinion of the Court is likely to affect the public interest.

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“(1A.) Any such appeal shall be made in the manner and within the time prescribed by the rules made in accordance with section forty-three of this Act.

“(1B.) On the hearing of an appeal under this section the Court may—

- (a) take fresh evidence ;
- (b) confirm, quash or vary the award or order or part thereof which is under appeal ;
- (c) refer the award or order, or any part thereof, back to the Conciliation Commissioner for reconsideration, and with or without such directions or suggestions as the Court thinks fit ; or

(d) make an award or order dealing with the matters under appeal.”.

Debate ensued.

Ordered—That Mr. Menzies be granted an extension of time.

Debate continued.

Amendment negatived.

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

Page 9, line 7, after “matter” insert “, or any question as to whether he has jurisdiction under this Act in relation to that matter,”.

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

Page 9, line 11, omit “of law”.

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

Page 9, lines 14–18, omit sub-section (5.), insert the following sub-section :—

“(5.) Upon the determination by the Court of a question referred to it under this section—

(a) if the Commissioner has not made an order or award in the matter in which the question arose, the Commissioner may make an order or award not inconsistent with the opinion of the Court ; or

(b) if the Commissioner has made an order or award in the matter in which the question arose, the Commissioner shall vary that order or award in such a way as will make it consistent with the opinion of the Court.”.

Proposed section, as amended, agreed to.

Proposed section 20—

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

Page 9, lines 25–27, omit sub-section (3.).

Proposed section, as amended, agreed to.

Proposed sections 21 to 24 agreed to.

Proposed section 25 debated and agreed to.

Proposed section 26 agreed to.

Proposed section 27—

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

Page 10, line 41, after “shall” insert “, subject to the next succeeding sub-section,”.

Page 10, after sub-section (1.) insert the following sub-section :—

“(1A.) The jurisdiction of the Court may be exercised by a single Judge with respect to any prescribed matter of practice or procedure.”.

Page 11, line 2, omit “in his absence or during”, insert “if the Chief Judge is not a member of the Court or there is”.

Proposed section, as amended, agreed to.

Proposed section 28—

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

Page 11, line 6, omit “determining”, insert “altering”.

Page 11, line 13, omit “and may also vary any such order or award”.

Proposed section, as amended, agreed to.

Proposed sections 29 to 31 agreed to.

Proposed section 32—

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

Page, 12 after paragraph (d) insert the following paragraph :—

“(da) to grant leave to appeal to the Court from any act or decision of the Registrar and to hear and determine any appeal in respect of which leave is so granted ; and”.

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

Page 12, lines 22 and 23, omit “costs and expenses to which”, insert “an industrial dispute as to the costs and expenses of which an order may be made under”.

Proposed section, as amended, agreed to.

Proposed section 33 agreed to.

Proposed section 34—

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

Page 12, line 38, omit “(whether to the High Court or to any other Court)”.

Proposed section, as amended, agreed to.

Proposed section 35—

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

Pages 12 and 13, omit proposed section 35, insert the following section :—

“35.—(1.) A judgment, order or award of the Court in any proceedings under this Act (including an appeal under the last preceding section)—

(a) shall be final and conclusive ;

(b) shall not be subject to an appeal to the High Court ;

(c) shall not be challenged, appealed against, reviewed, quashed or called in question in any Court on any account whatever ; and

(d) shall not be subject to prohibition, mandamus or injunction in any Court on any account whatever.

Decisions of
Court to be
final.

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“(2.) A determination or finding of the Court upon any question as to the existence of an industrial dispute shall, in all courts and for all purposes, be conclusive and binding on all persons affected by that question.”

Proposed section, as amended, agreed to.

Proposed section 36—

Progress to be reported, and leave asked to sit again.

The House resumed; Mr. Clark reported accordingly.

Resolved—That the House will, at the next sitting, again resolve itself into the said Committee.

5. ADJOURNMENT.—Mr. Evatt (Attorney-General) moved, That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at twenty-one minutes past three o'clock p.m., adjourned until Tuesday next at three o'clock p.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except Mr. Abbott, Mr. Adermann, Mr. Anthony, Mr. Beale, Mr. Bowden, Mr. Brennan, Mr. Chambers, Mr. Daly, Mr. Davidson, Mr. Dedman, Mr. Drakeford, Mr. Duthie, Mr. Edmonds, Mr. Falkinder, Mr. Francis, Mr. Gullett, Mr. Hadley, Mr. Haylen, Mr. Holloway, Mr. Howse, Mr. Hughes, Mr. Hutchinson, Mr. Lang, Mr. Lazzarini, Dame Enid Lyons, Sir Earle Page and Mr. Spender.

F. C. GREEN,

Clerk of the House of Representatives.