

1956.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

No. 34.

TUESDAY, 22ND MAY, 1956.

1. The House met, at half-past two o'clock p.m., pursuant to adjournment.—The Deputy Speaker (Mr. Adermann) took the Chair, and read Prayers.
2. SELF-GOVERNMENT IN NEW SOUTH WALES—CENTENARY.—Mr. Menzies (Prime Minister), by leave, referred to the celebration, during this week, of the one hundredth anniversary of the establishment of self-government in New South Wales and said he thought it would be the will of honorable Members to send to the Government and Parliament of that State, through Mr. Deputy Speaker, their congratulations and good wishes, and their appreciation of the benefit to the peoples of Australia which followed the establishment of self-government and democratic institutions in this country.
Mr. Evatt (Leader of the Opposition) supported the remarks of the Prime Minister.
Mr. Deputy Speaker stated that he would carry out the wishes of the House.
3. PAPERS.—The following Papers were presented, pursuant to Statute—
National Fitness Act—Report for 1954.
Public Service Act—Appointments—Department—
Attorney-General—S. Momcilovic, T. J. Neuman, H. Taylor.
Works—J. A. Haines.
Seat of Government (Administration) Act—Ordinance—1956—No. 7—Associations
Incorporation.
4. PUBLIC ACCOUNTS COMMITTEE—REPORT.—Mr. Thompson (Vice-Chairman) brought up the following Report from the Joint Committee of Public Accounts :—
Twenty-fifth Report—Supplementary Estimates, Variations under Section 37 of the *Audit Act* 1901–1955 and Commonwealth Consolidated Revenue Fund, for the year 1954–55.
Ordered to be printed.
5. APPROPRIATION BILL (NO. 2) 1955–56.—The Order of the Day having been read for the resumption of the debate on the question, That the Bill be now read a second time—
Debate resumed.
Question—put and passed.—Bill read a second time.
Mr. Deputy Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

Bill, by leave, taken as a whole, and agreed to.
Bill to be reported without amendment.

The House resumed ; Mr. Bowden reported accordingly.
On the motion of Sir Arthur Fadden (Treasurer), the House adopted the Report, and the Bill was read a third time.

6. POSTPONEMENT OF ORDER OF THE DAY. —Ordered—That Order of the Day No. 2 be postponed until after Order of the Day No. 3, Government Business.
7. CONCILIATION AND ARBITRATION BILL 1956.—The Order of the Day having been read for the resumption of the debate on the question, That the Bill be now read a second time—
Suspension of Standing Orders.—Mr. H. E. Holt (Minister for Labour and National Service) moved, by leave, That so much of the Standing Orders be suspended as would prevent Mr. Evatt (Leader of the Opposition) from making his speech without limitation of time.
Question—put and passed.

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Debate resumed by Mr. Evatt who moved, as an amendment, That all words after " That " be omitted with a view to inserting the following words in place thereof:—

" (A) In the opinion of this House the Bill should be withdrawn for reconsideration because—

- (1) The Bill confirms rank injustice by continuing some of the worst features of the existing legislation, e.g., penalties enforceable by process of contempt of Court. These should be eliminated. In practice they have been enforced only against Trades Unions, their officers and members and have caused grave industrial unrest ;
- (2) The Bill maintains and extends the present systems of appeal from decisions and reference of matters. These systems have caused frustration, delay and grave injustice to salary and wage earners within Federal jurisdiction ;
- (3) In relation not only to matters of penalty and contempt of Court, but also to the legal interpretation of awards, the Bill vests exclusive judicial power in a small group of the present Commonwealth Arbitration Judges who were originally appointed primarily because their main duty was to decide in a common sense and speedy manner practical problems affecting certain aspects of industrial disputes. The judicial power of the Commonwealth, so far as it is required to be exercised in industrial matters, should be vested in the existing Courts of Commonwealth and State and not in a newly created Court of Judicature ; and
- (4) The present Bill contributes nothing to the solution of the problem of industrial unrest and chaos arising from decisions under the present system and the manner in which it has been operated.

(B) Therefore, in the opinion of this House, the Bill should be reconsidered and, in order to avoid injustice and delays in the processes of conciliation and arbitration for the effective prevention and just settlement of industrial disputes, legislation should be passed so as to provide for—

- (1) The grant of final and exclusive jurisdiction in relation to industrial disputes to officers (however styled) charged with the duties of conciliation and arbitration and specially conversant with the industry concerned, reserving for the determination of the Judges or ' Presidential Commissioners ' final and exclusive jurisdiction limited to standard hours, basic wage and long service leave ;
- (2) The making of special provisions strengthening the processes of conciliation including the appointment of additional conciliators charged exclusively with the function of mediation ;
- (3) In all cases where agreement is reached between parties in dispute whether under the Act or otherwise, the making of provisions whereby the agreement between the disputants shall be certified by the appropriate authority and shall be conclusive and binding on all parties to such agreement quite irrespective of the subject matters of the agreement or any part of it ;
- (4) The correction of irregularities in union ballots by judicial procedures in accordance with the Act of 1949 ; and
- (5) The elimination of all unnecessary forms and technical legal formalities, orders for costs and professional legal advocacy.

(C) And, in the further opinion of this House, an essential feature of an adequate and effective Australian industrial arbitration system should be to vest in the Parliament of the Commonwealth full powers both in relation to industrial matters generally and also to just fixation of prices and profits on an Australia-wide basis "

Debate continued.

Debate adjourned (Mr. Joske), and the resumption of the debate made an Order of the Day for the next sitting.

8. MESSAGE FROM THE SENATE.—A Message from the Senate was reported returning the following Bill without requests:—

22nd May, 1956—*Message No. 22*—Income Tax and Social Services Contribution (Companies) 1956.

9. ADJOURNMENT.—Mr. H. E. Holt (Minister for Labour and National Service) moved, That the House do now adjourn.

Question—put and passed.

And then the House, at five minutes to eleven o'clock p.m., adjourned until to-morrow at half-past two o'clock p.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except Mr. Anthony*, Mr. Barnard, Mr. Bate, Mr. Bland*, Mr. A. G. Cameron*, Mr. Daly*, Mr. Drummond, Mr. J. M. Fraser, Sir Eric Harrison, Mr. Haworth*, Mr. H. V. Johnson, Mr. Kent Hughes, Mr. McColm, Mr. McEwen, Mr. Turner and Mr. Watkins.

* On leave.

A. A. TREGEAR,
Clerk of the House of Representatives.