

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**TUESDAY, 17 SEPTEMBER 1912**

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## LEGISLATIVE ASSEMBLY.

TUESDAY, 17 SEPTEMBER, 1912.

The SPEAKER (Hon. W. D. Armstrong, *Lockyer*) took the chair at half-past 3 o'clock.

## PAPERS.

The following papers, laid on the table, were ordered to be printed:—

- Regulations under the Dairy Produce Acts.
- Regulation under the Slaughtering Act.

## QUESTIONS.

## BREACHES OF RAILWAY BY-LAWS.

Mr. KIRWAN (*Brisbane*) asked the Secretary for Railways—

“1. The number of prosecutions instituted by the department from 1st January, 1912, to 31st August, 1912, for breaches of the Railway By-laws with regard to—(a) Travelling without a ticket; (b) travelling on expired ticket; (c) travelling first-class on second-class ticket?”

“2. The number of convictions secured and amount of fines recorded?”

“3. The number of breaches of the by-laws reported by the inspectors in which the department took no action and did not prosecute?”

The SECRETARY FOR RAILWAYS (Hon. W. T. Paget, *Mackay*) replied—

“1. (a) 94; (b) 4; (c) 3.

“2. Ninety-eight. £125 13s. 0½d.

“3. Three. The inspectors reported other cases which were investigated, but did not disclose any fraudulent intent.”

## GOVERNMENT SAVINGS BANK BRANCHES.

Mr. RYAN (*Barcoo*), on behalf of the hon. member for Maranoa, asked the Treasurer—

“The several branches of the Government Savings Bank opened during the past twelve months—(a) The towns or districts; (b) the date of opening in each instance?”

The TREASURER (Hon. W. H. Barnes, *Bulimba*) replied—

“It is not convenient, at present, to supply the information asked for.”

## INDUSTRIAL PEACE BILL.

## RESUMPTION OF COMMITTEE.

(*Mr. J. Stodart, Logan, in the chair.*)

On clause 42—“Payment for certain holidays”—

Mr. ROBERTS (*East Toowoomba*) desired to have an extra holiday included in the clause. He moved that the words “the first Monday in September” be inserted after the word “May” on line 32, page 19. A large part of the population of Queensland were members of friendly societies, and in some of the larger centres the first Monday in September had been observed as a public

holiday by members of friendly societies, who had carried out various functions in aid of charity. In the city of Toowoomba, since the day had been observed, they had, year after year, held a carnival, and had taken a large number of the members of societies, with their wives and children, out of the city for a picnic, and the proceeds had been donated to the various charitable institutions. They had, in those years, received amounts varying from £65 to £160. The city of Brisbane did likewise for a number of years, but lately some of the shopkeepers decided not to observe the holiday, and consequently the members of the societies had contented themselves with some form of a social evening. The friendly societies' associations of Brisbane and Toowoomba had asked him to move the amendment, and he hoped the Committee would accede to their request.

The HOME SECRETARY (Hon. J. G. Appel, *Albert*) hoped the hon. member would not insist on the amendment, as, if carried, it would impose a disability on those workers who were paid by the day. Certain days had been included in the clause which were invariably observed by every member of the community, and the hon. member had admitted that the first Monday in September was only observed as a holiday in certain localities. The inclusion of that day would not affect those who were paid by the week, and were paid for every holiday, but it would affect those who received a daily wage, because undoubtedly, unless in cases of absolute necessity, the employer would not keep his works open on that day and pay time and a-half rates. The hon. member had made out no case regarding the importance of the proposed holiday, and had not shown any necessity for placing the first Monday in September on the same footing as New Year's Day, Good Friday, and Christmas Day. He trusted, therefore, that the hon. member would not press the amendment.

Question—That the words proposed to be inserted (*Mr. Roberts's amendment*) be so inserted—put; and the Committee divided:—

## AYES, 22.

Mr. Adamson	Mr. Kirwan
Barber	Land
Bebbington	Larcombe
Bertram	Lennon
Coyne	May
Fihelly	O'Sullivan
Foley	Payne
Gilday	Roberts
Grayson	Ryan
Hamilton	Theodore
Huxham	Winstanley

Tellers: Mr. Bertram and Mr. Larcombe.

## NOES, 27.

Mr. Allan	Mr. Macartney
Appel	Mackintosh
Barnes, G. P.	Paget
Barnes, W. H.	Petrie
Booker	Rankin
Bridges	Somerset
Caine	Stevens
Corser, B. H.	Swayne
Crawford	Tolmie
Cribb	Trout
Denham	Welsby
Fox	Wienholt
Gunn	Williams
Hodge	

Tellers: Mr. Cribb and Mr. Somerset.

## PAIR.

Aye—Mr. Murphy. No—Mr. Blair.

Resolved in the negative.

Mr. THEODORE (*Chillagoe*) did not know whether the hon. gentleman who was in charge of the Bill for this afternoon had considered the significance of clause 42. The clause prescribed the rate of payment for certain holidays, and enacted that such provision should be a condition of every industrial board award. To a certain extent, that would nullify the provisions in certain wages boards' determinations now in existence. Some of the determinations fixed double-time rates for the days specified, and those determinations would be nullified by this clause, and there would be a reduction of wages as far as the persons working under the determinations in question were concerned. In certain callings wages boards had awarded double rates for working on certain holidays and on Sundays, where there was no necessity for work to be carried on on holidays and Sundays, in order to prohibit such work as far as possible. There was a necessity for having a particularly high rate in some cases, because some employers, in order to take advantage of more scrupulous employers who preferred not to work on holidays, would pay the time and a-half, which would not be any great penalty if they could get some advantage over their fellow-employers. In order to meet those contingencies, it should be left in the hands of any industrial board to say what overtime rate should be paid in the calling that came before it. In some cases, it was necessary to work on Sundays, as, for instance, in the smelting process, where the work must be carried on continuously, and in that case he did not suppose anyone wanted to harshly penalise the employers; but there were other businesses where there was no necessity to work on Sundays or other holidays, and in order to prohibit the employers from working on those days, the higher rate should be charged. A number of instances could be cited, such as the meat industry, and certain other callings, in which the determinations already in existence provided that if work was done on Sunday, or certain holidays which were mentioned, the rate of double time was to be paid. He hoped the Home Secretary would see the necessity of making some amendment on the clause.

Mr. GILDAY (*Ithaca*) opposed the clause as it stood, as it was one of those clauses which would deal very unfairly with a large number of workers who were getting satisfaction from the agreements which they had entered into with their employers, in regard to the time worked on various days throughout the year. The clause only granted time and a-half for New Year's Day, Good Friday, Easter Monday, the first Monday in May, 24th May, Christmas Day, and Boxing Day. At the present time the butchers' award, which was mutually agreed upon between employees and employers, gave double time for work on Christmas Day, Eight Hours Day, picnic day, Good Friday, and on Sundays, but, under this clause, it would be impossible to stipulate a wage for Sunday. That would mean that if there was any work done on Sunday, the employees would have to work and be paid as for ordinary time, and the same thing would apply as far as their annual picnic was concerned. It was understood by the tribunal on which he sat, that the majority of the employers in the meat industry would be satisfied if the days he had mentioned were made close holidays, rather than paid for at the double rates.

*Mr. Gilday.]*

Those were the four days on which there was no desire to work at all. But it was found that if there were three or four master butchers who were unscrupulous enough to keep their shops open, that would cause the whole of the butchers, who were desirous to give their employees the holiday, to bring them back to work. He would like the clause to have left it to the board to decide the days for close holidays, on which there would be no work done at all, and to fix for any particular day a rate which would meet with the approval of the employers and employees. Time and a-half was now paid for holidays on which they were not to be allowed to adjudicate at all—that was St. Patrick's Day, Exhibition Day, the Sovereign's Birthday, and Easter Monday.

The PREMIER: Easter Monday is provided for here.

Mr. GILDAY: Those were the days on which they got time and a-half under their determination—the other days they got double time for. There was no mention of Sunday in the clause, which day he thought should be included more than any of the other days mentioned. He moved that after the words "Boxing Day," on line 32, there be inserted the words "and every Sunday."

Mr. TROUT: Are you going to encourage Sunday work?

Mr. GILDAY: He was going to encourage Sunday to be a holiday. The clause at present would allow any employer to work their employees on Sunday as at any ordinary time.

Mr. TROUT: That is illegal.

Mr. GILDAY: If that was so it was all right, and there might be no necessity for the amendment, but, as he had moved it, he would allow it to stand. A good many employees were compelled to work on Sundays, and he did not see why they should not get a different time than ordinary time for working on that day.

The HOME SECRETARY: The board will decide that—it is left open.

Mr. GILDAY: The clause did not give power to fix the rate.

The HOME SECRETARY: That is exactly what the clause does do. Read the clause.

Mr. GILDAY: Even if that were so, by inserting the words "on every Sunday," they would make it clear that everybody who worked on a Sunday would get a certain rate.

Mr. BERTRAM (*Marce*) said that one of the arguments in favour of the amendment was that it would discourage Sunday work. Under the Bill as it stood it would be competent for an industrial board to award any rate they thought fit for Sunday work, and the rate should be such as to discourage Sunday work at all. He thought they could not do that more effectually than by fixing a rate of wages so high that Sunday work would be discouraged, unless it could not possibly be avoided.

Mr. MURPHY said that, to his mind, this would leave the matter in the hands of the industrial board. It was not likely that—where the Legislature laid it down that on certain holidays time and a-half must be

paid—the board would fix the rate [4 p.m.] of overtime on Sundays under the time and a-half rate; they would be more inclined to make it considerably higher, in order to get away from the

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necessity for Sunday work at all. He did not think that the amendment moved by the hon. member for Ithaca, Mr. Gilday, would have the effect the hon. member anticipated.

The HOME SECRETARY said that existing determinations would undoubtedly be affected by the provisions contained in the first part of section 42. As a matter of fact, those portions of determinations wherein it was provided that holidays—outside of certain holidays which were generally recognised—were days for which extra pay had to be given, were undoubtedly ultra vires. A number of determinations had been made in that way, and the amending measure of last year simply confirmed the decisions which had been arrived at. The necessity for that amending measure was brought about by the large number of determinations which would have had to be amended, because in one locality certain holidays had been proclaimed and in another locality other holidays had been adopted. It was desirable to make the whole thing uniform, and this was done by the clause they were now discussing. So far as the amendment of the hon. member for Ithaca was concerned, he really felt that no good results could be expected from it. There could be no doubt that the question of the wages to be paid for Sunday work was left by the clause in the hands of the board itself, and he was inclined to think that, so far as Sunday work was concerned, the rate of pay should certainly be more than time and a-half, but the amendment of the hon. member for Ithaca would simply limit it to time and a-half.

Mr. GILDAY: I have got another amendment to move—that double time should be paid on Sundays.

The HOME SECRETARY said that, personally, he thought that, so far as Sunday work was concerned, three times the ordinary rate of pay should be paid; it should be work that should be undertaken only under the most urgent and necessitous circumstances. The clause named certain days for which time and a-half must be paid. As far as Sunday was concerned, it was left entirely to the board to say what should be paid—time and a-half, double time, or treble time. He thought it was wise to leave the clause in that state, and, under these circumstances, he did not propose to accept the amendment of the hon. member for Ithaca.

Mr. HAMILTON (*Gregory*) said that, according to the statement of the Home Secretary, the clause would mean a reduction in wages to those engaged in certain industries, and who were getting double rates for the holidays mentioned in the clause. In the case of the Butchers' Union and the water-side workers, for instance, who were paid double rates on those holidays, it would mean a great reduction. He was with those who believed that the observance of the Sunday should be enforced to the fullest possible extent, and he should certainly like to see it made clear that the wages board had power to fix double time, if not treble time, for Sunday work. He thought they ought to try and discourage Sunday work altogether. (Hear, hear!) The seventh day was one of the finest institutions of civilisation, and he considered that they should guard it as much as possible. But he was

not satisfied with the clause as it stood, because it would lead to a reduction of wages in a very large number of cases, where the men engaged in certain industries were at present receiving double rates for the holidays mentioned. Instead of creating industrial peace, it would, in his opinion, create industrial unrest amongst the people, and he did not think the Minister wanted to do that. There should be no alteration in the clause providing that the industries in which the men were now being paid double time for the holidays mentioned should not be interfered with.

MR. THEODORE: The carrying of the provision under discussion would mean a reduction of wages in the case of men engaged in various industries; and he considered that the amendment of the hon. member for Ithaca was a good one, and would be productive of good results. Sunday work should be discouraged as much as possible, and no hardship would be done to anyone by making the rates payable for such work prohibitive.

MR. FOLEY: Subsection (3) of section 1 of the clause stated that "nothing in these provisions shall have reference to Sunday work," which might be construed by the employers to mean that Sunday was not a holiday under the Bill, as happened in a case that once came under his notice—that was in connection with the Seamen's Union. The men, in this case, were to take labourers to load a big ship with sugar, at Lucinda Point, and the ship sailed about 11 o'clock on Sunday morning for that port. The crew of that vessel demanded an extra day's sea-pay for sailing on Sunday. When he went to see the managers of the shipping company regarding the matter, they denied that they were liable for an extra day's sea-pay for sailing on Sunday, because Sunday was not included in the list of recognised holidays. He (Mr. Foley) pointed out that there was no doubt that it was a holiday in the general acceptation of the term; that it not only was a holiday but a "holy" day as well—the day of rest which everybody claimed. But, Sunday not being mentioned in the list of holidays, the managers held that they were not liable for the extra pay to the men for sailing on Sunday. Christmas Day, Good Friday, and Eight Hours Day were recognised by some employers; consequently, the employees were paid a larger wage for working on those days. The idea was to discontinue working on those days if possible; and in order to do that the wages had been put up. He knew that in the Waterside Workers' Union the rate for working on Christmas Day, Good Friday, Sunday, or Eight Hours Day was 4s. 6d. an hour day or night, and ordinary pay at other times was 1s. 8d. per hour for day and 2s. 2d. for night. In fixing the pay for holidays, they should pay a higher rate for Sunday, Good Friday, Christmas Day, and Eight Hours Day than for any other holiday. If the clause were carried it would mean that Christmas Day would be paid for the same as any other ordinary holiday, and it would be an injustice to a good many unionists who were not working on that day. He would even make it imperative on the employers to pay treble time for those days. He intended to support the amendment.

LIEUT.-COLONEL RANKIN said he did not think that the clause would inflict hardship, for the reason that the industrial boards would see that more than time and a-half

was paid. They had heard a good deal about the constantly increasing wages, but they sometimes forgot that it might become an encumbrance if they continued on those lines, as many of their industries would simply be wiped out altogether. As regarded Sunday work, he had no patience or sympathy with a man who unnecessarily made his employees work on Sunday, nor did he think that it was done in a great many instances. He did not think that the average employer was particularly fond of Sunday work any more than the average employee. He liked to have the day off as well as the worker. But there were industries where Sunday work was absolutely necessary, as, for instance, the mining industry. He thought that members on the other side of the House would agree with him that in many instances in mines they had to keep the pumps going night and day, and also on Sunday.

MR. MURPHY: The Act provides that only necessary work shall be done on Sunday.

LIEUT.-COLONEL RANKIN: The industrial boards would decide what the wages would be. He had heard hon. members say that Sunday work should be made prohibitive.

MR. LAND: So it should.

LIEUT.-COLONEL RANKIN: Were they going to throw the mines out altogether? Opposition members knew as well as he did that a great deal of Sunday work in mines was absolutely necessary. While he admitted that men working on Sunday should be paid more than on any other day of the week, at the same time, he thought that they would be perfectly safe in leaving that to be settled by the industrial board, according to the circumstances and conditions that might govern each particular case. An engine-driver engaged in a mine was totally different, for instance, from a man engaged in a livery stable who might be employed in taking out a horse and carriage to take someone to a picnic. The conditions were altogether dissimilar. If they were going to take two cases with different conditions and make the pay absolutely the same, they would be doing an injustice. It might be a very popular thing outside of the House to be constantly advocating increased wages, but if they were going to increase them in such a way as to make it practically impossible to carry on many of the industries, instead of doing the working man a good turn, they would be doing the very opposite. He thought that the clause should be left as it was.

MR. WINSTANLEY: If he had had any doubt before about the amendment, it had been dispelled since he had listened to the hon. member for Burrum. His side had always been opposed to Sunday work, and he had stated on more than one occasion that nothing would settle the question as well as an increased rate of pay would do. The first session that he was in the House he had told the then Minister for Mines, when he had waited on him with a deputation, that that would settle the question quicker than any other method which could be adopted. It was a well-known fact, as far as mining fields were concerned, that in times gone by there was very little difference between Sunday and any other day, not only by men doing practically essential work, but also by men doing work which was done every day in the week; and there was no increased rate of pay for that Sunday work. Apart from any other consideration, the mere physical aspect of

*Mr. Winstanley.]*

the question was enough for him—one day's rest in seven was the least that men could have. If there was one class of individual in connection with mines that needed that day of rest it was the engine-driver, on account of the strain that was put upon him. He was well aware of the fact that provision had been made in the Mines Regulation Act in regard to Sunday work, and that at the present time inspectors practically had control as to what number of men should work on Sundays. He did not think it was fair or reasonable that these men who worked on Sundays should be deprived of an increased rate of pay, and he therefore thought that Sunday should be included within the purview of the clause, so that Sunday work in practically every industry would be reduced to an irreducible minimum. It would be a good thing for the men themselves, as well as for the employers. Regarding holidays, he thought that those specified would practically be close holidays, and would have to be kept, but he contended that Sunday should be kept as a holiday, even above those which were included. For that reason he was in favour of the amendment.

Mr. FIDELLY: Any deprivation of the holidays given by existing wages board enactments would be a distinct breach of faith. He did not know how it could be honestly contended that several days paid for at time and a-half now should be excluded from this Bill, which laid down certain provisions for the wages board to adopt. With regard to Sunday work, the situation was that Sunday was regarded the same as any ordinary day. It was left entirely for the wages board to deal with, and there was nothing to prevent the board giving exactly the same award for Sunday work as for work on any other day. He thought that some [4.30 p.m.] provision should be made, similar to that in the Customs Act, under which the waterside labourers got four rates. In his opinion, the day suggested by the hon. member for Toowoomba would be infinitely better than the 24th May.

Question—That the words proposed to be inserted (*Mr. Gilday's amendment*) be so inserted—put and negatived.

Mr. THEODORE asked the opinion of the Minister in charge of the Bill as to whether the clause would have the effect of reducing wages in certain industries where wages boards' determinations were in force, which prescribed a higher rate of pay than "time and a-half."

The HOME SECRETARY: It will not.

Mr. GILDAY said that as the clause now stood it was not going to deal fairly with a large number of determinations of wages boards that were in existence at the present time. Under some of those determinations, the men were paid for certain holidays time and a-half, and for other holidays they got double time, and he thought that provision should be made for the higher rate. It would be more beneficial to the employers if double time was inserted in place of "time and a-half," and he moved an amendment that in line 35 the words "time and a-half" be omitted with the view of inserting "double time" in lieu thereof. If that were done there was no doubt the higher rate would be more satisfactory to the men working in any particular industry. Moreover, it would be more in accord with the various determinations that were in existence, and it

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would not have the tendency of reducing the work done on those particular days. He hoped the Minister would see the wisdom of accepting the amendment. He regretted the omission of St. Patrick's Day from the clause, as St. Patrick's Day was observed throughout the whole of Queensland, and was one of the biggest holidays of the year.

Mr. THEODORE thought the amendment only asked for a fair thing, and that the Minister should give reasons for not accepting it. At present there were certain industries which had higher rates for overtime than those prescribed in the Bill. If the hon. gentleman who was in charge of the measure thought that double time applied to every industry in all callings would prove an unbearable burden, surely he should do something to make it optional with the wages boards to give a higher rate where they considered it necessary in the interests of both parties. If the Minister would indicate that he would accept an amendment which would make it optional for any board to give a higher rate to meet such cases as had been mentioned, then a distinct improvement would be made in the clause.

Mr. BERTRAM supported the amendment, and said that if the provision was passed as it stood the employees in a great number of industries would be deprived of overtime payment for three or four holidays in the year. The wages boards had fixed from nine to eleven holidays for which the overtime rates should be paid. Therefore, if the clause was not amended, it would deprive employees of overtime for three or four days per annum, as it provided for overtime payments for only seven days in the year. In many determinations provision was made for overtime rates on St. Patrick's Day, the Sovereign's Birthday, and Easter Saturday, and if the clause was carried as it stood it would deprive employees of overtime rates for those days. The Home Secretary should accept the amendment, as it simply made the rates of overtime double the rates for ordinary days. It would not affect the employers to any great extent, because they would not need to pay overtime for four days on which many were now paying overtime. He regretted exceedingly that some of the days for which overtime payments were now being made were to be cut out.

Mr. CRAWFORD thought the clause as it stood provided a very fair thing by establishing a minimum. The clause said the rate paid should be time and a-half. He had recently been at Mount Morgan explaining the Bill, and had pointed out that the Bill arranged that on holidays time and a-half should be paid as a minimum. Someone had interjected that it ought to be double time, and he had replied that was left to organisations to enter into a mutual arrangement with the employers for the payment of a higher rate. It was the duty of such bodies to get more if they considered it desirable. The clause did not say that more than time and a-half should not be paid, but it fixed that amount as a minimum, and there was no prohibition against organisations endeavouring to secure a higher rate.

Mr. O'SULLIVAN: Then it should read "not less than."

Mr. CRAWFORD said he was quite willing to add the words "at least" at the end of the paragraph.

Mr. LENNON: Why not make it read "or as such higher rate as the board may determine"?

Mr. CRAWFORD said they were establishing a fair thing in fixing the minimum rate at time and a-half, and it was for organisations to work for more. If they were dissatisfied with time and a-half they should try and secure a higher rate.

Mr. GILDAY: The Bill will prevent that being done.

Mr. CRAWFORD: It would not, because the wages boards would be free to say that such-and-such a thing should be done. The wages boards arrived at their determinations by compromise, and if a better rate was decided upon as a result of a conference then there was no reason why it should not be paid.

Mr. THEODORE: You think it should be left to the employees to go on strike for a higher rate?

Mr. CRAWFORD said they should not paralyse the hands of organisations. The clause said what was the minimum that should be paid, and if organisations could get more, there was no reason why they should not.

Mr. MURPHY: Have you not read this clause wrongly? Does it not definitely fix time and a-half.

Mr. CRAWFORD: He took it that they must pay at least time and a-half.

Mr. MURPHY: Read it again.

Mr. CRAWFORD: They established the principle that time and a-half rates should be paid, but organisations might by mutual arrangement arrive at a higher rate.

Mr. KIRWAN said that when it was suggested to put Sunday in the list of holidays the objection was raised that Sunday was to count for more than time and a-half. He could not follow the hon. member for Mount Morgan in his remarks. That member might be right or he might be wrong, but he (Mr. Kirwan) considered, from the views expressed by the Home Secretary when it was suggested that Sunday was to be included, that Sunday was to be paid at a higher rate than any of the other holidays. He thought the proper course to pursue, in view of the fact that the majority of the wages board determinations provided for higher rates of pay for the days mentioned and also for days not included here than was provided in the clause, was to accept the amendment, as there was no doubt that a considerable amount of disaffection would result from the operation of such a provision. Instances had been quoted of awards in which as much as 4s. 6d. per hour was provided for overtime.

Mr. TROUT: There is no uniformity.

Mr. KIRWAN: They could not have uniformity in the wages for all trades. In the trade in which the hon. member for Enoggera was interested both the employees and the employers agreed upon a certain rate, but that rate did not apply to other trades. If the rates for Sunday work could be left to the wages boards, then the same authority could determine the rates payable for Christmas Day, Good Friday, and other holidays. Days like Christmas Day and Good Friday were recognised by a vast

majority of the people to be in the same position, as far as religious obligations were concerned, as Sunday.

Mr. LENNON: The Licensing Act recognises that, too.

Mr. KIRWAN: That was so. It had been pointed out beyond all question that considerable trouble was likely to arise if the clause was passed as introduced, and they had been assured by members of the Government, on more than one occasion, that their desire was to have industrial peace. If they stood by the clause they were out for industrial strife; and they would get it.

Mr. RYAN: The Home Secretary had specifically stated, and rightly so, that the passing of that clause would mean a lowering of the wages that were now paid under certain awards. Already certain boards had given specific awards at higher rates than were specified in the clause. What reason had the Government for introducing a Bill that would neutralise those awards and prescribe a lower wage than that already fixed by the boards? The hon. member for Mount Morgan claimed that organisation might lead to higher wages being paid than were prescribed in the clause. He (Mr. Ryan) thought not. The clause specifically provided that every award should be deemed to contain provisions to the following effect:—

"(1) All work done by any employees on the following holidays, namely:—New Year's Day, Good Friday, Easter Monday, the first Monday in May, the twenty-fourth day of May, Christmas Day, and Boxing Day, or on any day proclaimed to be kept in the place of any such holiday, shall be deemed overtime work, and shall be paid for at the rate of time and a-half."

That was specific, and neither the court nor any board had jurisdiction, to vary what Parliament enacted. Clause 30 provided for the making of industrial agreements which might be registered as awards if they were approved by the court. Those agreements might only be made within the jurisdiction of the Act, and, consequently, if an employer had agreed with his employees to pay double rates on particular days, it would be invalid and could not be registered as an award, because the court had no jurisdiction to make such an award. Employers and employees had no power, under clause 30, to make such an agreement. The Committee were asked to prescribe that time and a-half, and time and a-half only, should be paid on those particular days, although hon. members on both sides of the House had admitted that at the present time there were awards, which were apparently working satisfactorily, which allowed a higher rate than that prescribed by the clause. Hon. members would be wise if they hesitated before voting for the clause as it stood. He was in favour of the amendment, and if there was to be a rate fixed as the standard rate, by all means let it be at least as high as that fixed under existing awards: that was a double rate.

The HOME SECRETARY: The average of existing agreements is time and a-half. That is what I have ascertained.

Mr. RYAN: Why reduce the rate that boards had already decided should be paid in certain callings? What reasons could be advanced why members of the Committee should step in and nullify those awards?

*Mr. Ryan.]*

He saw no reason why that clause should be in the Bill at all. Why was it not left in the hands of the boards to decide? There could only be one reason for including such a clause, and that was to reduce the number of holidays, and the boards would not have the power to award higher rates on other days than was specified for the days mentioned in the clause, and on those particular days the employers were only allowed to pay time and a-half. The Home Secretary said time and a-half was the average award, but were members of the Committee to usurp the jurisdiction of the boards, and say they were going to average them up? Those boards were the most competent to judge what should be the rate of wage, and he, for one, was not going to alter their awards, unless some better reasons were brought forward for doing so. The clause was unnecessary, unless it was meant to reduce the number of holidays and to alter existing awards in a way that was detrimental to the employees. It was not detrimental to the employer; it was aimed at the workers. Was it not meant to keep wages down? It seemed to him to be one of those clauses—and there were several in the Bill—that stood out and gave members of the Opposition an opportunity of practically illustrating to the workers of Queensland that the Bill was aimed against the workers. The Home Secretary would at least see that his position was not logical, unless he took up a position inimical and hostile to the workers of Queensland.

Mr. WIENHOLT: There was no doubt it would be an excellent thing to have the holidays defined, because where there were many different callings in an industry, it would be absurd for them to have different holidays, but it would be better if the Committee did not fix what amount should be paid for overtime. The clause would have been better if it had stopped at the words "overtime work." They should provide that those days should be holidays, and that any work done on them should be regarded as overtime, and leave the actual rate to be fixed by the employers and employees themselves. That would do away with all confusion. The hon. member for Marce pointed out that some wages boards had given awards which included three or four extra holidays, and that the rate of pay on those days was fixed at a higher rate than was fixed by the clause. It was unfair in those cases for the Committee to interfere; not that he thought the employers were likely to pay a reduced rate.

Mr. BEBBINGTON: It would be very much better to leave the rate of wages to be fixed by the board. It was just possible that within a very short time the dairying and other similar industries might wish to come under the Bill, and in those industries the workers were compelled to work on holidays and Sundays. For his own part, he would not allow a man to work seven days a week at all, because if a man worked long hours for seven days, he could not do efficient work. Where they were compelled to work on Sundays and holidays it was not necessary that such a high rate should be paid. For instance, in the cheese factories, they insisted that the men should take a holiday, and they very often got off for the afternoon on two or three days in the week. The work very often did not keep the men above six or seven hours, and if they could possibly arrange for the men to get off two afternoons a week,

[Mr. Ryan.]

they liked it very much better, and if it was left open for the wages board to fix the rate of wage on holidays it would be an improvement.

Question—That the words proposed to be omitted (*Mr. Gilday's amendment*) stand part of the clause—put; and the Committee divided:—

AYES, 30.

Mr. Allan	Mr. Macartney
" Appel	" Mackintosh
" Barnes, G. P.	" Morgan
" Barnes, W. H.	" Paget
" Bebbington	" Petrie
" Booker	" Rankin
" Bridges	" Roberts
" Caine	" Somerset
" Crawford	" Stevens
" Cribb	" Swayne
" Denham	" Tolmie
" Fox	" Trout
" Grayson	" Welsby
" Gunn	" Wienholt
" Hodge	" Williams

Tellers: Mr. Gunn and Mr. Wienholt.

NOES, 21.

Mr. Adamson	Mr. Kirwan
" Barber	" Land
" Bertram	" Larcombe
" Coyne	" Lennon
" Fihelly	" May
" Foley	" O'Sullivan
" Gilday	" Payne
" Hamilton	" Ryan
" Hardacre	" Theodore
" Hunter	" Winstanley
" Huxham	

Tellers: Mr. Huxham and Mr. Kirwan.

PAIR.

Aye—Mr. Blair. No—Mr. Murphy.

Resolved in the affirmative

Mr. THEODORE said it would perhaps prove acceptable to members if they inserted certain words, so as to leave it optional for individual boards to give a higher rate in certain callings if they thought it necessary. He moved the addition, after "time and a-half," on line 35, of—

"but nothing herein shall prevent the court or any board from awarding a higher rate than that herein specified."

That would meet the objection of the water-side workers and the employees in the meat industry and other callings who were now enjoying a higher rate than that fixed by the clause. The amendment was a reasonable one, and he hoped the Minister would accept it.

Mr. RYAN: Surely the Minister was not going to allow the proposed amendment to go without some answer! From the remarks of some hon. members sitting behind him he should have imagined that the Minister would be quite prepared to accept the amendment. They wanted specifically to give the boards power to allow a higher rate than time and a-half, if they so desired—to allow, for instance, the rates which had been mentioned by the hon. member for Ithaca. There were certain boards which awarded double rates on those particular days, and on other days. The amendment was of sufficient importance to elicit a reply from the Minister. If the Government had not confidence in the boards, or thought they had not been giving justice in the past, he could understand why the Minister wished to take this power from them; but, so far, the

evidence from the other side had been that the boards had given satisfaction, and that where they did not give satisfaction the Minister took the matter into his own hands, and altered the awards or suspended them. The amendment was one which should appeal to all reasonable-minded members.

Mr. ADAMSON (*Rockhampton*): It was very peculiar that the Minister in charge of the Bill would accept none of the amendments proposed in this clause, as they were all exceedingly reasonable amendments. The amendment to bring Sunday under the provisions of the clause was a very desirable one.

The PREMIER: This has no reference to Sunday.

Mr. ADAMSON: He knew that; but it was a pity they refused to bring Sunday under the clause. There seemed to be an attempt to prevent people having holidays. Holidays provided means of recreation to break the monotony of life, and as many as possible should be able to avail themselves of them, and if they provided double time for holidays it would make it unprofitable for employers to work their employees on those days. The amendment proposed that there should be nothing to prevent the court fixing a higher rate than time and a-half for holidays. The Home Secretary himself said there were some callings in which the employees were paid treble as much as was provided in the clause. They wanted to safeguard those callings in which at the present time the employees were receiving more than time and a-half, and in which, if the clause was passed as it stood, there would be reduction as far as possible, and that there should be no reduction of wages when the Bill came into operation. Overtime should be avoided, as it was not a good thing for the men, and they should make it hard for overtime to be worked, and give to those who wanted their holiday the chance of enjoying it, and make it unprofitable for the employer to work his hands.

The HOME SECRETARY agreed with the hon. member that it was not desirable, where it could be prevented, that overtime should be worked. The object in specifying time and a-half was that there should be uniformity as to the wage which was to be paid on certain specific days. They all knew that, save on special occasions, no employer desired or had any object in working on those days which had been specified, but, as pointed out by the hon. member for Burrum, there were certain industries in which it was absolutely necessary that certain work should be carried on during every day in the week. He referred particularly to mines, where pumping operations had to be carried on in order to keep them free of water.

Mr. THEODORE: The amendment leaves it optional for the board to give higher wages if they like.

The HOME SECRETARY: It was desirable that the rates should be uniform, and he had already pointed out that, according to the records, the mean rate of overtime paid on these days was time and a-half. When hon. members talked about employers desiring to work their men upon Christmas Day or Good Friday, they must admit that they were not saying what they believed to be a fact.

Mr. WINSTANLEY: But it is a fact.

The HOME SECRETARY: They all knew that no one desired to work on those days, unless it was absolutely necessary for some operations to be carried out. As far as Sunday was concerned, they recognised that, even in those necessary operations which had been indicated, it lay with the board or the judge to say what the rates should be on that day. There was no limit to the amount which could be paid on Sundays.

Mr. RYAN: Why should it not be so on these particular days?

The HOME SECRETARY: The whole policy of the clause was that, as far as Sunday was concerned, there should be no limit placed upon the amount which might be paid on that day, but that so far as the other days were concerned there should be some uniformity. That uniformity had been arrived at in the way he had indicated. The whole policy of the Bill was that there should be uniformity throughout the whole of the districts of the State. The rate which had been stated was a fairly equitable one. He admitted that if they knew the employers would take advantage of those days and keep their establishments open, it would not be a sufficient one. On those particular days which were indicated there was no member of the community who desired to carry on the operations of his particular trade or business.

Mr. HUXHAM: Suppose he is employing his own children, he can keep his shop open.

The HOME SECRETARY said that that under other legislation was not possible. The days upon which establishments could be kept open were limited. This Bill did not affect that particular matter, which was already the law of the land. He could not see that by specifying the days which were to be kept absolutely as holidays they would be imposing a reduction of wages, and therefore he could not see any reason to alter the decision which had been arrived at when that particular clause was drafted, and could not accept the amendment which had been proposed.

Mr. LENNON: Uniformity might be a very good thing if it dealt out justice to those who were affected by it. The clause meant, beyond all question, a reduction of pay in many cases in connection with several industries. It was well known that double pay had been allowed on certain holidays, and in the case of the waterside workers, in Townsville, treble pay was fixed for certain days. This clause would effect uniformity on a very low standard. If the clause were passed there could be no alteration; it had to be time and a-half—no more and no less. He suggested that the whole thing might be left to the board. If the clause increased the rate of pay on holidays with the object of restricting, as far as possible, all Sunday work, he could understand and appreciate the desire for uniformity, but in this case the provision was, as far as he could see, designed and drafted for the purpose of injuring workers.

Mr. PAYNE said that the Bill provided for seven holidays, whereas the wages board determinations provided for eleven. If the clause was carried in its present form, instead of having a tendency to bring about peace, it would have the opposite effect; because, even if there were only two or three industries which, according to the

*Mr. Payne.]*

wages board decisions, had been getting double pay, once the Bill became law they would get only time and a-half. That in itself was going to create discontent.

The PREMIER: Some of the workers do not want as many holidays as at present.

Mr. PAYNE: There was no legitimate worker who desired less holidays if he was being paid according to the work which he produced. Those who did object were being paid such miserable wages that they were glad of a day to pick up. No matter what the employers or employees who constituted the board decided, employers could not, once the Bill was passed, pay more than time and a-half. The board should have the power to award double pay if they considered it right to do so, and the Minister would be wise if he accepted the amendment, and left it to the board to do a fair thing.

Mr. GILDAY: There was a large number of workers who would be penalised if they had to accept time and a-half. In some cases where there was one union there might be four different boards, so that if twelve unions were affected, that would mean forty-eight boards which would suffer under the clause. The butchers had four boards operating in Queensland, and they comprised 3,000 employees. There were men in the capacity of employers who were unscrupulous enough to take advantage of holidays, owing to the fact that they had not much to pay as overtime. He remembered a case occurring on the butchers' board when the employees made what at that time was a prohibitive wage, in order to prevent the employers working their men on two particular days—Good Friday and the day of the butchers' picnic. They were desirous of making it a compulsory close holiday, on which no work was to be done at all. Some master butchers opened up their business and caused an amount of dissension in the trade, because a resolution had previously been passed by the employers to keep the days as close holidays, and some of them thereby lost the trade of restaurants. It worked very unfairly with those who were desirous on that particular occasion of keeping those days close holidays. Under this particular clause much dissension would be caused between the employees and employers. Were one employer to take advantage of such a provision, other employers would naturally ask their employees to work, because the other fellows were taking advantage of the clause. Dissension would be rife amongst [5.30 p.m.] them, and there would be industrial turmoil in connection with that particular industry. Was it the object of the Government to bring about such a condition of affairs? He was under the impression that there was no desire whatever on the part of the Government to bring about industrial peace. Was it because the Employers' Federation junta had got them in such a way that they could not accept a reasonable amendment? He felt somewhat disappointed that the Government still continued to give no evidence of any intention to accept any reasonable amendment, which would prevent the lowering of rates for overtime and which would protect reputable employers. They now found that none of the arguments that had been adduced could alter the attitude of the Government, whose object was to get the Bill through exactly as printed. He regretted that a reasonable

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amendment of the kind submitted was not acceptable to the Government, and he was afraid that instead of industrial peace being brought about, there was going to be industrial upheaval in the near future.

Mr. TROUT: Nearly every speaker on the other side of the House had mentioned the dread of an industrial upheaval, and nearly every speaker had led them to believe that the Bill was not going to bring about industrial peace. But the actions and remarks of those hon. members, both in the House and outside, were unquestionably in the direction of creating as much class feeling as they possibly could. He took it that the framers of the Bill had been guided by past experience, and they had gone into the matter thoroughly, and had found that the present differences between the rates paid for overtime had not worked out satisfactorily, and that it would be more satisfactory to have a uniform system. Assuming that the Government had brought in the provision so that double time should be paid, their friends on the Opposition benches would not have been satisfied, but would have wanted to double that again.

Mr. GILDAY: Do you object to double time?

Mr. TROUT: It was not that which he objected to. There had been rather too much "shop" introduced into the Bill all through the piece. There were other industries to satisfy besides the industry that his friend the hon. member for Ithaca and he himself were connected with. They were not there to legislate for special sections.

Mr. GILDAY: You know this clause affects the butchering industry more than any other.

Mr. TROUT: He took it, when a wages board met for the purpose of determining the rates of pay for the future, they would know the lines on which they would have to fix the ordinary rates of pay and overtime rates.

Mr. O'SULLIVAN: They will have to do what the Bill tells them.

Mr. TROUT: They would know that time and a-half was all that would be allowed on certain holidays. Knowing that, they would consider the desirability of making the rates of pay generally such as would compensate the employees for anything over the time and a-half which they might lose. They would know that they could not get anything above time and a-half for holidays, and hence the employer would have to pay a higher rate in another direction. Again, he desired to draw the Committee's attention to the fact that there was one continual cry with regard to the cost of living in Queensland at that time, and that if they were going to continue at every opportunity to make the expense of working a business higher, then the general public would in the end have to meet that extra cost.

Mr. KIRWAN: You are reducing it under this clause.

Mr. TROUT: The rates of wages would not be reduced, because the whole circumstances would be taken into consideration, and the men sitting on the board would be sufficiently intelligent to realise that certain days would not be paid for at more than time and a-half, and they would consequently see that men got a higher rate for days other than holidays. They had no power to alter what was to be paid for particular days, but, assuming that there

were a few days in the year on which they had not the power to fix the rate of wages, it was to be remembered that they had the power of fixing the rates for all the other days.

The HOME SECRETARY would like to say a further word in explanation of what had been said concerning the desirability of securing uniformity. A very large number of the boards, and consequently the workers under those boards, would be considerably benefited by the establishment of uniformity. For instance, in connection with New Year's Day, the employees under twenty-two boards would be benefited, for the reason that the determinations of those boards had made no provision whatever for New Year's Day. Then, in the case of Good Friday, the workers under fourteen boards would be benefited by the operations of the section which was being objected to.

Mr. THEODORE: How many will be injured?

The HOME SECRETARY said that thirty-five boards had made no provision for extra pay on Easter Monday, while the same remark applied to fifty-three boards and Empire Day, to twelve boards and Christmas Day, to thirty-five boards and Boxing Day. The workers under all those boards would be benefited by the provision made to secure uniformity. A far greater number of workers would be benefited than might be penalised by the clause as it stood.

Mr. HUNTER: The plea for uniformity was hardly justified when a maximum instead of a minimum rate was fixed. The same advantages which the Home Secretary had claimed for the various boards through uniformity would be attained if the hon. gentleman accepted a minimum. The Government had fixed a maximum, but members on his side of the House considered that it was a minimum that should be fixed. If wages boards could be trusted to fix the wages for 300 days in the year, surely they could be trusted to fix overtime rates for a few extra days.

The HOME SECRETARY: They have not hitherto done so, and we desire that they should.

Mr. HUNTER: That did not answer his argument. They could still insist on the boards dealing with the matter. The provision of a minimum instead of a maximum would not alter the situation, nor would it stop the boards from giving more than the rate specified. The boards should certainly not give less than the minimum, and if they did not give a fair rate for overtime, then the Government should come down and insist on their giving it. When the late Minister for Railways, the Hon. George Kerr, decided to give overtime to the railway employees, he said the only desire of the Government was to fix the overtime at such a high rate that it would not pay the Government to pay overtime; that more men would be employed; and that it would be more economical to run the railways with a bigger staff, than to pay exorbitant overtime. What the hon. member for Drayton stated was perfectly true—that by working men seven days a week you would not get efficient work. If the Government really desired to put down the system of working overtime, they should fix as high a minimum as possible, and allow the boards, who were disposed to say that overtime should not be worked, to fix the rate as high as they

pleased. The clause gave a wages board the opportunity to fix a rate lower than the maximum—they could fix it at the ordinary rate. The Government were usurping certain of the responsibilities of wages boards by fixing the rate of overtime to be paid on holidays, and he hoped the Home Secretary would exercise a little bit of common sense on that occasion and accept the amendment, because it would be a decided improvement to the clause.

Mr. WIENHOLT thought that it would be better to leave the whole question to the wages boards, but, as a result of the last division, that could not be done, and he was inclined to support the amendment so that they should not have a hard-and-fast rule. The Minister had told them very clearly that on an average there would be no reduction in wages at all. On the other hand, he could not see why a few people, who happened to be getting a higher rate for overtime, should be penalised to bring up the average. Hon. members opposite, who believed in socialism, had probably shown good common sense, but had socialism, in voting against a general uniformity.

Mr. THEODORE: The list the Home Secretary had quoted in apparent support of his contention was, to a certain extent, misleading. The hon. gentleman quoted a list showing the number of callings that would be benefited by the adoption of the clause, but he omitted to quote a list showing the number which would be injured. He (Mr. Theodore) claimed that there would be as many injured as would be benefited. The hon. gentleman quoted thirty-five wages boards' determinations, which would be improved.

The HOME SECRETARY: Fifty-three in one instance.

Mr. THEODORE: That was not correct.

The HOME SECRETARY: It is the official record.

Mr. THEODORE: He would show how it was not correct. The list quoted included the Sugar Workers' Wages Board determination, which was not operative. The employees in the sugar industry had a private agreement with their employers, and they were working under much more advantageous conditions than was laid down in the wages board determination, and the contention of the hon. gentleman did not apply in that case; nor did it apply to the iron-moulders' calling, nor in regard to the coal workers. The coal workers had a private agreement, which was recognised by both parties, and that agreement gave better conditions than was fixed by the wages board determination.

Mr. GILDAY: The same thing applies to meatworks employees and bacon factory employees.

Mr. THEODORE: There was probably a number of other instances which could be quoted. Hon. members were in error in thinking that the wages boards' determinations had been put into force with their prescribed conditions in all instances. Not all the determinations were in existence, as some of the callings were working under private agreements. It had been proved that the employees in certain callings would be injured, unless the amendment were agreed to. The amendment did not affect the position of uniformity. It merely made provision to meet a contingency in those callings where a

*Mr. Theodore]*

much better rate of overtime was provided for, and on those grounds the amendment should be accepted.

Mr. RYAN: The Minister might give some more satisfactory explanation for introducing that restriction, which was really the fixing of a maximum rate for overtime. He had not heard any argument adduced why the award of a board, which fixed overtime, say, at double rates, should be altered. What necessity was there for uniformity? Had those awards ever been complained of? Had employers complained when double rates were awarded for overtime in any particular industry? If the amendment were carried it would only confer upon the boards the right of awarding a higher rate, if they thought fit, than time and a-half. And those who were receiving double pay for overtime would remain as at present. If they made it hard and fast that time and a-half only should be paid, they would take away the discretion of the court and the discretion of the boards. The court and boards were to be appointed because they were independent tribunals, because they were competent to weigh evidence, and because they had an opportunity of making all the necessary inquiries into a particular trade or industry to enable them to arrive at a just and proper conclusion as to the rate of wage which should be paid. If that were so, why were they not competent to fix what rate should be paid for overtime in those callings? The hon. gentleman said he wanted uniformity. Where was the special advantage in having uniformity in those things? He might as well say he desired to have uniformity in all wages on every day as well as on particular holidays. Hon. members on both sides had pointed out that it was desirable that there should be no work on Sunday, and that there should be no work on those particular holidays, and they were taking away the machinery that was going to stop work on those days. The machinery to stop work on those particular days would be the power to prescribe such a rate that it would not pay to go on with work on those days.

The bell indicated the hon. member's second portion of time had expired.

Mr RYAN: He would take another five minutes. What right had Parliament to step in and prescribe what rate of overtime should be paid in those particular callings? He could understand Parliament stepping in and saying that a living wage should be fixed as a minimum. That was a matter for Parliament, and that was as far as he was prepared to go in that clause. The Labour party said time and a-half should be the minimum, and that the board or the court should be allowed to raise the rate if they thought fit. They thought fit in the past, and he (Mr. Ryan) felt certain they would see no sound reason why they should not stick to the decision they had already arrived at. It was quite out of the province of the Committee to interfere with those decisions, unless some sound and substantial reason was put forward for doing so.

The HOME SECRETARY desired to expose the fallacy of the argument of the leader of the Opposition in urging that so large a number of men who were at the present time receiving a larger amount of overtime than was proposed by the clause would be penalised if the clause became law as it stood. The hon.

*Mr Theodore.*

member pointed out that, although there had been determinations, yet agreements had been made outside those determinations, and that under those agreements the same workers received a larger amount than was laid down in the determinations.

Mr. RYAN: The determinations also provided for that. I combined the two.

The HOME SECRETARY: He proposed to deal with the point that by the passage of this clause those men would forfeit their rights which they had under those agreements.

Mr. RYAN: Not necessarily, but they will not have the force of awards now; they cannot be registered as awards.

The HOME SECRETARY: The position was the same. The clause provided—

“Every award shall be deemed to contain provisions to the following effect, namely:—”

That provision would be in every award, and would have the effect of a determination, and the rates would be uniform throughout the State. Consequently, any agreement which might be entered into between the respective employers and employees would have the same force and effect that it had to-day under that present law.

Mr. THEODORE: If it becomes registered as an award, then it is nullified to that extent.

The HOME SECRETARY: He had admitted that, so far as any awards were concerned which were ultra vires, until they were confirmed by legislation, that would be the effect. He was dealing with the argument of the leader of the Opposition that it would not be possible when this Bill became law for employees to enter into agreements with their employers providing that a higher rate should be paid for overtime on those particular days, or on any other days that might be mutually agreed upon, and he simply desired to point out that this clause would merely have the effect of a determination, and would in no wise militate against similar agreements being entered into. The clause simply provided that certain overtime rates should be paid. He had supplied certain official information which the leader of the Opposition said was not reliable, but, if that was so, then no official information was reliable. They had the record that there was a certain number of wages boards in the State which had arrived at determinations that certain days should be observed as holidays, and on those days overtime rates should be paid.

Mr. KIRWAN: Will those awards hold good under this Bill?

The HOME SECRETARY: So far as the days were concerned which were not specified in the clause, certainly not, unless they were ratified, but they might be ratified and continued when the Bill became law.

Mr. RYAN: Read from line 36, “Work done during ordinary working hours,” and so on.

The HOME SECRETARY: The hon. member had already pointed out that, despite determinations which had been arrived at, agreements had been made between the respective parties by which they had arranged to pay a higher rate than was provided for in the determinations. They were not debarred, when the Bill became law, from entering into similar agreements, and he had not the slightest doubt that those agreements

would be ratified and continued. The contention of hon. members opposite was that this would result in a reduction of wages, but his argument was that although a very small proportion of workers might suffer some reduction owing to the fact that certain additional days, which were determined to be holidays, were now done away with, yet as such a large number of workers would be paid the standard rate, the number benefited would be considerably in excess of the number who might lose a small amount in that connection.

Mr. THEODORE: A small number! It would affect one of the largest of the unions.

The HOME SECRETARY: The hon. member knew that that union would not be affected—he presumed he was referring to the waterside workers. However, the fact was that to-day a large number of wages boards which had controlled the wages and conditions of employment of a large number of workers had not made provision for overtime on the holidays specified in the clause.

Mr. FOLEY: That is where your Bill is good.

The HOME SECRETARY: They desired to compel every employer, whether the board had arrived at a determination to that effect or not, to pay a uniform rate for overtime work on the days specified in the clause. When they considered the large number of workers for whom no provision had been made by the boards, it must be admitted that this was a very fair compromise. In securing a uniform payment, they had made provision for a very large body of men who had not yet been recognised in the determinations which had been made. There were as many as twelve boards which had arrived at a determination which made no provision for payment of overtime on Christmas Day, and in connection with Empire Day, which was provided for in the Bill, out of seventy-two boards only nineteen had made provision for an overtime payment on that day. There was every reason why the Committee should adopt the clause as it stood, and no argument had been adduced to induce them to accept the amendment.

Mr. THEODORE: The hon. gentleman had made some reference to private agreements which were now in force, and endeavoured to point out that they would not be affected by this provision. It had not been claimed by any Opposition member that private agreements would be affected by the clause, but they could not get away from the possibility which existed under the measure. The measure provided that any calling might be brought under its jurisdiction by the mere application of one employer, if he was employing more than twenty persons. Therefore, no matter how satisfactory private agreements now in force might be, if the employer desired to take advantage of the opportunity given him to pay less wages for holidays, he could make an application for an industrial board to be constituted, and whatever else the board did, it must reduce in those callings the rate paid for holiday work. The waterside workers had a very satisfactory agreement at present, prescribing a high rate for holiday work and for work on Sundays. While that position was not now affected by the Bill, yet, if the employers desired to take advantage of the opportunity given by this clause, then immediately on the passage of the Bill they could make

application for a board to be constituted, and have their agreement registered as an award. In that case this provision applied, and employees would be paid for holiday work as prescribed by the clause.

The PREMIER: Are they not working under an interstate agreement?

Mr. THEODORE said that they could not be exempted under the provisions of the Bill. They would be if they were under the jurisdiction of the Commonwealth Arbitration Court. That particular calling was not under the jurisdiction of any other Arbitration Act. They had a mutual agreement with their employers, which was not registered under any Act at present, and they were running an imminent danger of losing the rate which they were enjoying for holiday and Sunday work. It was because of that danger to thousands of employees who were similarly situated that the Opposition desired to see that amendment carried.

The HOME SECRETARY: According to the figures I gave, a great many more thousands will benefit by it.

Mr. THEODORE: He concurred with the hon. gentleman that many would benefit, and for that reason was willing to allow that part of the provision to stand; but members on his side wished to add to it, so that whilst it would be a benefit to a large number it would not be injuring another large number. In the waterside, the coalworking, and also the meat trade industries, wherein were employed some thousands of workers, the conditions would be immediately affected, and in some other callings the conditions would also be adversely affected if the clause was carried in its present form. It was because of that, that members on the Opposition side thought that the amendment should be accepted.

Mr. PAYNE challenged the statement that original agreements would not be interfered with.

The HOME SECRETARY: They can be confirmed after the passage of the Bill.

Mr. PAYNE: The second paragraph in subclause (1) of clause 42 meant that on every holiday, except those previously mentioned in paragraph 1, work would be paid for at ordinary rates, so that the clause would interfere with existing agreements; because they knew very well that in quite a number of industries in Queensland at the present time there were holidays agreed upon by the wages board which were not included in those enumerated in the previous paragraph. There was a reduction of four holidays in the year by the passage of the Bill, and on those days ordinary rates would be paid. What was the use of getting representatives from the employers and employees and taking away from them the right to settle the wages? No one knew the circumstances as well as did those men. In a great many instances it was exceptional for overtime to be worked. The Government were not doing the same thing in taking away the right from the boards to say what wages should be paid for overtime.

The bell indicated that the hon. member's time had expired.

Mr. PAYNE (continuing) said that it was not right to suppose that because a man was a working man he should not have any leisure hours at all. The Home Secretary

*Mr. Payne.]*

had quoted instances where so many different boards were to be assisted by the passage of this particular clause, but he did not say one word about the men who were at the present time getting double-time rates. The amendment only provided that the matter should be left in the hands of the boards to say whether overtime was worth more than time and a-half or not, and he thought the matter should be settled by the boards.

Mr. HARDACRE could not understand why the Government opposed this particular amendment, which seemed to him one of the most reasonable that had been proposed during the discussion on the Bill. It was absolutely harmless so far as conflicting in any way either with the principle or the possible success of the Bill. It only provided that the board might make an award giving a higher rate for overtime than was now prescribed by the Bill. Why not allow the boards to fix a higher rate if they wanted to?

The HOME SECRETARY: Many boards did not fix any rate at all, so we take an average, and say that it must be paid.

Mr. HARDACRE: That was all right where boards which did not fix a rate at all were concerned. He could understand the Government saying that they would not allow low rates to be fixed, but if employers and employees desired to have a higher rate fixed, why should they prescribe by Act of Parliament that they could not do it, and reduce wages in certain cases? The butchers, wharf labourers, and a number of other industries had agreed amicably to pay higher rates, presumably because it was desirable that a higher rate should be paid. Why should Parliament reduce wages?

The HOME SECRETARY: This clause does not affect that.

Mr. HARDACRE: In a number of cases it did reduce rates. The amendment proposed that while they should pay at least the rate prescribed in the clause, they might, if the board desired to make an award, pay a higher rate. He would like to know whether that was possible under the clause. Either the clause provided that a higher rate might be paid or it did not. There was a doubt about it, and to make it clear that the board had the power to increase the rate, they wished to have the amendment carried.

Mr. KIRWAN: It appeared to him that the proposed amendment would make the thing quite clear. He understood the clause was to be made retrospective in its operation, and that the conditions for rates of payment

for overtime as specified in the [7.30 p.m.] clause would take the place of those that had been determined by different wages boards. In previous arguments in connection with the Bill the Government had maintained that certain principles contained in the Bill were, like the laws of the Medes and Persians, unalterable, and they had frequently heard it said that the proper time for employers and employees to discuss matters pertaining to their industries was when they were before the wages board. Now they had the Government coming down with a principle which was in direct opposition to those ideas. If the employers and the employees were fit to fix the hours of labour, the condition of work, and the rates of wages, surely they could be trusted with such a small matter as the making of regulations dealing with overtime? The Govern-

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ment had given no reason whatever why the principle they had advocated should be departed from so far as this particular clause was concerned, and he would like the Home Secretary to make it clear whether the clause was retrospective or otherwise in its action—that was, whether all wages boards' awards were to become null and void in the matter of overtime as soon as the Bill received the Royal assent, and whether the rates provided for in the Bill would then take their place. If such was the case, he asked whether the hon. gentleman thought it a fair thing that certain employees should have their rates of overtime reduced?

Mr. FOLEY: The argument of the Hon. the Home Secretary appeared to be that it was a good thing to have a uniform rate of wages for men working on holidays. Members on this side of the House were not against the Home Secretary insisting on men working on holidays being paid at least time and a-half, but he did not see why the Minister should seek to introduce a clause which, in its operation, would injure some men who were getting more than that. The argument of the Minister was that it would bring down those who were above time and a-half to the time and a-half principle, and the Minister claimed that it would raise the rates of overtime for more employees than it would reduce them. That was a very poor argument, and it showed the desire of the Minister to injure those who were getting more than time and a-half. Some men under certain agreements were getting three times their ordinary pay for working on certain holidays, but this clause insisted that only a stipulated rate should be paid to the employee. The amendment that had been submitted only provided that the employee should not be prevented from getting more than the time and a-half if such were deemed desirable. If the clause, as it stood, were carried, the position might arise that waterside workers would be asked to work on Sundays for 2s. 6d. per hour instead of 4s. 6d., and that they would refuse to work. There would thus be a strike, because the waterside workers would be refusing to carry out the principle embodied in that Bill. They could not blame men, who were now getting 4s. 6d. per hour for working on Sundays, demanding that sum because it suited the shipowner to work his ship on the Sunday, and he was prepared to pay the rate of overtime required. The workers did not wish to work on Sundays, but if the shipowner wanted them to work on that day they expected to be paid 4s. 6d. per hour. The ordinary rate for waterside workers was 1s. 8d. per hour, and time and a-half would be 2s. 6d., so that the waterside men would suffer a reduction of 2s. per hour if the clause in its present form was carried. He did not think it would be possible under the Bill to force the waterside men to work for time and a-half, because the aid of the Federal Government would be invoked, so that shipowners would be refused permission to work their boats on Sunday and on certain holidays unless they agreed to pay certain rates for overtime. The waterside worker was in the position of being able to call upon the Federal Government, but other industries were not in that position, and there was no reason why they should be put in such a position that they would have to suffer an injustice. While every praise was due to the Minister for making it possible for all men to get time and a-half for overtime, he

should see that those men who were getting more than that were not reduced. The amendment only provided that such workers might get more than time and a-half, and the Minister would be quite justified in accepting an amendment which did not interfere in any way with the clause.

Mr. ADAMSON: The Hon. the Home Secretary had pleaded for uniformity, and his (Mr. Adamson's) side had pleaded for the Act to be made uniform with other and better Acts in the Commonwealth. The Government, however, had refused to listen to that plea for uniformity, and now was asking for uniformity which was based on the lowest prices, so far as overtime was concerned. He advocated that they should make the overtime rates uniform with the top rates then being paid instead of with the bottom rates. If the waterside workers were getting three times the ordinary rate for Sunday work, it would be a good principle to insist that other workers be paid for overtime on a similar basis. The Labour party had tried to discourage overtime, and if the Home Secretary wished to discourage it, let him make the uniform rate one that was based on the top rate then paid. Although overtime might be necessary in some cases, he felt that it ought to be paid for at the highest, and not at the lowest, possible rate. Another thing was that they were making the minimum wage really the maximum, and he did not think that the Minister wished that the minimum should become the maximum. Again, in arriving at a uniform rate for overtime, they had reduced all kinds of employment to the same plane, irrespective of whether those employments were arduous, as in the case of waterside workers or coal shifters, or not. He thought the Minister was a humane man, and he hoped the hon. gentleman would accept the amendment, because it would be in the interests of industrial peace. As the hon. member for Mundingburra had pointed out, the clause, in its present shape, might easily lead to a strike. If the waterside workers had their rates for overtime reduced, they might refuse to work, which would be by no means a step towards industrial peace. The Government claimed that it wanted to promote industrial peace, but it seemed to him that the Bill sought industrial war. Hardly any of the amendments emanating from his side of the House had been accepted, which was a strange thing, considering the interest members on his side took in industrial matters. Every amendment they had moved had been refused, and that attitude on the part of the Government was not calculated to promote industrial peace in that Chamber.

The HOME SECRETARY: Were not hon. members on the other side fighting shadows? The greatest strength of the argument of the hon. members opposite amounted to this: That certain cases had been cited, notably the agreement of the Waterside Workers' Union, and it had been assumed that if the Bill became law, with that clause as it stood, that agreement would be affected. The inference naturally would be, so far as that agreement was concerned, that it was one of those agreements which was registered, and that by such registration it had all the force of an award or determination. They had a clear definition of what an award was under the definition clauses, which provided that an award was

an award of an industrial board or of the court, and included a determination arrived at by a board under the existing law. The agreement of the waterside workers and one other had been cited as instances where the workers would suffer if that clause became law. He would point out that those agreements, not having been registered, were not affected by the law to-day, and would decidedly not be affected by the Bill when it became law.

Mr. HUNTER: Why do you stand on a maximum?

The HOME SECRETARY: For reasons that he had already endeavoured to make clear to the Committee. He would point out once more the fallacy of the arguments of hon. members opposite, who based the foundation of their arguments on the very facts which he had stated a minute or two ago—that certain workers might be affected who were to-day working under an agreement which was quite outside the existing law, and would be absolutely outside the Bill when it became the law of the State.

Mr. RYAN: Workers under existing awards will be affected.

The HOME SECRETARY asked how many such instances were there. He would like hon. members to show how many determinations had provided for a greater rate for overtime on those particular days than the rate specified in the clause? The whole of the argument of hon. members opposite was based on the fact that the waterside workers received a larger amount of overtime.

Mr. THEODORE: Also the workers in the meat industry and the coal workers.

The HOME SECRETARY: Any other body of workers who could make a similar agreement with their employers would be able to do so when the Bill became law, as there was nothing to prevent them getting four or five times the amount of overtime specified in the clause. There was also a certain amount of confusion as to the amount paid for Sunday overtime work at the present time. The deputy leader of the Opposition stated that the coal workers were paid 5s. an hour for Sunday overtime. There was nothing in the Bill to prevent them getting 5s., or even 10s., an hour overtime on Sundays. That was specifically left to the industrial court or board to determine. The average amount of overtime paid in the past had been time and a-half, and the object of the Bill was, not to prevent agreements being entered into providing for a higher rate for overtime, but for the simple purpose of providing that every employer should pay a certain amount of overtime, and that that amount should automatically become part of an award or determination.

Mr. HARDACRE: And no more.

The HOME SECRETARY: Not necessarily. That was the amount that should be paid.

OPPOSITION MEMBERS: And no more.

The HOME SECRETARY: Hon. members on the Opposition were fighting shadows when they said it would be impossible, or that it would be illegal, for employers and employees to enter into an agreement under which a higher rate of overtime was to be paid.

Mr. RYAN: Those agreements will not be enforceable.

The HOME SECRETARY: They were not enforceable now, because they were not registered. At the present time thousands of men were deprived of any overtime at all, and the Government desired to make it imperative that every worker throughout the length and breadth of Queensland should receive overtime when he worked on the particular days specified in the clause. They did not for one moment take away from the worker any power he might have to force his employer to enter into an agreement to pay overtime at two or three, or even four times the rate specified in the clause.

Mr. LENNON: He ought to be very much obliged to you.

The HOME SECRETARY: He had not the slightest doubt that members sitting on the Government benches had secured more material advantages for the workers than the hon. member who interjected.

Mr. HARDACRE: They had heard from the Home Secretary nothing but a shuffle, and apparently a knowing shuffle, because the hon. gentleman evaded every point put to him, and attempted to deceive the Committee. The hon. gentleman stated that nothing in the Bill would affect an agreement not registered under the Act, but it had been pointed out again and again by members of the Opposition that there were concrete cases of determinations by wages boards under which higher rates than time and a-half were paid for overtime. Those cases had been pointed out, and in spite of them all, the hon. gentleman shuffled all round the question. In the meatworks industry double time was paid for overtime, and under the coal workers' award a higher rate than time and a-half was paid, and those determinations had all the force of an award. This clause said, in imperative language, that time and a-half should be paid, and thereby reduced that double time to time and a-half. The clause said that that rate should be paid, and no more. It did not say "at least that rate should be paid." All the amendment provided was, that if a wages board wished to do so, it could determine that a higher rate than time and a-half should be paid for overtime. How could an employer pay a higher rate when it was stated in clear and imperative language that he must pay time and a-half? The Home Secretary stated that there were some agreements not registered under the Act. But the whole object of the Bill was to get them registered, and, if it was desired, every agreement could be brought under this Bill.

The bell indicated that portion of the hon. member's time had expired.

Mr. HARDACRE: He would take further time. The fact that in some industries more than time and a-half was [8 p.m.] being paid would prevent them coming under the Bill, and that ought to be an inducement to alter the provision in the clause.

The HOME SECRETARY: The hon. member had charged him with backing and filling and humbugging, but the hon. member was a champion at it himself. He was a judge of backing and filling.

Mr. HARDACRE: Are you shuffling again?

The HOME SECRETARY: The hon. member would be able to say something about that. He had in his mind that the hon.

[Hon. J. G. Appel.

member was in the House at the time when the Shops and Factories Act was passed, and he had every opportunity then of settling the rate of overtime—of putting on the statute-books all those noble ideas which he possessed to such a superlative degree. When he had that opportunity, did he take it? Then, why, if he had the opinions he expressed now, and which he claimed to have always possessed, did he allow this section to be inserted in the Shops and Factories Amendment Act? The hon. member had stood on many a platform throughout Queensland, and exclaimed "We are the party who passed the Factories and Shops Act!"

OPPOSITION MEMBERS: Fireworks. (Laughter.)

The CHAIRMAN: The hon. gentleman must connect his arguments with the question before the Committee.

The HOME SECRETARY: He would connect his argument. The standard for overtime had been established in section 19, subsection (17), of the Factories and Shops Amendment Act, which provided—

"That all work performed by an employee in any shop on the following days, namely: The first day of January, Good Friday, Easter Monday, the first Monday in May, the seventeenth day of March, the birthday of the Sovereign, Christmas Day, and the twenty-sixth day of December, shall be paid for on the basis of time and a-half, with a minimum payment of sixpence per hour."

The hon. member who had always taken a leading part in legislation of this character, and who was sitting at the back of the Government which introduced the measure—

OPPOSITION MEMBERS: No, no! and laughter.

The HOME SECRETARY: Who had claimed to be one of the members of the party who placed this legislation on the statute-book, was satisfied with time and a-half, and he ventured to say that the electors of the State would regard him as a humbug and as a backer and filler. He (the Home Secretary) was content to follow his lead, and stand by time and a-half, which was provided for in the Factories and Shops Act.

Mr. HUNTER: If the hon. gentleman only spoke loud enough and often enough he would convince himself that he was justified in refusing this amendment. He had charged the hon. member for Leichhardt with having helped to pass the Factories and Shops Act. But that had nothing to do with this question. At that time the party opposite was in Opposition, and had just as much opportunity of shaping legislation as the Opposition had at the present time. The hon. gentleman had not offered a single argument to justify the Government in maintaining the stand they had taken up. It would save a good deal of time if the Government would be more reasonable in a matter of this sort. It did not follow that legislation passed ten years ago would stand good to-day. Was the hon. gentleman satisfied with what he had ten years ago? There was no legislation on the statute-book that would not bear some alteration to improve its character since that time. They were continually altering legislation, and this amendment would make for progress. There was no restriction on the boards as to what should

be done, but by accepting the amendment, the clause would be liberalised and an opportunity given to boards which so desired to fix a higher rate for overtime. He did not see why the Government should direct legislation that no amount greater than that specified should be paid for overtime. It appeared to him to be nothing short of stubbornness on the part of the Government to refuse to accept the amendment.

The HOME SECRETARY: The hon. member is a judge of that—he ought to be on this side.

Mr. HUNTER: He did not feel complimented in the slightest by the hon. gentleman's suggestion that he should sit on that side, and he had not the least desire to be there.

The HOME SECRETARY: That is for the public to determine.

Mr. HUNTER: The public knew what he was a good deal better than the hon. gentleman.

The CHAIRMAN: Order!

Mr. HUNTER: If the Chairman would keep the Home Secretary quiet he would proceed with his speech.

The CHAIRMAN: Order! I shall have to keep the hon. member quiet also.

Mr. HUNTER: While he had the floor he intended to answer those interjections. The hon. gentleman was not going to howl him down; if he chose to interject in this way, he would reply to him.

The CHAIRMAN: Order! When I call the hon. member to order, he must either obey the Chair or resume his seat.

Mr. HUNTER: He expected the Chairman to keep the Home Secretary in order while he was speaking.

The CHAIRMAN: Order! The hon. member must obey my ruling.

Mr. HUNTER: The Chairman must protect him; if he did not, he (Mr. Hunter) must protect himself. To return to the point under discussion—

The bell indicated that portion of the hon. member's time had expired.

Mr. HUNTER: He would use his further time. He had hoped the Home Secretary would have accepted the amendment, and thus have avoided the unnecessary delay which had taken place. If he had desired to help the wages boards in their work he would have accepted it, but the Government had usurped the functions of the wages boards by laying down what amount of overtime had to be paid. He would support the amendment, and when it came to a division he hoped the Home Secretary—although he had endeavoured to convince himself—would see the error of his ways, and would vote with the Opposition.

Mr. BERTRAM said the speech of the Home Secretary had reminded him of the lines—

“Words, words, words! and where they most abound

Much fruit of sense beneath is rarely found.”

The hon. gentleman asked for concrete cases

where more than double time was paid for holidays. He had in his hand the determination of the Coal Workers' Board, in which it was provided that no less than 5s. per hour should be paid for work performed on Christmas Day, Eight Hours Day, and Good Friday. This was a case in which hardship would be inflicted, and it was only one of a number of cases. He hoped that even at this late hour the amendment would be accepted.

Mr. HAMILTON said he wished to correct a statement which had been made by the Home Secretary in regard to the Factories and Shops Act. That Act was passed in the year 1900; and the Labour party, which was sitting in Opposition, was not responsible for what it contained. When the Bill was brought in, it was at the tail end of the session, and they were told if they spoke on it at all it would not be passed, and every member who wanted to see the measure passed had to sit still. The Hon. Frank McDonnell, who was a member of the Labour party at that time, did almost all the debating which was done for the Opposition.

The HOME SECRETARY: You claimed all the credit for it.

Mr. HAMILTON said they were not going to claim the credit for anything of that sort. No matter what the Home Secretary said, there was no provision made in the Bill by which the boards could give more than time and a-half, and he could not understand how that was going to lead to industrial peace. It would only create more industrial discontent among the men.

The HOME SECRETARY: The particular section which he quoted fixed the rate for overtime and was introduced in 1903. (Opposition laughter.) If the hon. member would look at the divisions, he would find that that was absolutely correct. The members on the Opposition side of the House voted in support of the Government who passed that particular provision.

Mr. HAMILTON: You said the Factories and Shops Act.

The HOME SECRETARY said that he was quoting the particular clause which was contained in an amendment passed in the year 1903, when the hon. member and the other members of his party, if not sitting behind the Government, were supporting the Government. He felt quite sure that the hon. member, when he recalled the circumstances, would recollect that that was so.

Mr. RYAN: What section was it?

The HOME SECRETARY: Section 19 of the amendment proposed in 1903. He simply rose for the purpose of correcting the hon. member, because he felt sure that he would not make a quotation which was incorrect.

Mr. GILDAY: Though the Labour party was responsible for assisting to get time and a-half inserted in that particular clause in the Factories and Shops Act, was that any reason why it should be left the same at the present time? During the last two or three years the cost of living had gone up very much. If the Home Secretary had a spark of humanity about him, instead of talking in his bombastic way, he would accept some of the amendments moved by the Opposition, whose desire was to make the Bill a better Bill. It was bad from one end to the other in its original form, and they would be lacking in their duty if they did not enter a

*Mr. Gilday.]*

strenuous protest against a clause which was going to deprive the wage-earners of the State of the double-time rate, and reduce it to time and a-half. The amendment would throw the onus of the whole determination on the employers and employees, and his opinion was that the reason why the Government refused to accept it was that they wished to make it easier for the department which was going to administer the Bill. The inspectors did not want to have one determination giving treble time, another double, and another time and a-half. They were going to have it uniform, irrespective of what it was going to do to those who were working under determinations. He regretted very much that the Government could not see its way clear to accept reasonable amendments.

Question—That the words proposed to be inserted (*Mr. Theodore's amendment*) be so inserted—put; and the Committee divided:—

## AYES, 22.

Mr. Adamson	Mr. Kirwan
„ Barber	„ Land
„ Bertram	„ Larcombe
„ Coyne	„ Lennon
„ Fihelly	„ May
„ Foley	„ McCormack
„ Gilday	„ O'Sullivan
„ Hamilton	„ Payne
„ Hardacre	„ Ryan
„ Hunter	„ Theodore
„ Huxham	„ Winstanley

Tellers: Mr. McCormack and Mr. O'Sullivan.

## NOES, 26.

Mr. Allan	Mr. Gunn
„ Appel	„ Hodge
„ Barnes, G. P.	„ Macartney
„ Barnes, W. H.	„ Morgan
„ Bebbington	„ Petrie
„ Booker	„ Rankin
„ Bouchard	„ Somerset
„ Bridges	„ Stevens
„ Caine	„ Tolmie
„ Denham	„ Trout
„ Forsyth	„ Walker
„ Fox	„ Welsby
„ Grayson	„ Williams

Tellers: Mr. Booker and Mr. Williams.

## PAIRS.

Ayes—Mr. Murphy, Mr. Crawford, and Mr. Breslin.

Noes—Mr. Blair, Mr. Cribb, and Mr. Paget.

Resolved in the negative.

Mr. GILDAY said he desired to move the omission of the words on lines 36 to 38—

“Work done during ordinary working hours on any other day or holiday in the year shall not be deemed overtime work or be paid for at any increased rate.”

His reason for moving that was to give the wages boards the necessary power to fix special rates for any special days of the year, other, of course, than those [8.30 p.m.] mentioned in the clause. They found that there were a good many determinations setting out different rates of pay for different days, and they still wanted that to continue in so far as those boards were concerned. For St. Patrick's Day, there was a special rate fixed. There was also one for Exhibition Day and for the annual picnic day of different societies. If that clause were allowed to go through as it was, it would do away with certain special rates for certain recognised holidays, and

*Mr. Gilday.*

he thought the Minister would see the necessity for allowing the matter to be mutually arranged between the employers and employees in any particular industry. The amendment would not have a tendency to destroy this wonderful Bill, as it merely threw the responsibility for fixing special rates for particular days upon employers and employees. It was not right to make it compulsory for a body of men, employers and employees, to agree to something they might not care about. It would be better were it left optional with the boards to say whether there would be an extra rate paid on those particular days. He failed to see what great harm that would do, while the clause as it stood would undoubtedly cause dissension. He therefore hoped the Minister would see eye to eye with them on that occasion and agree to the three lines he had read being left out of the clause. He had no desire to labour the question, but he hoped the Minister would accept the amendment.

Mr. THEODORE knew the Home Secretary had not paid much attention to the mover of the amendment when that hon. member was speaking, and he therefore desired to give him the purport of the amendment. It was proposed to omit lines 36 to 38 from the clause, with a view to allowing industrial boards to provide for other holidays than those that were specifically mentioned in the clause, and he hoped the Minister would see the advisability of accepting the suggestion.

The HOME SECRETARY thought hon. members would realise that it was impossible for him to accept the amendment, in view of the decisions that had already taken place. The previous subclauses, which they had passed, made a definite provision that certain days only were to be regarded as holidays, and that so far as the rest of the days were concerned, outside of Sundays, they were to be treated as ordinary days, no overtime rates being payable for work done on such days. He could not accept the amendment.

Mr. PAYNE objected to the cool way in which the Minister got up and said he could not accept the amendment. Such a statement was ridiculous. If the amendment was not accepted, it would injure thousands of people in Queensland who had been used to having the particular holiday that the member for Ithaca had referred to.

Mr. FORSYTH: What day is that?

Mr. PAYNE: Friendly Societies' Day.

Mr. MURPHY: There are dozens of towns who do not observe that day.

Mr. PAYNE said there were thousands of people who did observe it, and they would be deprived of a holiday they had had for years. In Central Queensland towns like Longreach had been observing that holiday every year for the last twenty years.

The HOME SECRETARY: This will not prevent them observing it now.

Mr. PAYNE: If people observed it now, their bosses would tell them next day that they need not come back again. He knew what he was speaking about, and he knew that nearly every tradesman in Longreach would have to arrange with his employer before he got off for that day.

Mr. MURPHY: It has never been a recognised public holiday.

Mr. PAYNE: It has been a holiday in the towns of Western Central Queensland. Friendly Societies' Day in those towns was one of the holidays of the year.

Mr. MURPHY: I have never heard of it before.

Mr. PAYNE: Friendly societies in those towns held processions, and generally observed the day, and the Minister would not be doing a kind thing to those people in practically cancelling the holiday.

Mr. MURPHY said that so far as he was aware Friendly Societies' Day had never been a recognised public holiday in Queensland. If the friendly societies in Longreach had a day's sport on that particular day, it was a matter for themselves, and they might apply to the Government to proclaim it a holiday, but he did not see why they should pick out Friendly Societies' Day as one of the particular days on which employers were to pay time and a-half. If they inserted Friendly Societies Day they would have to consider other days which were observed in particular districts, as, for instance, the days for the racing carnival in Normanton. If the hon. member who had just spoken was in business in Normanton he would probably object to having to pay time and a-half for every day of the racing carnival week. They ought to deal with matters of that nature from a practical and not a sentimental standpoint. In quite a number of centres in Queensland there were no amusements on Friendly Societies' Day, certainly not nearly so many as there were on St. Patrick's Day and evening.

Mr. FIELLY protested against the extremely autocratic manner in which the Home Secretary had received the amendment of the hon. member for Ithaca. There were only seven days allowed for holidays in the measure, that was, days on which an ordinary working man would receive overtime rates if he worked on such days. From May to the end of the year there was not a holiday at all. In New South Wales there were ten holidays given in most of the awards and the rates for overtime were double pay. All workers employed on those days had to be paid for at the rate of double time. It was outrageous that the Home Secretary should decline to consider the suggestion that the holidays should number more than seven.

Mr. MURPHY: What are those ten days in New South Wales?

Mr. FIELLY: New Year's Day, Anniversary Day, Good Friday, Easter Monday, Prince of Wales' Birthday, Sovereign's Birthday, Eight Hours Day, Christmas Day, Boxing Day, Union's Picnic Day. In New South Wales they thought double time was good enough for employees, but in Queensland employers would be committing a breach of the law if they attempted to pay more than time and a-half, which would be a great injustice to a large body of taxpayers.

Mr. RYAN: The amendment was a very important one. Under that Bill they were establishing industrial boards or a court, and in the same Bill they were taking away from the boards and court the power to use their discretion and say whether overtime rates should be paid on holidays other than those mentioned in the clause. The Home

Secretary had merely told the Committee that he was not prepared to accept the amendment, but he had given no good reason for not accepting it. He (Mr. Ryan) desired to call the attention of those members who proposed to vote against the amendment that they were individually saying that work done in ordinary working hours on any other day in the year should not be deemed overtime work or be paid for at an increased rate. Each member who intended to vote for the Government on that amendment was actually altering the decisions or awards already arrived at by wages boards. There were awards under which overtime was allowed on other days than those mentioned in the clause, and also awards under which overtime was allowed at a higher rate than specified in the clause—namely, time and a-half. There was overtime allowed at three times the ordinary rate, and double the ordinary rate, and so on. Could any hon. member who was going to vote for the Government justify his position in arrogating to himself the right of overruling those wages boards? That was what they were asked to do. In other words, they were placing a piece of machinery in the hands of the court and in the hands of wages boards to determine the rate of wages to be paid in any calling, and then they said those boards should not be able to allow overtime on those days, and employers and employees should not be able to agree between themselves that overtime should be paid on those days. The Home Secretary said there was nothing to prevent employers and employees making an agreement which would not be an award, but if they did make such an agreement, it could not be enforced.

Mr. TROUT: They may carry it out.

Mr. RYAN: They might carry it out now, and did carry it out.

Mr. TROUT: They may after this Bill is passed.

Mr. RYAN: They might not after the Bill was passed. They carried out those agreements now because of the strength of the unions behind the workers. The threat to strike compelled them to carry out those agreements, but the Bill was going to take away that power.

Mr. TROUT: Because they are honourable men they keep to their compact.

Mr. RYAN: If that was the reason, he certainly would not be one to take away from those honourable men the power to keep to their compact. The Bill took away the power to enforce those honourable agreements; and if it were placed on the statute-book, such agreements could not be made. To whose mind did it occur to put in those three lines?

Mr. THEODORE: The Employers' Federation.

Mr. RYAN: Of course, or some similar body. Who gave instructions to the draftsman to put in such a clause as that? Would any hon. member, after looking at the plain English of it, say that such a clause was in the interests of the employees? It was entirely in the interests of the employers. Under the reading of that clause it seemed to him that men might be enjoined to work overtime, and they would not be entitled to any extra pay for it. It was an iniquitous principle to include in the clause, and he would certainly support the amendment.

*Mr. Ryan.]*

Question—That the words proposed to be omitted (*Mr. Gilday's amendment*) stand part of the clause—put; and the Committee divided:—

AYES, 27.	
Mr. Allan	Mr. Hodge
„ Appel	„ Macartney
„ Barnes, G. P.	„ Morgan
„ Barnes, W. H.	„ Petrie
„ Bebbington	„ Rankin
„ Booker	„ Somerset
„ Bouchard	„ Stevens
„ Bridges	„ Tolmie
„ Caine	„ Trout
„ Denham	„ Walker
„ Forsyth	„ Welsby
„ Fox	„ Wienholt
„ Grayson	„ Williams
„ Gunn	

Tellers: Mr. Walker and Mr. Welsby.

NOES, 22.	
Mr. Adamson	Mr. Kirwan
„ Barber	„ Land
„ Bertram	„ Larcombe
„ Coyne	„ Lennon
„ Fihelly	„ May
„ Foley	„ McCormack
„ Gilday	„ O'Sullivan
„ Hamilton	„ Payne
„ Hardacre	„ Ryan
„ Hunter	„ Theodore
„ Huxham	„ Winstanley

Tellers: Mr. Larcombe and Mr. Winstanley.

PAIRS.

Ayes—Mr. Blair and Mr. Paget.  
Noes—Mr. Murphy and Mr. Breslin.

Resolved in the affirmative.

Question—That clause 42 stand part of the Bill—put; and the Committee divided:—

AYES, 27.	
Mr. Allan	Mr. Hodge
„ Appel	„ Macartney
„ Barnes, G. P.	„ Morgan
„ Barnes, W. H.	„ Petrie
„ Bebbington	„ Rankin
„ Booker	„ Somerset
„ Bouchard	„ Stevens
„ Bridges	„ Tolmie
„ Caine	„ Trout
„ Denham	„ Walker
„ Forsyth	„ Welsby
„ Fox	„ Wienholt
„ Grayson	„ Williams
„ Gunn	

Tellers: Mr. Gunn and Mr. Morgan.

NOES, 22.	
Mr. Adamson	Mr. Kirwan
„ Barber	„ Land
„ Bertram	„ Larcombe
„ Coyne	„ Lennon
„ Fihelly	„ May
„ Foley	„ McCormack
„ Gilday	„ O'Sullivan
„ Hamilton	„ Payne
„ Hardacre	„ Ryan
„ Hunter	„ Theodore
„ Huxham	„ Winstanley

Tellers: Mr. Bertram and Mr. Gilday.

PAIRS.

Ayes—Mr. Blair and Mr. Paget.  
Noes—Mr. Murphy and Mr. Breslin.

Resolved in the affirmative.

Clauses 43 and 44 put and passed.

Mr. LARCOMBE (*Keppel*) moved the following new clause to follow clause 44:—

“The court or any board, when making an award determining any industrial matter or dispute, shall, without other-

[*Mr. Larcombe.*

wise limiting the scope of its inquiry, have regard to—

(a) The cost of living—i.e., price of food, clothing, and rent.

(b) The nature of the employment, whether unhealthy or dangerous and whether continuous or seasonal.

(c) The distance of the place of employment from available living areas.”

The amendment would give the court or board a definite and express direction in determining or drawing up an award. He would like to anticipate a probable objection by the Minister, who would, he supposed, contend, as he had contended with reference to other amendments, that it was unnecessary and superfluous, but his (*Mr. Larcombe's*) experience of wages boards satisfied him that an express direction was absolutely necessary. In Rockhampton, he knew that in drawing up awards, boards had taken as their guiding principle the average rate of wages obtaining in the district. That was an entirely inaccurate and fallacious basis to work upon, because frequently the average rate of wages prevailing was very low, and even when the rate was increased to a reasonable average, it was not what it should be to meet the increased cost of living. It appeared to him that unless a board took into consideration the increased cost of living, it was only a sham, a delusion, and a snare. In Western Australia, Judge Parker refused to take into consideration the cost of living when drawing up an award. The preceding clause said that the judge should be guided by equity and good conscience, but that, in his mind, was meaningless. If they went back to clause 24, they would see that a chairman had to take an oath that he would carry out his duties. In his opinion, a chairman or a judge could not carry out his duties faithfully and well unless he was guided by equity and good conscience, so it appeared to him that there was something else required. Mr. Justice Higgins, when delivering judgment in an arbitration case, said that a reasonable standard of living should be the basic principle upon which wages awards were framed, and they could not bring into operation an award giving wages that would enable the worker to live reasonably and comfortably unless they took into consideration the cost of living. If the worker got an increase of 5 per cent. in wages, while the cost of living went up 10 or 15 per cent., the award was a delusion. Although his wages were higher his purchasing power was less. He would like to read what Mr. Tregear, the secretary of the Department of Labour in New Zealand, said in a report to Parliament. Dealing with the Arbitration Court, he said—

“The work of the court is being neutralised by malignant collateral action. The general effect of the Act has been to benefit the whole community by ensuring to the employer stability of business and output, to the worker higher wages and shorter hours, and to the general public continuity of trade and business. Such effects are, however, becoming neutralised, the necessities of life cost more than in former years, and the prices are rapidly advancing out of all proportion to the rise in wages.”

There was no doubt that the cost of living was increasing out of all proportion to the increase in wages, and was causing a good

deal of industrial unrest in Queensland and Australia, and throughout the world generally. Mr. Fred Henderson, in his work on "Industrial Unrest," dealt with this matter pretty fully, and pointed out that one of the immediate provoking causes of the industrial unrest in the world to-day was the increased cost of living. The average wage fixed by the wages boards was about £2 10s. per week, and that, in his opinion, was totally inadequate, and did not effectively take into consideration the increased cost of living. If they took an average family of six, and put down the cost of each meal at 4d., that was 1s. per day each. In seven days, that meant £2 2s., which left the worker just 8s. per week for rent, clothing, firewood, and education of his children. Although they were told that education was free, it was not absolutely free. The margin of that £2 2s. was not anything like sufficiently adequate to enable a man to keep his wife and children in even reasonable physical comfort. If population was necessary, as hon. members opposite contended, it was only fair that the State should do something to enable the worker to bring up his wife and children in reasonable comfort. With respect to the cost of living, he would read an article which appeared in the September number of the "Review of Reviews" headed the "High Cost of Living." It said—

"The fly in the ointment of Australia's prosperity is the abnormal cost of living. One can hardly take up a daily paper without seeing such headlines as 'High Price of Meat,' 'High Price of Potatoes,' &c. Those whose incomes have increased during recent years find that this condition of prices somewhat nullifies their improved salaries or wages. New South Wales has appointed a commission to inquire into the matter. Potatoes are twice as dear as they were four years ago, the wholesale price being now over £10 per ton. Onions are £20 a ton. Mutton has doubled in price, being now 4d. per lb. wholesale, while the consumer pays the retailer 7d. per lb. and more for it. Cheese has gone up 38 per cent., butter 24 per cent., rice and flour each 25 per cent., and jam 14 per cent. It is evident that good fat profits must go into somebody's pocket, and equally plain that the poor people must have a bad time. The whole subject needs looking into in the most serious, searching, and comprehensive way."

The poor people were suffering, and somebody was getting fat profits, and it was in order to prevent that that he had moved the amendment. There were other principles contained in the new clause which were worthy of the consideration of the Minister, who, he hoped, would give it his serious attention.

Mr. MAY (*Flinders*) would like to mention the matter of travelling expenses, which had not been brought up by the hon. member for Keppel. He might say that travelling expenses had been largely considered in the wages paid in connection with the Australian Workers' Union. That was one of the causes some years ago which led to a rise in the price of shearing, and was also included in the last matter brought before the court. It was not only in that industry, but in many other industries, that travelling

expenses were very large. People had to go to intermittent work in the sugar industry. Some of them had to travel from Tasmania and different parts of New South Wales, and others from Brisbane and the back country. He supported the amendment, and hoped the Minister would see his way to accept the new clause.

Mr. THEODORE: The board should be instructed that in determining any matter, whilst having regard to the cost of living in fixing wages, they should also have regard to the nature of the employment—whether it was healthy or unhealthy, dangerous or otherwise, and whether the work was intermittent or continuous. Under the old Wages Boards Act which was at present in force, there were certain boards which refused to have regard to those things. He knew of one chairman who had stated openly to the board that so long as he was a member of the board the sole thing he would have regard for was whether the industry could afford to pay the wages asked or not. It should therefore be in the nature of an instruction to the board that at any time when they were charged with the duty of reviewing the wages or other conditions of employment, they should have regard also to those things which were laid down—viz., the cost of living, the nature of the employment, and the question of the proximity or otherwise of the employment to the workers' living areas. To those matters the board should give special attention, and they should be included in this measure by way of instruction.

Mr. PAYNE: This was a question which was agitating the minds of the ablest men in every part of the world to-day. They could not successfully bring in an Industrial Peace Bill and make provisions to fix the rate of pay that men should get in different industries unless they took into consideration the matters contained in the clause moved by the hon. member for Keppel. He had been told by some railway men that previously they could live just as well on 6s. 6d. per day as they could to-day on 8s. a day. House rent had gone up from 50 per cent. to 75 per cent., and the cost of living had gone up in every direction. To his mind, it was not merely a question of wages. It was not a bit of good to regulate the wages if they cast aside these other considerations. When he came to Brisbane five years ago he could get a house for 12s. 6d. a week for which he had now to pay from £1 5s. to £1 10s. It was no use legislating to bring about peace if they did not make men comfortable. He could quote some of the leading lights of the world in the old country and the Commonwealth of Australia who were considering this particular matter at the present moment, and they distinctly stated that it was not possible to bring about a fair and honest rate of wages unless the cost of living was taken into consideration.

Mr. ADAMSON considered that the proposed new clause was a most important provision. It was a question which was agitating the minds of people in all parts of the world. The report of the commission in New Zealand on the increased cost of living stated clearly that in New Zealand they were realising that the cost of living was a problem which had to be considered alongside the fixing of wages. The same thing was true in America and in every country of Europe

Mr. Adamson.]

to-day. He had noticed the following paragraph in the last number of the "Review of Reviews":—

"Labour unrest is bound to continue as long as the figures quoted by Mr. Asquith to a deputation on the subject last month are not altered. Since 1900 the cost of living had increased 11.6 per cent., while wages had only risen .3 per cent. This means that a man receiving £1 a week had had his real wages reduced in eleven years by more than 2s. per week, and at the outset £1 a week was not nearly enough to maintain the animal efficiency of himself, his wife, and three children. All churches and parties are slowly coming to see that the battle with poverty is their next common objective."

That was true in the old country, and it was true in this country. He had no doubt that the judges of the court would act on lines of equity and good conscience; but it would be a good thing to have a clause in the Bill like the one proposed. If a man had to live far away, the train fare was a serious drain upon his wages. Some kinds of work were precarious and intermittent, and those matters ought to be taken into consideration when making an award. Mr. Justice Higgins had laid down the standard that wages should provide reasonable comfort for a man and his wife living in a civilised community; and as the Home Secretary wished to have uniformity, he could do so in that regard. He ought to be willing to bring that Act into harmony with the principles laid down by the President of the Federal Conciliation and Arbitration Court, and to take into consideration all those matters which affected the standard of living and producing power, so far as a man's wages were concerned.

The HOME SECRETARY: The proposer of the amendment apparently desired to facilitate the boards coming to a conclusion in connection with any industrial dispute or industrial matter which might be brought before it. According to subsection (a) the court or any board in the exercise of any jurisdiction, power, duty, or function conferred or imposed on it should be governed in its procedure, award, and decision, by equity, good conscience, and the substantial merits of the case without regard to technicalities or legal forms or the practice of other courts. In subsection (b) it was provided that the court or board in the exercise of any such jurisdiction, duty, power, or function should not be bound by any rules or practice as to evidence, but should inform its mind on any matter in such a manner as it thought just. He desired particularly to draw the attention of the Committee to those two provisions. Further on, on page 35, they had the subsection (k), by which it was provided that the court might, in regard to any industrial matter or dispute over which it had jurisdiction, refer any technical matter or matters to an expert, and accept his report as evidence. Again, on page 36, they had clauses 6 and 7, which provided that the court might issue an order to any person to take evidence on its behalf in relation to any industrial matter or dispute. The judge might direct the registrar to inquire into any matter as to which he might require information for the purpose of the exercise of the jurisdiction of the court. He quite agreed with the hon. mem-

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ber who moved the amendment, when he suggested that probably it would be found to be superfluous. In his opinion, it was superfluous.

Mr. LARCOMBE: I thought you would say that.

The HOME SECRETARY: The hon. member assumed that the position which he took up was the correct one. It was very easy for any person to assume that his position of a case was the correct [9.30 p.m.] one; but he desired to point out that they would only be encumbering the Bill if they added to it any matter which was not necessary. As he had already shown, the court was to be guided by equity and good conscience. They were not bound by any technicalities, but were in a position to get any evidence either by themselves or by an expert or by the registrar of the court which was necessary to enable them to come to a conclusion. The hon. member apparently was viewing the question from one side and one side alone. His contention was that the cost of living had increased. Did the hon. member wonder at it? Was it possible with the increase that had taken place in wages that there should not be an increase in the cost of living? If they increased the cost of production, was it probable that the manufactured article would remain at the same price. They all knew the cost generally of living had increased; but what to a great extent had caused that increase?

An HONOURABLE MEMBER: The middle-man.

The HOME SECRETARY: The increased luxury of living.

HONOURABLE MEMBERS: No, no!

The HOME SECRETARY: If hon. members said there had been no increase in the cost of luxury as compared with a few years previously then they were simply shutting their eyes to a fact which was most patent to every thinking man. The luxury of living was admitted by every person who had taken an interest in the matter, and who had written upon the subject. Any member of the Committee who ventured to say that the increased cost of living was not directly due to the increased cost caused by the luxury of living of the day was wilfully blind to a most patent fact.

Mr. HARDACRE: That does not alter the price of articles.

The HOME SECRETARY: The whole question resolved itself into what a particular industry could afford. It was very easy to say, "Increase this," or "Increase that," but the point was, how they were going to pay that increase?

Mr. LENNON: That is not the only consideration.

The HOME SECRETARY: It was one of them. They could not legislate to make men rich. There was something beyond that. They might as well bring in the Bill to say that every man was to receive £500 a year. It would be easy to introduce such a Bill, but where was the money to come from? If they imposed a greater burden on an industry than it could bear, what was going to be the result? If they had no competition things would possibly be much simpler, but they had to deal with outside

competition, and an industry could only bear a certain burden. If they increased that burden to any extent they would simply strangle the whole industry.

Mr. FOLEY: Everybody knows that.

The HOME SECRETARY: Yet members proposed to act in direct contradiction to that proposition. Members seemed to forget that if they increased the cost of production in one particular trade they increased it in connection with another. There was a general increase, and naturally people had to pay more for the manufactured article because it was costing more.

Mr. ADAMSON: Who fixes the price—trusts and combines?

The HOME SECRETARY: Prices were fixed in the markets of the world. The price that was realised for our butter in Great Britain regulated the price to be paid for cream in Queensland. If a larger burden were placed upon the dairying industry they could not say that dairymen would recoup themselves by obtaining a higher price for their cream. They could overload an industry until they strangled it. Hon. members on his side of the House were just as anxious to see wages increased as those on the other side, but members on his side had to go beyond merely criticising. Members on the other side had simply to advocate such and such an increase, but the Government had an obligation cast upon them to ascertain how that increase was to be paid for upon sound lines. He did not blame members for advocating all the things they had been asking for, and posing as the men who desired to benefit the workers of the State.

Mr. LENNON: It is very good of you.

The HOME SECRETARY: They knew what a philanthropist the hon. member for Herbert was. They did not deny his philanthropy, but they knew that the hon. member of all others recognised how sound was the argument that he (the Home Secretary) had been adducing.

Mr. LENNON: Where do you find the philanthropists?

The HOME SECRETARY: The hon. member knew that the luxury in living existed in every community. The hon. member could not deny that in every suburb and in every country town there were picture shows attended nightly by thousands of people. They had theatres throughout the city which were crowded nightly, and that was a condition of things that did not exist a few years previously. Such things cost money. It all meant an increased cost, so far as living was concerned, and it was ridiculous for hon. members to come forward and say that by an act of the Legislature they could effect an economic reform. An industry would only bear a certain burden, and if they went beyond that burden, they simply killed the goose that laid the golden egg. They were all desirous of seeing the conditions of life improved, but the question was how that improvement was to be effected, and he ventured to say it was not going to be done by any legislative enactment. They might bring about fairer and juster conditions, but if hon. members thought that by any legislative enactment they were going to overturn the foundation of what might be called political economy, they were simply deceiving themselves. Returning to the

amendment, he was of opinion that it was superfluous. All the necessary conditions were contained in the section itself, which left it to the court, in the simplest and fullest sense, to do all that was necessary to gain information and arrive at a decision. The court had all the powers necessary—it could delegate power to experts, and it had the power to authorise the registrar to gain any information that was necessary. They would simply be burdening the Bill with matters which were not necessary by adopting the amendment, and he did not propose to accept it.

Mr. RYAN said he had listened very carefully to the arguments that had been offered by the various speakers. Nearly the whole of the Home Secretary's argument was an expression of his views as to what things the court should take notice of in arriving at a proper wage, and, boiled down, it seemed to him that the hon. gentleman, and those behind him, considered that practically the only thing the court was to consider was what an industry could afford. The Home Secretary had taken special pains to elaborate that argument—the old Tory argument against a rise in wages. On his side, they viewed the position from another standpoint, and they considered that if an industry could not afford to pay a reasonable and living wage, it ought to go. He asked what industry was there in Queensland that could not afford a fair and living wage? If there was such an industry, the Government were to blame. His party believed in placing an industry on such a footing that it would be able to pay a fair and living wage. Let them take the farming industry. The hon. member for Maranoa had frequently pointed out that the Government was not giving proper encouragement to the farming industry, and was not placing the farmer in a position to pay as good wages as he otherwise would. The hon. member had also pointed out in what way the farming industry could be assisted so as to permit of the farmer giving the wages demanded by the rural workers. That being the argument of the hon. gentleman, he proceeded to say that the amendment was superfluous, because the court already had power with regard to those matters. The principal thing in the amendment was that the court must have regard to the cost of living. The hon. gentleman said that was not a chief consideration; that the only consideration was, "What could the industry afford?" No doubt a board or the court might have regard to the cost of living, but the arguments put forward by the Home Secretary, that they might disregard legal technicalities, and so forth, was quite beside the question. Experience had shown that there were boards which did not take into account the cost of living; that they had refused to take those things into account; and consequently it became necessary for the Legislature to direct such board or boards that they should take it into consideration. The basis from which one must reason as to the rate of wages, first of all, was: what was a fair living wage, and in arriving at that they must necessarily have regard to the cost of living. At present the procedure before a board was this: for employees to give evidence as to the cost of living, and employers to give evidence as to the cost of production; and on that evidence an award was made which was binding for a certain

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time. The employee was bound by the award, but the employer could immediately raise the selling price of his commodity. While a rise in wages might necessitate a slight rise in the cost of living, experience had shown that the cost of living had increased in a far greater proportion than the rise in wages.

Mr. THEODORE: And precedes it.

Mr. RYAN: That was so. Take a coal crisis in England. There was a certain rise in wages, and the coalowners at once raised the price of coal 2s. 6d. a ton, and there was a great outcry against it. That was the experience all through, and that was the conclusion arrived at by those who had been placed in a position of having every opportunity of knowing. In saying that, he referred particularly to the expression used by the president of the Western Australian Arbitration Court. When commenting on a proposed amendment of the law there, he said it was essential that power should be given to the court to have something to say as regarded the cost of living. When men placed in such a position, free from all influences, and with every opportunity of knowing the essential facts and all the circumstances of the case, considered it was essential that the court should have regard to those matters, surely it was right that Parliament should be guided by such opinions. No doubt there were many boards which looked at the matter through the spectacles which the hon. gentleman looked through, but the hon. member for Keppel desired that they should look at it through spectacles which had not such a narrow view. He would support the amendment.

Mr. FORSYTH really did not think it necessary to include the amendment. They appointed a wages board, and they appointed a court, and the employers and employees had each representatives on those boards; and if the representatives of the employers were not competent to obtain what evidence they could in connection with the cost of living or anything else, then they should not be there.

Mr. THEODORE: The board might refuse to hear the evidence.

Mr. FORSYTH did not think the board could refuse to hear it. As a matter of fact, they had power to inquire into the cost of any goods in any calling. Those men were there for the purpose of finding out what wages should be paid to the employees. They had power to ask for certain evidence; and if the employees' representatives brought forward that evidence, surely the board was bound to listen to it?

Mr. THEODORE: They need not ask for it.

Mr. FORSYTH: The board could inquire into the actual cost of living, and also into the question as to what an industry could afford to pay. They had heard a good deal about the farming industry, and he would point out that farm produce, such as butter, cheese, etc., had to be exported, and no matter what wages the industry had to pay, the farmer could not pass it on to the consumer, as the price of butter, etc., was regulated by the London market. It was a very easy matter when they had protection, such as existed in connection with the bootmaking industry, to pass the extra cost on. If the employees said they wanted an extra 5s. or 10s. a week in wages, the employer would

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immediately say that meant an extra 5 per cent. on the cost of production, and he would put it on to the price of his boots, and thus passed it on to the consumer. But in the farming industry, the farmer could not pass on the extra cost, and therefore farmers should be kept out of wages boards, as they were placed in a very different position to that of other trades. On page 4 of the Bill, in the definition of "industrial matters," it was stated that the term included matters relating to—

"All questions of what is fair and right in relation to any industrial matter having regard to the interests of the persons immediately concerned and of the community as a whole."

That particular definition represented everything. The boards could take any evidence they liked, whether it was in connection with the extra cost of living or otherwise, and therefore the amendment was unnecessary.

Mr. BEBBINGTON said he could not agree with the amendment, as he could see no reason in it. Whatever wages were paid they had to be earned first. To illustrate what he meant, he would draw attention to what happened on one of the railways at present being constructed. Two men engaged on that railway were employed in putting up fencing, and on one day one of them sank thirty-two post holes, and the other man sank only four holes in the day, so that his earnings would not keep him. Who was going to keep that man if he did not earn his living? The Opposition wanted to make the one man earn sufficient to keep the other man. The man who would not sink his holes ought to starve. He would not bring a good man down to a bad man's level, neither would he make a good workman work to keep a lazy workman. They were told that if an industry would not pay a certain wage it should go down. In a paper he received from England the other day a certain firm advertised for a clerk, and they received 726 applications at £1 6s. a week. Members of the Opposition would not allow those men to come out here and work for 7s. or 8s. a day, and yet they were actually wearing clothes made by sweated labour at 4s. a day.

At 10 p.m.,

The CHAIRMAN: In accordance with Standing Order No. 251, and in accordance with the order of the House, made on the 27th ultimo, relative to this Bill, I shall proceed to put all the questions necessary to dispose of the new clause now before the Committee, and the clauses to the end of Part VI. of the Bill.

Question—That proposed new clause (*Mr. Larcombe's amendment*) be inserted to follow clause 44—put; and the Committee divided:—

AYES, 22.

Mr. Adamson	Mr. Kirwan
" Barber	" Land
" Bertram	" Larcombe
" Coyne	" Lennon
" Fihelly	" May
" Foley	" McCormack
" Gilday	" O'Sullivan
" Hamilton	" Payne
" Hardacre	" Ryan
" Hunter	" Theodore
" Huxham	" Winstanley

Tellers: Mr. Huxham and Mr. Kirwan.

NOES, 25.  
 Mr. Allan Mr. Gunn  
 " Appel " Hodge  
 " Barnes, G. P. " Macartney  
 " Barnes, W. H. " Morgan  
 " Bebbington " Petrie  
 " Booker " Rankin  
 " Bouchard " Somerset  
 " Bridges " Stevens  
 " Caine " Swayne  
 " Crawford " Trout  
 " Denham " Walker  
 " Forsyth " Welsby  
 " Fox " Wienholt  
 " Grayson " Williams  
 Tellers: Mr. Welsby and Mr. Wienholt.

PAIRS.

Ayes—Mr. Murphy and Mr. Breslin.  
 Noes—Mr. Blair and Mr. Paget.

Resolved in the negative.

Question—That clause 45 stand part of the Bill—put; and the Committee divided:—

AYES, 27.  
 Mr. Allan Mr. Hodge  
 " Appel " Macartney  
 " Barnes, G. P. " Morgan  
 " Barnes, W. H. " Petrie  
 " Bebbington " Rankin  
 " Booker " Somerset  
 " Bouchard " Stevens  
 " Bridges " Swayne  
 " Caine " Trout  
 " Crawford " Walker  
 " Denham " Welsby  
 " Fox " Wienholt  
 " Grayson " Williams  
 " Gunn  
 Tellers: Mr. Welsby and Mr. Wienholt.

NOES, 22.

Mr. Adamson Mr. Kirwan  
 " Barber " Land  
 " Bertram " Larcombe  
 " Coyne " Lennon  
 " Fihelly " May  
 " Foley " McCormack  
 " Gilday " O'Sullivan  
 " Hamilton " Payne  
 " Hardacre " Ryan  
 " Hunter " Theodore  
 " Huxham " Winstanley  
 Tellers: Mr. Huxham and Mr. Kirwan.

PAIRS.

Ayes—Mr. Blair and Mr. Paget.  
 Noes—Mr. Murphy and Mr. Breslin.  
 Resolved in the affirmative.

Question—That clause 46 stand part of the Bill—put; and the Committee divided:—

AYES, 26.  
 Mr. Allan Mr. Hodge  
 " Appel " Macartney  
 " Barnes, G. P. " Morgan  
 " Barnes, W. H. " Petrie  
 " Bebbington " Rankin  
 " Bouchard " Somerset  
 " Bridges " Stevens  
 " Caine " Swayne  
 " Crawford " Trout  
 " Denham " Walker  
 " Fox " Welsby  
 " Grayson " Wienholt  
 " Gunn " Williams  
 Tellers: Mr. Welsby and Mr. Wienholt.

NOES, 23.

Mr. Adamson Mr. Kirwan  
 " Barber " Land  
 " Bertram " Larcombe  
 " Booker " Lennon  
 " Coyne " May  
 " Fihelly " McCormack  
 " Foley " O'Sullivan  
 " Gilday " Payne  
 " Hamilton " Ryan  
 " Hardacre " Theodore  
 " Hunter " Winstanley  
 " Huxham  
 Tellers: Mr. Huxham and Mr. Kirwan.

PAIRS.

Ayes—Mr. Blair and Mr. Paget.  
 Noes—Mr. Murphy and Mr. Breslin.  
 Resolved in the affirmative.

Question—That clause 47 stand part of the Bill—put; and the Committee divided:—

AYES, 26.  
 Mr. Allan Mr. Hodge  
 " Appel " Macartney  
 " Barnes, G. P. " Morgan  
 " Barnes, W. H. " Petrie  
 " Bebbington " Rankin  
 " Bouchard " Somerset  
 " Bridges " Stevens  
 " Caine " Swayne  
 " Crawford " Trout  
 " Denham " Walker  
 " Fox " Welsby  
 " Grayson " Wienholt  
 " Gunn " Williams  
 Tellers: Mr. Welsby and Mr. Wienholt.

NOES, 23.

Mr. Adamson Mr. Kirwan  
 " Barber " Land  
 " Bertram " Larcombe  
 " Booker " Lennon  
 " Coyne " May  
 " Fihelly " McCormack  
 " Foley " O'Sullivan  
 " Gilday " Payne  
 " Hamilton " Ryan  
 " Hardacre " Theodore  
 " Hunter " Winstanley  
 " Huxham  
 Tellers: Mr. Huxham and Mr. Kirwan.

PAIRS.

Ayes—Mr. Blair and Mr. Paget.  
 Noes—Mr. Murphy and Mr. Breslin.  
 Resolved in the affirmative.

Question—That clause 48 stand part of the Bill—put; and the Committee divided:—

AYES, 27.  
 Mr. Allan Mr. Hodge  
 " Appel " Macartney  
 " Barnes, G. P. " Morgan  
 " Barnes, W. H. " Petrie  
 " Bebbington " Rankin  
 " Booker " Somerset  
 " Bouchard " Stevens  
 " Bridges " Swayne  
 " Caine " Trout  
 " Crawford " Walker  
 " Denham " Welsby  
 " Fox " Wienholt  
 " Grayson " Williams  
 " Gunn  
 Tellers: Mr. Welsby and Mr. Wienholt.

NOES, 22.

Mr. Adamson Mr. Kirwan  
 " Barber " Land  
 " Bertram " Larcombe  
 " Coyne " Lennon  
 " Fihelly " May  
 " Foley " McCormack  
 " Gilday " O'Sullivan  
 " Hamilton " Payne  
 " Hardacre " Ryan  
 " Hunter " Theodore  
 " Huxham " Winstanley  
 Tellers: Mr. Huxham and Mr. Kirwan.

PAIRS.

Ayes—Mr. Blair and Mr. Paget.  
 Noes—Mr. Murphy and Mr. Breslin.  
 Resolved in the affirmative.

Question—That clause 49 stand part of the Bill—put; and the Committee divided:—

AYES, 27.  
 Mr. Allan Mr. Hodge  
 " Appel " Macartney  
 " Barnes, G. P. " Morgan  
 " Barnes, W. H. " Petrie  
 " Bebbington " Rankin  
 " Booker " Somerset  
 " Bouchard " Stevens  
 " Bridges " Swayne  
 " Caine " Trout  
 " Crawford " Walker  
 " Denham " Welsby  
 " Fox " Wienholt  
 " Grayson " Williams  
 " Gunn  
 Tellers: Mr. Welsby and Mr. Wienholt.

## NOES, 22.

Mr. Adamson	Mr. Kirwan
" Barber	" Land
" Bertram	" Larcombe
" Coyne	" Lennon
" Fihelly	" May
" Foley	" McCormack
" Gilday	" O'Sullivan
" Hamilton	" Payne
" Hardacre	" Ryan
" Hunter	" Theodore
" Huxham	" Winstanley

Tellers: Mr. Huxham and Mr. Kirwan.

## PAIRS.

Ayes—Mr. Blair and Mr. Paget.  
Noes—Mr. Murphy and Mr. Breslin.

Resolved in the affirmative.

Question—That clause 50 stand part of the Bill—put; and the Committee divided:—

## AYES, 27.

Mr. Allan	Mr. Hodge
" Appel	" Macartney
" Barnes, G. P.	" Morgan
" Barnes, W. H.	" Petrie
" Bebbington	" Rankin
" Booker	" Somerset
" Bouchard	" Stevens
" Bridges	" Swayne
" Caine	" Trout
" Crawford	" Walker
" Denham	" Welsby
" Fox	" Wienholt
" Grayson	" Williams
" Gunn	

Tellers: Mr. Crawford and Mr. Williams.

## NOES, 22.

Mr. Adamson	Mr. Kirwan
" Barber	" Land
" Bertram	" Larcombe
" Coyne	" Lennon
" Fihelly	" May
" Foley	" McCormack
" Gilday	" O'Sullivan
" Hamilton	" Payne
" Hardacre	" Ryan
" Hunter	" Theodore
" Huxham	" Winstanley

Tellers: Mr. Bertram and Mr. O'Sullivan.

## PAIRS.

Ayes—Mr. Blair and Mr. Paget.  
Noes—Mr. Murphy and Mr. Breslin.

Resolved in the affirmative.

Question—That clause 51 stand part of the Bill—put; and the Committee divided:—

## AYES, 27.

Mr. Allan	Mr. Hodge
" Appel	" Macartney
" Barnes, G. P.	" Morgan
" Barnes, W. H.	" Petrie
" Bebbington	" Rankin
" Booker	" Somerset
" Bouchard	" Stevens
" Bridges	" Swayne
" Caine	" Trout
" Crawford	" Walker
" Denham	" Welsby
" Fox	" Wienholt
" Grayson	" Williams
" Gunn	

Tellers: Mr. Williams and Mr. Crawford.

## NOES, 22.

Mr. Adamson	Mr. Kirwan
" Barber	" Land
" Bertram	" Larcombe
" Coyne	" Lennon
" Fihelly	" May
" Foley	" McCormack
" Gilday	" O'Sullivan
" Hamilton	" Payne
" Hardacre	" Ryan
" Hunter	" Theodore
" Huxham	" Winstanley

Tellers: Mr. Bertram and Mr. O'Sullivan.

## PAIRS.

Ayes—Mr. Blair and Mr. Paget.  
Noes—Mr. Murphy and Mr. Breslin.

Resolved in the affirmative.

Question—That clause 52 stand part of the Bill—put; and the Committee divided:—

## AYES, 27.

Mr. Allan	Mr. Hodge
" Appel	" Macartney
" Barnes, G. P.	" Morgan
" Barnes, W. H.	" Petrie
" Bebbington	" Rankin
" Booker	" Somerset
" Bouchard	" Stevens
" Bridges	" Swayne
" Caine	" Trout
" Crawford	" Walker
" Denham	" Welsby
" Fox	" Wienholt
" Grayson	" Williams
" Gunn	

Tellers: Mr. Williams and Mr. Crawford.

## NOES, 22.

Mr. Adamson	Mr. Kirwan
" Barber	" Land
" Bertram	" Larcombe
" Coyne	" Lennon
" Fihelly	" May
" Foley	" McCormack
" Gilday	" O'Sullivan
" Hamilton	" Payne
" Hardacre	" Ryan
" Hunter	" Theodore
" Huxham	" Winstanley

Tellers: Mr. Bertram and Mr. O'Sullivan.

## PAIRS.

Ayes—Mr. Blair and Mr. Paget.  
Noes—Mr. Murphy and Mr. Breslin.

Resolved in the affirmative.

Question—That clause 53 stand part of the Bill—put; and the Committee divided:—

## AYES, 27.

Mr. Allan	Mr. Hodge
" Appel	" Macartney
" Barnes, G. P.	" Morgan
" Barnes, W. H.	" Petrie
" Bebbington	" Rankin
" Booker	" Somerset
" Bouchard	" Stevens
" Bridges	" Swayne
" Caine	" Trout
" Crawford	" Walker
" Denham	" Welsby
" Fox	" Wienholt
" Grayson	" Williams
" Gunn	

Tellers: Mr. Crawford and Mr. Williams.

NOES, 22.  
 Mr. Adamson Mr. Kirwan  
 " Barber " Land  
 " Bertram " Larcombe  
 " Coyne " Lennon  
 " Fihelly " May  
 " Foley " McCormack  
 " Gilday " O'Sullivan  
 " Hamilton " Payne  
 " Hardacre " Ryan  
 " Hunter " Theodore  
 " Huxham " Winstanley  
 Tellers: Mr. Bertram and Mr. O'Sullivan.

## PAIRS.

Ayes—Mr. Blair and Mr. Paget.  
 Noes—Mr. Murphy and Mr. Breslin.  
 Resolved in the affirmative.

Question—That clause 54 stand part of the Bill—put; and the Committee divided:—

AYES, 27.  
 Mr. Allan Mr. Hodge  
 " Appel " Macartney  
 " Barnes, G. P. " Morgan  
 " Barnes, W. H. " Petrie  
 " Bebbington " Rankin  
 " Booker " Somerset  
 " Bouchard " Stevens  
 " Bridges " Swayne  
 " Caine " Trout  
 " Crawford " Walker  
 " Denham " Welsby  
 " Fox " Wienholt  
 " Grayson " Williams  
 " Gunn  
 Tellers: Mr. Crawford and Mr. Williams.

NOES, 22.  
 Mr. Adamson Mr. Kirwan  
 " Barber " Land  
 " Bertram " Larcombe  
 " Coyne " Lennon  
 " Fihelly " May  
 " Foley " McCormack  
 " Gilday " O'Sullivan  
 " Hamilton " Payne  
 " Hardacre " Ryan  
 " Hunter " Theodore  
 " Huxham " Winstanley  
 Tellers: Mr. Bertram and Mr. O'Sullivan.

## PAIRS.

Ayes—Mr. Blair and Mr. Paget.  
 Noes—Mr. Murphy and Mr. Breslin.  
 Resolved in the affirmative.

Question—That clause 55 stand part of the Bill—put; and the Committee divided.

The CHAIRMAN: There being no tellers for the "Noes." I declare the question resolved in the affirmative.

Clauses 56 to 60, inclusive, put and passed, without division.

The House resumed. The CHAIRMAN reported the Bill as far as the end of Part VI., and the Committee obtained leave to sit again to-morrow.

## MINING FOR COAL AND MINERAL OIL BILL.

### MESSAGE FROM THE COUNCIL.

The SPEAKER announced the receipt of a message from the Legislative Council returning this Bill with an amendment in which they invited the concurrence of the Legislative Assembly.

Ordered that the Council's amendment be taken into consideration to-morrow.

The House adjourned at two minutes to 11 o'clock.