

1920.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

No. 64

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

TUESDAY, 31ST AUGUST, 1920.

1. The House met, at three o'clock p.m., pursuant to adjournment.—Mr. Speaker took the Chair, and read Prayers.
2. PAPERS.—The following Papers were presented, by command of His Excellency the Governor-General—
Aerial Navigation—Convention for the Regulation of—Signed at Paris, 13th October, 1919.
North-Western Australia—Report by Mr. George A. Hobler, Engineer of Way and Works, Commonwealth Railways, of tour of inspection of.
Severally ordered to lie on the Table, and to be printed.
3. ADDITIONAL DAY AND ALTERATION OF HOURS OF MEETING.—Sir Joseph Cook moved, by leave, That, unless otherwise ordered, the House shall meet on each Tuesday, at three o'clock p.m.; on each Wednesday, at half-past two o'clock p.m.; on each Thursday, at eleven o'clock a.m.; and on each Friday, at 11 o'clock a.m.
Debate ensued.
Question—put and passed.
4. CONCILIATION AND ARBITRATION BILL (1920).—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 10, as amended, agreed to.

Clauses 11, 12, and 13 agreed to.

New Clauses—

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

3A. Section eight of the Principal Act is amended—

(a) by inserting, after the word "orders", the words "encourages, advises or incites"; and

(b) by adding at the end thereof the following sub-section :—

"(2.) For the purposes of this section an organization shall be deemed to have ordered, encouraged, advised or incited its members to refuse to offer or accept employment, if—

(a) the Committee of Management of the organization has ordered, encouraged, advised or incited members of the organization to refuse to offer or accept employment; or

(b) an officer or officers of the Committee of Management has or have ordered, encouraged, advised or incited members of the organization to refuse to offer or accept employment, unless the Court before which the proceedings are brought is satisfied that the Committee of Management was not cognisant of the matter."

Organization ordering its members to refuse to offer or accept employment.

Debate ensued.

Question—put.

F.255.

31st August, 1920.

The Committee divided—

Ayes, 31.

| | |
|--------------------|---------------------|
| Mr. Bamford | Mr. Lister |
| Mr. Bayley | Mr. Livingston |
| Mr. Bell | Mr. Mackay |
| Sir Robert Best | Mr. Marks |
| Mr. Blundell | Mr. Marr |
| Mr. Bruce | Mr. Maxwell |
| Mr. Donald Cameron | Mr. Poynton |
| Sir Joseph Cook | Mr. Prowse |
| Mr. Fleming | Mr. Rodgers |
| Mr. R. W. Foster | Sir Granville Ryrie |
| Mr. Fowler | Mr. Laird Smith |
| Mr. Francis | Mr. Wienholt |
| Mr. Greene | |
| Mr. Gregory | |
| Mr. Groom | |
| Mr. Hughes | |
| Mr. Jackson | |

*Tellers :*Mr. Burchell
Mr. Story

Noes, 13.

| | |
|----------------|-----------|
| Mr. Brennan | Mr. Ryan |
| Mr. Charlton | Mr. Tudor |
| Mr. Cunningham | Mr. West |
| Mr. Gabb | |
| Mr. Lavelle | |
| Mr. Makin | |
| Mr. W. Maloney | |
| Mr. McGrath | |

*Tellers :*Mr. Fenton
Mr. Parker Moloney

And so it was resolved in the affirmative.

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

14. Section forty A of the Principal Act is amended by omitting from paragraph (b) the word "specified" (second occurring). Board of reference.

15. Section forty-one of the Principal Act is amended by omitting the words "or article" and inserting in their stead the words "articles, book or document". Power of inspection.

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

16. Section forty-four of the Principal Act is amended by adding at the end of sub-section (2.) thereof the following paragraph :— Imposition and recovery of penalties.

(d) any party to the award or order".

"or

Mr. Charlton moved, as an amendment, That the following words be added to the proposed new clause :—

(e) any officer of the organization authorized under its rules to sue on behalf of the organization". "or

Amendment agreed to.

New clause, as amended, added to the Bill.

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

17. Section forty-eight of the Principal Act is amended— Power to make orders to observe award.

(a) by inserting, after the word "breach", the words "or to enjoin any organization or person from committing or continuing any contravention of this Act or of the award"; and

(b) by inserting, after the words "of any contravention of", the words "the Act or".

18. After section ninety-one of the Principal Act the following section is inserted :—

"91A.—(1.) For the purposes of this Act the treasurer of a club shall be deemed to be the employer of any person employed for the purposes or on behalf of the club, and any proceedings which under this Act may be taken by or against the club may be taken by or against the treasurer on behalf of the club. Proceedings by and against clubs.

(2.) The treasurer is authorized to retain out of the funds of the club so much money as is sufficient to meet any payments made by him on behalf of the club in pursuance of this section.

(3.) In this section 'the treasurer' includes any person having possession or control of any funds of the club."

12A. Section thirty-eight of the Principal Act is amended by inserting at the end of paragraph (o) thereof the words "and to give an interpretation of any term of an existing award"; Interpretation of award.

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

4A. Section eleven of the Principal Act is amended by inserting at the end of the section the words "And two assessors to be appointed by the respective parties to the dispute."

Debate ensued.

Question—put and negatived.

31st August, 1920.

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

14. Section twenty-seven of the Principal Act is repealed and the following inserted in its stead :—

“(1.) On the hearing or determination of an industrial dispute an organization may be represented by a member or officer of any organization, and any party not being an organization may be represented by an employee of that party.

(2.) No legal practitioner, whether on the rolls or not, or solicitor's clerk, shall be allowed to appear before the court, be heard, or attend the court, in any hearing or determination of an industrial dispute.”

Debate ensued.

Question—put.

The Committee divided—

| Ayes, 13. | | Noes, 32. | |
|----------------|--------------------|--------------------|---------------------|
| Mr. Blundell | Mr. Parker Moloney | Mr. Bamford | Mr. Lister |
| Mr. Cunningham | Mr. Ryan | Mr. Bayley | Mr. Livingston |
| Mr. Fowler | Mr. West | Mr. Bell | Mr. Mackay |
| Mr. Gabb | | Sir Robert Best | Mr. Marks |
| Mr. Lavelle | | Mr. Brennan | Mr. Marr |
| Mr. Makin | <i>Tellers:</i> | Mr. Bruce | Mr. Maxwell |
| Mr. W. Maloney | Mr. Charlton | Mr. Donald Cameron | Mr. Poynton |
| Mr. McGrath | Mr. Fenton | Sir Joseph Cook | Mr. Prowse |
| | | Mr. Fleming | Mr. Rodgers |
| | | Mr. R. W. Foster | Sir Granville Ryrie |
| | | Mr. Francis | Mr. Laird Smith |
| | | Mr. Gibson | Mr. Wienholt |
| | | Mr. Greene | Mr. Wise |
| | | Mr. Gregory | |
| | | Mr. Groom | <i>Tellers:</i> |
| | | Mr. Hughes | Mr. Burchell |
| | | Mr. Jackson | Mr. Story |

And so it was negatived.

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

16. Every employer shall—

- (a) make and keep a true record in such form and giving such particulars as may be prescribed of the names, work, time worked, and wages of the persons employed, and the age of every such person under twenty-one years of age ;
- (b) produce such record for inspection whenever demanded by an authorized person pursuant to section forty-one of the Principal Act ;
- (c) affix and keep affixed in legible characters in some conspicuous place so as to be easily read by his employees a notice containing a copy of the industrial award.

Debate ensued.

Question—put and negatived.

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

18. Clause 48 of the Principal Act is amended by inserting after the word “order” the words “and the term ‘party’ includes secretary or any officer of an organization”.

Debate ensued.

Question—put and negatived.

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

Section twenty-one of the Principal Act is repealed and the following section is inserted in place thereof :—

21 —(1.) In any case where an industrial dispute exists, and because of which a strike is suggested, contemplated, or threatened, it shall be competent for the President of the Arbitration Court to order that a secret ballot be taken at or in which every member of the organization affected shall be entitled to record a vote for or against a strike.

(2.) Whenever any such ballot is ordered, Federal or State officers of the respective Electoral Department shall conduct and supervise the taking of the ballot.

(3.) Further, it is hereby provided that the wife of every member of the organization directly affected as before said shall be entitled to record a vote.

(4.) The wife of each and every member of the organization affected shall, upon application, at any time within twenty-four hours before the opening of the ballot, have issued to her an elector's right qualifying her to record a vote at such ballot.

Debate ensued.

Question—put and negatived.

31st August, 1920.

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

19. After section fifty-eight A of the Principal Act the following section is inserted :—

“ 58B. The rules of an organization under this Act and the officials of such organization shall not, during the currency of an award in the industry concerned, prevent or impede any members of such organization from entering into written agreements in accordance with such award at any time prior to the commencement of service.”

Debate ensued.

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

The House resumed ; Mr. Chanter reported accordingly.

Resolved—That the House will, to-morrow, again resolve itself into the said Committee.

5. ADJOURNMENT. — Sir Joseph Cook moved, That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at twenty-eight minutes past ten 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. Anstey*, Mr. Atkinson, Mr. Blakeley, Mr. Bowden*, Mr. J. H. Catts, Mr. Austin Chapman, Mr. Robert Cook, Mr. Corser, Mr. Hay, Mr. Higgs, Mr. Jowett, Mr. Lamond, Mr. Lazzarini, Mr. Mahon, Mr. Mahony, Mr. Mathews, Mr. McWilliams, Mr. Nicholls, Mr. Earle Page, Mr. James Page*, Mr. Riley, Mr. Stewart, Mr. Watkins, and Mr. Watt*.

* On leave.

WALTER A. GALE,
Clerk of the House of Representatives.