Legislative Council.

Thursday, 22 October, 1925.

Assent to Bills—Forty-four Hours Week Bill (second reading).

The President took the chair.

ASSENT TO BILLS.

Royal assent to the following bills reported:—

Supply Bill.

Parliamentary Allowances and Salaries Bill.

George's River Bridge (Guarantee) Bill.

FORTY-FOUR HOURS WEEK BILL.

SECOND READING.

Debate resumed (from 21st October, *vide* page 1710) on motion by the Hon. A. C. Willis:

That this bill be now read a second time.

The Hon. E. H. FARRAR: After listening very attentively to the remarks of the Vice-President of the Executive Council when introducing the bill one can only come to the conclusion that there was a sentimental side to his speech. I think every hon. member will agree with what he said when he was dealing with what happened in years gone by in connection with the conditions under which people worked and their long hours of labour. But he forgot when he was dealing with that sentimental side to state the fact that we in Australia are ahead of all other countries in the world with regard to the conditions under which employees work. The other part of the Vice-President's speech was largely confined to dealing with industries which to-day work under the forty-four hours system. A number of them were granted the forty-four hours week because of health conditions and each one of them which the Minister quoted was given those conditions only after full inquiry and investigation had been made. The bill proposes to apply by proclamation the principle of the forty-four hours to every industry in this State which has the award of an Arbitration Court or of any other tribunal that may be set up in this State to deal with the conditions of employment in an industry. The bill is altogether different from any previous legislation that has been passed. The last Act which dealt with hours of labour provided that application should be made to a special court which was to take evidence and hear both sides of the case. That court dealt with each industry on its merits and finally, after all the evidence had been taken and after all the facts had been ascertained, it came to a decision for that particular industry. That decision was applicable to that one industry only.

The Hon. J. Ryan: Is the hon. member referring to the Act passed by the Fuller Government?

The Hon. E. H. FARRAR: I am referring to the Forty-four Hours Act passed by the Government when the Hon. Mr. Kavanagh was Vice-President of the Executive Council. The Act which the Fuller Government passed did away with that and referred the hours of labour to the Arbitration Court to be dealt with at the same time as other conditions of employment were being discussed. I feel that is the correct way of dealing with the hours of labour, because you cannot take away the fixing of hours from the fixing of the general conditions of an industry. Wages are in some instances regulated by the number of hours the employees work. They are paid so much per hour. If, under an Act of Parliament, there is a proclamation granting a forty-four hours week right over the State, then the court has no authority, no power, to deal with the question of hours and whatever tribunal is set up can deal only with the other conditions of labour in any industry.

The Hon. Martin Doyle: That is the intention of the bill!

The Hon. E. H. FARRAR: I am saying it is and am pointing out that it is wrong because it does not give each particular industry the opportunity of placing facts connected with it before the tribunal. That brings us to the point that this bill proposes to make Parliament the place where all these intricate questions are to be decided at the one time, during one debate and are to be

set out in one Act of Parliament. My contention is that the place where these questions should be decided is some tribunal before which the parties can place their evidence in regard to each industry separately—an independent body on which they have a representative and then that such body should come to a decision which will be workable and can be carried out in connection with each industry to which it applies.

This bill proposes to go further than any previous Act of Parliament in so far as it proposes to override Federal Arbitration Court awards. Of course, it is problematical whether if it becomes law it will have constitutional authority. Possibly that point will be tested. But as far as the intentions of the Government are concerned the bill will override Federal awards where they conflict, as to hours of labour, with State awards. What an anomalous position is going to be created. Organisations in this State have a right at the present time to go to the State tribunal, which will deal with all their conditions. Many organisations which are federated also have the right to go to the Federal Court. They go first to the State tribunal and if they are not satisfied with what they get there they can then go on to the Federal tribunal and have a second try to get what they failed to get from the State tribunal. The Federal tribunal, after hearing evidence covering the industry in the whole of Australia, makes an award for that industry throughout Australia. If this bill becomes law it will provide, in Part III, that so far as the hours of labour in any industry within the State of New South Wales are concerned they will automatically be fixed at forty-four per week. A formula is provided according to which those hours are worked out.

The Vice-President of the Executive Council did not touch on that question during his speech, but I am sure the Government is trespassing upon very dangerous constitutional grounds. I do not think it wise for a State to endeavour to deal by Act of Parliament with Federal Court awards or Federal legislation in that way. I feel that it is going to be almost impossible to carry out such a law. Take for instance interstate ships. How can you carry it out on interstate ships? When the men are working in New South Wales waters on interstate ships they will have a forty-four hours week. When they pass Wilson's Promontory and get into Victorian waters they will be amenable to the Federal award which covers the shipping in the rest of Australia. It may provide for forty-eight hours. I mention that to show the impracticability of working out the theory underlying this bill and applying it roughshod not only so far as New South Wales is concerned, but to industries which are covered by Federal awards. In making these awards the tribunal has examined evidence throughout Australia, and certainly, after examining that evidence, it is a more competent tribunal to give a decision in any particular industry than is Parliament after a general election. Also from the Federal point of view, this bill will deal with industries on a flat rate, without investigation and without inquiry, and I propose to show that in certain industries, at any rate, the bill will not work. I ask the Vice-President of the Executive Council what opportunity the Government has had, during the last four months, of going into the whole intricate question of each particular industry, and fortifying itself with the knowledge and information necessary to enable it to put the clauses in this bill which will affect the carrying on of industry throughout the State. The Government has had no time, and it has held no investigation.

The Hon. R. MAHONY: Two most exhaustive inquiries have been held in this country in regard to this matter, one by Mr. Justice Higgins, and the other by Mr. Justice Beeby!

The Hon. E. H. FARRAR: But this Government has come into power since then, and the evidence adduced by experience since those commissions sat proves that you cannot apply the forty-four hours working week in the way the Government is attempting to do it. I am not so much opposed to the Government bringing in a bill to enable some

tribunal, or the Industrial Court, to deal with this matter on its merits, in each industry.

The Hon. R. Mahony: Did you not object to that, when you were introducing your amending bill, and I made that suggestion?

The Hon. E. H. FARRAR: I did not fully object to it, but I objected to certain proposals which you put up. I am saying now that that would have been a logical way for the Government to have prepared the bill, because then each industry could have had its case examined by a tribunal, and could at least have got justice. The position now is that the Government has a clause in this bill which provides that, after a proclamation is made, each industry has to work forty-four hours, and if this has disastrous results, then the industry may apply to a tribunal and get its grievance redressed. But what is going to happen in the meantime? Take, for instance, an industry like the fire brigade, which is an institution of a protective nature, the same as the police.

The Hon. Martin Doyle: You would not call that an industry!

The Hon. E. H. FARRAR: The fire brigade is an industry within the meaning of the Industrial Arbitration Act, and the employees in that industry have the right to go to the court, or to make an agreement with their employers. They have gone to the court, and they have made agreements with their employers. They met the board only within the last two months, and signed an agreement covering a period of three years. That industry furnishes the public with a service which must be continued. I do not say that one body of men must be always at work, and I do not speak against them getting as good conditions as the average man, but that industry is going to be affected without any investigation at all. There has never been a forty-four hours working week in that industry. There has been no examination with regard to the industry, yet here Parliament is going to lay down that the fire-fighting service must be carried on on the forty-four hours week basis. A fireman's work is composed of the actual practical work of putting out fires, when called to do so. The rest of the time he is cleaning up the appliances, and when that is done he remains available for duty. He may have a game of billiards, or he may go into the recreation room, to read, or do anything he pleases, so long as he remains within call of the bells which indicate when a fire takes place. Some four years ago it was proven, when figures were compiled, that the actual working time of a permanent fireman in the metropolitan area, at putting out fires, did not amount to two minutes per day per man. I am not speaking of the country, but only of the metropolitan area. That was not in the time of the I.W.W., which was a period when the fire brigades were very active, and very heavily worked.

The Hon. A. C. Willis: Was it just before the insurance policies were running out?

The Hon. E. H. FARRAR: No, it was not, because a period of twelve months was taken, and I suppose insurance policies are running out every day. The insurance companies did not come into the matter at all. It was a question of taking absolute facts, and of ascertaining the work the firemen did, and the time spent on that work. It is a matter in which you can get the actual facts, because every time a fireman leaves the station or comes back it has to be recorded in the occurrence book. It is the same with every officer, so that we know full well what service is being given in return for the revenue contributed. The fire brigade service will have imposed upon it an additional expenditure of £200,000 a year by this bill which is before the House in that it will have to put on a larger number of men. It will also have to train a a larger number of officers, and in a trained service like that I venture to say, after my experience as president of the Fire Brigades Board for seven years, that you cannot at a moment's notice produce officers suitable to take up those positions, and who can be compared with the officers carrying on the work

to-day. Yet the brigade will be given no time to do this, as the new system will be brought in by proclamation.

Then, we have to consider what expense it will impose upon the public. In November of each year the Fire Brigades Board has to frame its estimates for the following year. These are based upon the number of men required, on the services which are to be improved, on the stations to be built, the new appliances to be installed, the wages to be paid, and other miscellaneous things which will involve expenditure during the next year. When those estimates are framed the money is allocated by thirds. If the estimate for the year was £300,000, the Government would pay one-third of that sum, the insurance companies one-third, and the municipal councils one-third. So that this additional £200,000 which is going to be imposed upon the fire brigades services will be at once passed on to the contributing bodies—the Government, the fire insurance companies, and the municipalities. That will mean, possibly, in some instances, an increase of rates, in the municipalities, an increase of premiums in the insurance companies, and certainly the Government will either have to economise in some way or impose additional taxation, to pay its quota of that £200,000. And this is being done without examination, and without the Government in any way knowing what effect its legislation is going to have.

The Hon. R. W. CRUICKSHANK: Where do you get the £200,000?

The Hon. E. H. FARRAR: My friend can get that from the representative of the fire brigades, or he can get it from to-day's *Sydney Morning Herald*, if he cares to look for it. The figures have been compiled recently, because the board has to prepare its estimates by November, and it has just compiled the figures on the basis of the present service to the public, if the brigade has to work only forty-four hours and yet continue that service. The figures are available to hon. members, as they were to myself, in the *Herald* this morning.

Take other public bodies which will come under the bill. I mention these public bodies because the estimated increased cost to those bodies is given to us by those who are responsible to the public. We do not know the full amount that this bill will cost industry generally, but if we take the facts connected with public bodies such as those I will name, we can then assume that the same proportionate increase will take place in connection with industries of the State generally. Take, for instance, the railway service. If this bill passes, there will be additional expenditure of over £500,000 imposed on the railway service, with the present number of employees, and a proportionate increase for every additional employee taken into the service. This naturally means that the Railway Commissioners will have to impose higher fares and freights. They cannot keep adding these increases to the cost of working the railways without passing them on. The public will have to pay increased fares, whilst those who use railways for trade and commerce will have to pay increased freights. The public all round, particularly those in the country, will have to pay the increase.

The Hon. J. ASHTON: In many cases they will use motor-buses and motor-lorries!

The Hon. N. J. BUZACOTT: We have a promise of reduced fares and freights!

The Hon. E. H. FARRAR: I am showing you that there will be an increased expenditure of at least £500,000 in the railways if this bill passes, and a proportionately greater increase if more employees are put on. How does this affect the primary producers? Take the man away out in the country who depends on the railways to carry everything he requires. The railways carry practically all the stores required outside of Sydney, with the exception of those places on the coast which are reached by the coastal boats. All these will have to pay for the forty-four hours week, and it will possibly hit people on the coast harder than those in places served by the railways. The railways will have their staffs on land, and will be able to change them, but I do not know how coastal shipping employees

will be able to work to time-tables. Possibly Sir Allen Taylor will be able to tell us better than I can how it will affect shipping. But ordinary common sense teaches us that country people are going to be hit very hard by this bill, first because all the foodstuffs and commodities used in the country will have to pay higher freights which will mean an increased purchase price, whilst all the produce which is conveyed to the seaboard by rail will also have to pay higher freights, which will again affect the returns received for produce. The machinery used in carrying on primary industries will cost more, first, because of the increased cost of manufacture, and, secondly, because of the increased cost of transport. All these things will be additional charges on the man on the land. These things are making the burden so heavy that the class of man we really want to put on the land will never be able to get there. In years gone by it was possible for him to do so and many of the most prominent and successful farmers to-day are amongst that class. Many men whom I knew in the back country twenty-five or thirty years ago as boundary-riders and shearers are to-day prosperous and successful farmers. They could not have become prosperous and successful farmers if they had to carry the load which a man beginning to-day has to carry. In those days, they could go on the land, they could do their shearing, and in the off season they could work their land; by hard work they could get a start and eventually make a competency for themselves. To-day, the cost of wire for fencing, the cost of wire-netting for rabbit-proof fencing, and all the initial charges which have to be borne by the man on the land, are so heavy that the man who is working as a farm labourer and who in the early period of his life is obtaining the training which will qualify him to become a successful farmer, will not be able to make a start, because he will never be able to get the necessary capital, with impositions like this placed upon him.

Then again, how will it affect the farmer in working his farm? It is true the bill does not at present provide for rural industries, but it does provide for every industry which may have an award of a court or any other industrial tribunal. I have heard it said that we are soon to get another amending arbitration bill which will contain a clause enabling rural workers to obtain an award. So, we are first asked to pass this bill as it stands to-day, and when it becomes an Act of Parliament we will be asked to pass an amending arbitration bill which will enable rural workers to come under it; the rural worker will then go to a tribunal, either a board or a court, obtain an award, and, as soon as that is obtained, will come under the provisions of this bill.

The Hon. A. C. Willis: That is not correct, although perhaps I was responsible for misleading the hon. member. There is also a provision in the bill which excludes rural workers!

The Hon. E. H. FARRAR: I am coming to that. That provision can only be applied after the proclamation is made, and after the injury is done. The employer may then go to the court and show cause why it should not apply in his industry.

The Hon. A. C. Willis: You are wrong there. It specially excludes rural industries. It brings them under the Arbitration Court it is true, but there is a proviso that they are brought under the Arbitration Court with the exception of the application of the limitation of hours to forty-four.

The Hon. E. H. FARRAR: With that explanation I will leave the point. Of course we have no guarantee that there will not be an agitation later on in the rural industries for an amendment of the law, so although my surmise may be a little early I know some gentlemen in that particular calling who will be most active in asking that they shall have the same rights as the other workers in the State. And why should they not? If you are going to apply the bill all round without an inquiry into the circumstances of other industries, why should rural workers be excluded, if we take the logic

of the position adopted by the Government in asking us to pass the bill at the present time?

The Hon. J. F. COATES: Would the hon. member make any exemptions?

The Hon. E. H. FARRAR: I would allow them to go to a court or industrial board and place their evidence before that tribunal. I would make it a Federal tribunal. If we were a Federal body dealing with this question we would be in a better position to give industries a fairer deal than we are to-day, dealing with the question as one State of the Commonwealth, whilst other States are working the forty-eight hours week. In answer to the interjection of my hon. friend, Mr. Coates, I would trust the court to deal with the matter on its merits.

The Hon. A. C. WILLIS: If you would trust the court to settle the matter on its merits why did you introduce a Forty-eight Hours Week Bill when the courts had dealt with it after the previous Forty-four Hours Bill was passed, and had settled the question on its merits?

The Hon. E. H. FARRAR: Because Parliament had passed a bill instructing the court to do certain things. That bill was a mandate to the court to apply the forty-four hours week in certain industries.

The Hon. A. C. WILLIS: Your bill made it mandatory to apply the forty-eight hours week!

The Hon. E. H. FARRAR: Our bill provided that forty-eight hours should be the normal working week but it also provided that in case of ill-health or hardship, the employees could go to the court and obtain a forty-four hours week. Industries went to the court under that Act and obtained a forty-four hours week. Many employers, as stated by the Vice-President yesterday, did not increase the hours to forty-eight when they had the opportunity.

The Hon. R. W. CRUICKSHANK: Are you aware that 100 industries received the forty-four hours week under the ruling of the court?

The Hon. E. H. FARRAR: Yes, I am, but in a few minutes I will show you the effect it had on the industries of the State in the way of unemployment, and the benefit it gave other States in the Commonwealth in the way of increased manufactures. That is the effect it had, and my point is that we are doing these things blindly without examination while the court does them after examination. In every case quoted by the Vice-President of the Executive Council yesterday, when dealing with industries in which the employees worked forty-four hours, and some of whom work less than forty-four hours, the concession was only granted by Parliament after investigation—not before investigation. Parliament took such action in connection with health matters, including the work of the sewer miners, only after investigation, and when it had been proved that the health of the men in that industry was affected by the nature of their work, then Parliament wisely stepped in. The measure deals with every industry in the State that comes under an award with the exception of the mining industry and a couple of other industries.

First there is the Federal phase of the matter. Manufacturers will be hit by competition from abroad. In cases where manufacturing establishments have to meet competition from abroad the only remedy will be for them to go to the Federal Parliament and ask for the imposition of increased customs duties, which will mean an increased burden on the people in order to carry on industry. We will impose a penalty on industry, which will have to go to another Parliament and ask it to increase the customs duties to enable industry to be carried on in this State. We take authority to ourselves to say how industry shall be carried on in one respect, and at the same time we place on the shoulders of another Parliament the responsibility of deciding how local industries shall be protected in another respect. So that all those industries of a Federal character in New South Wales will have to go to the Federal Parliament and the Federal Parliament will have to apply the extra

duties to the whole of Australia. An additional customs burden will be placed on the people of every State where forty-eight hours a week is worked to-day, who are not affected by the increased cost of production through oversea competition, but who, as citizens of the Commonwealth, will have to bear the burden of the additional customs duties imposed by the Federal Government.

The Hon. A. C. WILLIS: Will not the forty-four hours system be applied to the whole of Australia? I heard Mr. Ley say that the other night!

The Hon. E. H. FARRAR: I am not responsible for what Mr. Ley has said. I have read some remarks credited to Mr. Bruce, and he takes up the position that I take up here to-day. He says that if his party is returned to power he will have an investigation into industry made throughout the whole of Australia, and then the Commonwealth Parliament will pass legislation as the outcome of that investigation.

The Hon. A. C. WILLIS: Why did not the Federal Parliament do it after Mr. Piddington's report?

The Hon. E. H. FARRAR: Mr. Bruce was not in power when Mr. Piddington's report was furnished. In his report Mr. Piddington recommended a basic wage of £5 16s. a week for the Commonwealth, and the New South Wales Board of Trade just prior to that declared an increase of 17s. a week in the basic wage. Nobody but a madman would have attempted to impose those burdens on industry in this State. The whole countryside would have become insolvent. It could not have been paid. Everybody came to the conclusion that it was one of those ideal reports which please the vanity of the men who write them, who of course may be honest in their opinions. I venture to assert that if my friends opposite had been in office at the time they at least would have said, "Industry cannot carry on under this burden."

The Hon. J. RYAN: The hon. member is dealing with a proposal for uniform legislation. Does the hon. member consider it is desirable the Federal Parliament should have constitutional power to do that?

The Hon. E. H. FARRAR: That is another matter. I have great doubt whether it has constitutional power, but a Prime Minister who makes a pledge to the people in that direction will ask the people to grant him the power, if he has not got it. There has never been any objection by the State Government —either National or Labour—to the readjustment of the Constitution to give the Federal Parliament this power.

The Hon. G. BLACK: It was decided by referendum!

The Hon. E. H. FARRAR: It was tried by referendum on three occasions, but other powers were asked for. They asked for powers in connection with trade and commerce.

At a Premiers' Conference an agreement was arrived at between the Commonwealth Government and a majority of the States whereby the States agreed to ask their Parliaments to voluntarily hand over to the Commonwealth certain powers in regard to industrial matters. After that conference had completed its labours the only State that carried out the agreement was New South Wales. It was at that time proposed to hand over to the Commonwealth certain matters relating to industrial arbitration which it was considered the Commonwealth could deal with more effectually than the States.

As to the question of hours of labour, if the Commonwealth Parliament has power to deal with it under the Constitution there would be little opposition from the States. Employees would naturally go for it, while employers who were being imposed upon by having the burden heaped on them in one State, while competitors in another State had not to bear that burden, would go for an alteration of the law so as to enable uniformity to be brought about.

I now come to another phase of the question. I want to show hon. members the effect of internal competition. That is competition in industry as between States in Australia. We in New South Wales have had a trial of this shorter

hour legislation, which covered a period of a little over twelve months. Statistics are available for the period. Mr. hon. friend the Vice-President of the Executive Council quoted certain figures last evening and referred to the progress of industry in New South Wales. I interjected that that was not the right comparison to make. Possibly we may see, under normal conditions, an increased industry in New South Wales because of good seasons and other things. Increased population and increased prices overseas for our produce add to the country's prosperity, and with a good season this year there may be an increase over last year's figures, even with a forty-four hours week. But the real comparison should be made between industries working forty-four hours a week in New South Wales and forty-eight hours a week in the sister State of Victoria, where the seasons are the same, and where a comparison is fair and equitable. The figures for the two States clearly demonstrate that Victoria jumped ahead by leaps and bounds, as regards its number of factories, during the period when the forty-four hours week was in operation in New South Wales. Victoria also jumped ahead in having less unemployment than New South Wales. Industries in New South Wales suffered through loss of production while Victorian production increased. Our production decreased whilst that of Victoria increased, and the number of unemployed in New South Wales during that period increased by leaps and bounds. I propose to give my hon. friends figures which cannot be disputed, and which show the effect the forty-four hours week had on the industries of this State. These figures are taken from the quarterly summaries of the Government Statistician of March, 1921, 1922, 1923, and 1924, and they are staggering.

The Hon. J. ASHTON: Are they the figures of the Commonwealth Statistician?

The Hon. E. H. FARRAR: They are the figures which deal with the iron trades, and they were compiled by Mr. Napier Thomson and were taken from the Statistician's reports.

The Hon. R. MAHONY: Were not Mr. Thomson's figures challenged in the other House?

The Hon. E. H. FARRAR: They were challenged, but they were not proved inaccurate. As I said, these figures were taken from the Statistician's report, and I invite my hon. friend to get the facts and contradict these figures.

The Hon. J. RYAN: Are they the figures of the Commonwealth or the State Statistician?

The Hon. E. J. KAVANAGH: Are they any Statistician's figures?

The Hon. E. H. FARRAR: Yes, they are the figures of the Commonwealth Statistician and they cover the whole of the States. These figures are received by the Commonwealth Statistician from the States which collect them.

The Hon. A. C. WILLIS: Last night I quoted from the Statistical Register of 1923-1924. That is where my figures were taken from!

The Hon. E. H. FARRAR: I interjected yesterday—and I now repeat what I said then—that those figures are not figures which serve to show how our industries suffered. They only show the development of the prosperity of the State year by year. The figures I propose to quote are a comparison between the manufacturing industries of New South Wales and Victoria during the period the forty-four hours week was in operation in this State, and during the period which immediately followed it. In 1917 Victoria had eighty-nine more factories than New South Wales, whilst in 1924 she had 587 more factories than New South Wales.

The Hon. R. MAHONY: How many people were employed in the factories of Victoria?

The Hon. E. H. FARRAR: I will come to that later on. Despite the fact that Victoria has a smaller population than New South Wales, she increased the number of her factories from eighty-nine more than New South Wales in

1917 to 587 more than New South Wales in 1924. The number of factories in Victoria increased out of all proportion during the time the forty-four hours week was in operation in this State.

The Hon. R. W. CRUICKSHANK: Our factories also increased!

The Hon. E. H. FARRAR: I will show what actually happened, and we will then see what we got out of it. In 1920-21 the value of the output of the Victorian factories increased by £4,532,931 as compared with the previous year 1919-1920. That increase in output took place during the time Victoria was working a forty-eight hours week. I will now take the following year, when the forty-four hours week was in operation in New South Wales.

The Hon. MARTIN DOYLE: Are you quoting figures for New South Wales or Victoria?

The Hon. E. H. FARRAR: I have quoted figures for New South Wales and Victoria, but a moment ago I quoted figures showing that the value of the output of the factories of Victoria increased by £4,532,931 in 1920-21, when they were working a forty-eight hours week. During the same period when New South Wales was also working a forty-eight hours' week the value of our output increased by £14,627,906 as compared with the previous year, so that we were £10,000,000 better off than Victoria. These figures apply to the iron trades. I now propose to deal with the period when the forty-four hours was in operation in this State. In 1921-22 the output of Victoria increased in value by £234,887 as compared with the previous year whereas the value of the output of New South Wales for the same period decreased by £5,021,321.

An HON. MEMBER: What industries do those figures relate to?

The Hon. E. H. FARRAR: To the iron trades, which were working a forty-four hours week. My hon. friend may be able to quote industries which were working a forty-eight hours week.

An HON. MEMBER: You are taking figures which relate to a special industry?

The Hon. E. H. FARRAR: I am taking figures which relate to the iron trades of Victoria and New South Wales, when the one State was working a forty-eight hours week and the other a forty-four hours week.

The Hon. R. W. CRUICKSHANK: Why not take industry as a whole?

The Hon. E. H. FARRAR: Because industry as a whole may not be working a forty-four hours week. I am taking industries which were working a forty-four hours week. This bill, if passed, will apply to all industries, and my hon. friend can figure out, if he likes, the crushing effect the forty-four hours week will have, if it is applied to all industries. In 1922-23 the output in Victoria increased by £5,043,162 as compared with the previous year, 1921-22, whilst in New South Wales for the same period the output again decreased by £84,925. This was during the period the forty-four hours week was in operation in this State for a period of four months. After the Fuller Government passed a bill to provide that industry in this State should again revert to the forty-eight hours working week, and thus place New South Wales on an equal footing with her competitor, Victoria, the value of our production increased in 1923-24 by £13,624,120 as compared with the previous year, whilst that of Victoria increased by £2,635,584.

The Hon. R. MAHONY: In the same industries?

The Hon. E. H. FARRAR: In the same industries, the iron trades.

The Hon. MARTIN DOYLE: In the iron trades, do you include such concerns as the Broken Hill Proprietary Company's steel works at Newcastle and Hoskins' works at Lithgow?

The Hon. E. H. FARRAR: The figures relate to the iron trades.

The Hon. MARTIN DOYLE: The steel works at Newcastle were shut for a year!

The Hon. E. H. FARRAR: That may be so, but I do not know that the steel works at Newcastle were working a forty-four hours week. Under the continuous process provision I think they were exempt.

The Hon. R. MAHONY: The steel works were closed down part of the time!

The Hon. E. H. FARRAR: It is a fact that the steel works were closed down and it is also a fact that they were reopened only when the employees agreed with the management to have a readjustment of the industrial conditions so that the works could compete and carry on. If this bill becomes law, there is a possibility, not only of the steel industries, but of other industries also again having to close down because the burden may be too heavy to permit them to carry on profitably.

An Hon. MEMBER: Where in Victoria are there competing steel works?

The Hon. E. H. FARRAR: There are not any but there are competing works outside of Australia. I have dealt with that question. The steel works were closed down because they could not work and show a profit. I and my then colleague were responsible for calling a conference and getting that industry going again after it had been closed down for many months.

The Hon. MARTIN DOYLE: The hon. member is entirely wrong. The steel works were closed down to get cheaper coal!

The Hon. E. H. FARRAR: That may be so. That bears out my statement that the cost of production at the steel works was so high that it made them close down. Whether the price of the coal was too high or whether the price of other things was too high the result was the same.

The Hon. R. MAHONY: Take the years from 1922 to 1924. The total increase in production in the whole of the manufacturing industries was £9,000,000. You said there was an increase of £13,000,000 in one year!

The Hon. E. H. FARRAR: Yes, I say that. You are quoting something altogether different. I am quoting figures relating to these industries. I have given my statement and have said from where it comes. The hon. member can get figures from the same reliable source. From what book is the hon. member quoting?

The Hon. R. MAHONY: A publication of the State Statistician!

[*The Hon. E. H. Farrar.*

The Hon. E. H. FARRAR: You cannot get from the State Statistician the figures I quoted because they are Federal figures. I am using figures affecting Australia, and on those figures I am basing my argument that if this bill is passed into law there will be imposed on our industries such heavy burdens as to allow the sister State of Victoria to control industries which at present are under our control.

I want to give to the Minister something else to think about in connection with this matter. The figures I shall now quote are published in the *New South Wales Industrial Gazette* and they will take a lot of answering. I shall give the month and the year and show by my figures that during the period the forty-four hours practice was in vogue unemployment increased in New South Wales. I have not the figures for Victoria. Take the year 1921 and the month of August. Prior to the month of August the percentage of unemployed was as follows, and these figures are supplied by the unions to the Industrial Registrar:—In January 7 per cent.; February 12 per cent.; March 4 per cent.; April 3 per cent.; May 6 per cent.; June 10 per cent.; and July 5 per cent. Then we come to the time when the Forty-four Hours Act was passed by this Parliament. In August unemployment jumped from 5 per cent. to 26 per cent.; in September 26.7 per cent.; in October 30 per cent.; in November 29 per cent.; and in December 35 per cent. That was in the year 1921 and that was the rate of unemployment as compared with what it was when this State had the forty-eight hours system.

The Hon. Sir JOSEPH CARRUTHERS: That is to say they did not work forty-four hours per week; they worked no hours!

The Hon. E. H. FARRAR: A lot of employees did not work at all. Many had to go to Victoria to find work under the forty-eight hours system. A number of men working in my own trade had to do that. I wish to complete my argument by giving the figures for 1922 which

was not a year when the Forty-four Hours Act was in operation most of the time. Take the month of January. The percentage of unemployment was 32. In February it was 36 per cent., in March 35 per cent.; in April 40 per cent.; in May 36 per cent.; in June 34 per cent.; in July 35 per cent.; in August 33 per cent.; and in October 29 per cent. The Fuller Government amended the law in November and in the month of November unemployment dropped from 29 per cent. to 16.3 per cent. For the month of December after work had gone on under the Fuller law of forty-eight hours, unemployment went down to 14 per cent. In January, 1923, the number of unemployed was 8 per cent.; in February 4 per cent.; in March 4 per cent.; in April 4 per cent.; in May 3 per cent.; in June 5 per cent.; in July 3 per cent.; in August 11 per cent.; in September 5 per cent.; in October 7 per cent.; in November 6 per cent., and in December 5 per cent. The unemployment figures clearly show not only that Victoria had gained in manufactures and New South Wales had a decreased output but that unemployment in those manufacturing trades which I have mentioned increased under the forty-four hours system. Those figures clearly demonstrate that the imposition on the State of New South Wales was alarming. It was materially caused by the legislation that had been passed.

There is much one could say but I do not wish to occupy more time. I shall have a few words to say in Committee. I put this to the Vice-President of the Executive Council: Last evening when dealing with the sentimental side of the forty-four hours question he put forward a proposition of which everyone will approve—that no one wants to see men working like animals—but the laws of this country are not harsh and do not impose burdens on anyone such as the hon. member has suggested they do. He said he was a man physically fit, and when he had worked in industries in the past he had to take a day off to enable him to recuperate and regain his vitality.

The Hon. A. C. WILLIS: I said also that is the condition of things in connection with certain industries in this country at the present moment!

The Hon. E. H. FARRAR: I feel sure that if there are men in industries in this country at this moment suffering in that way they have the opportunity of going to the court and getting redress. The hon. member might mention to me the industries he has in mind, and I may then be able to meet him with an answer.

The Hon. A. C. WILLIS: I quoted the mining industry!

The Hon. E. H. FARRAR: The coal-miners will not go to the State court. The Minister quotes to us an industry which wants special consideration by special tribunals; it wants to remove itself from the only body that can give it redress. It has the power to go to the State court and put its conditions before that tribunal, and if its troubles are not removed at once then it may appeal elsewhere.

The Hon. A. C. WILLIS: But we did go to the State court and failed to get anything from it. At last we went to the Federal court!

The Hon. E. H. FARRAR: The Minister is only quibbling. They did not go to the State court since the law was altered from what it is to-day. It is many years since they went to the State court, and it then was governed by a different law from that which is on the statute-book to-day, so the Minister only evades the question when he answers in that way.

The Hon. J. ASHTON: Will this bill affect the mining industry?

The Hon. E. H. FARRAR: No, that is exempt, because the industry is dealt with by a special board.

The Hon. A. C. WILLIS: It is because our hours are less than are provided for under this bill!

The Hon. E. H. FARRAR: The mining industry has its conditions from this special board, and those conditions will not be affected by this bill. Where employees in an industry have any special rights this bill preserves them, but where

an industry may feel an injustice, the Government does not give it the opportunity of going to the court before the change is made—and this is my main complaint—but it makes the change, haphazard, by means of a proclamation, which will be issued when the bill is passed. Then, if there are any disastrous results, there is a clause in the measure which enables the persons controlling that industry to go to a tribunal, and show cause, by giving evidence, as to damage which has been done. But after the damage has been done they have to spend money in the industry to get back the trade which has been lost.

Yesterday the Minister said he felt sure that a forty-four hours week could be worked in the majority of industries. I do not know whether he has looked up the facts as to what a forty-four hours working week means. A forty-four hours week, as against a forty-eight hours week, means the loss of a working month in every twelve. I venture to assert that if a man is giving honest service for the wages he receives, and is working forty-eight hours in the week, it is not possible for another man, working forty-four hours, to compete with him and hold the trade in manufacturing industries, where the goods manufactured can be easily and quickly removed, either by ship or by rail. If men in New South Wales are working forty-four hours, and other men, of the same class, are working forty-eight hours in Victoria, the men in New South Wales will not be able to compete with the men in Victoria, and to say that it is possible for them to do so is absurd and ridiculous. They cannot do it, and it is proven by the facts that they cannot do it. The experiments we have made have shown that it was not done in the past, and it will be a physical impossibility for it to be done, unless the suggestion which was made yesterday by the Hon. Mr. Ashton, in an interjection is carried into effect—that you would have to flog men in an industry in order to get the additional work out of them, to compensate for the shortage of hours, and to maintain the output per week, or per year. That is about the only way you could balance it, and that would mean that this bill would be an instrument for the purpose of sweating people in the industries of this State.

I mentioned the fact that the additional cost in our railway service would be £500,000 a year. Then there is the Sydney Harbour bridge, for the construction of which a contract has been let. We know, now, what contractors in Australia insist upon before they will sign a contract. Knowing that there may be changed conditions in industry as the result of industrial legislation, they insist on having clauses in their contracts enabling them, if any award or alteration of the hours of working in industry imposes additional cost, to add the additional cost on to the price at which they tender.

The Hon. A. C. WILLIS: Is that not of general application? Does not every sensible firm which contracts protect itself in that way?

The Hon. E. H. FARRAR: It could not always do so.

The Hon. J. ASHTON: It should not be necessary, if they do as much in forty-four hours as they do in forty-eight!

The Hon. E. H. FARRAR: Individuals can protect themselves in that way, but the Government cannot do it. The Minister is giving his case away when he admits that any increase in the cost of production will at once be passed on to the consumer of the product.

The Hon. A. C. WILLIS: I never admitted anything of the kind!

The Hon. E. H. FARRAR: You said that prices would have to correspond, over and above the present cost.

The Hon. A. C. WILLIS: I said they did make that provision in the case of coal contracts, and so on, but I do not know that they are just and right in doing so!

The Hon. E. H. FARRAR: Does the Vice-President of the Executive Council still presume, with the facts before him, that he will be able to get commodities as cheaply if this bill, as it stands today, is passed into law, as he can get them now? Does he think that the cost of commodities will not be increased because of the lessening of the hours of

labour, and the increased cost of production? Why not be fair in the matter?

The Hon. Martin Doyle: The middleman will get it!

The Hon. E. H. FARRAR: There is an interjection that the middleman will get it. The man in business, in ninety-nine cases out of a hundred, works as hard and as laboriously as any man he employs. How do most men start in business? Every hon. member in this House can look around him, in this State, and can see men with whom he went to school who to-day are successful in business. How did they become successful? They started in a small way, and borrowed their capital from a bank. They got overdrafts on their plant, and they set to work night and day—not for forty-four hours a week only—and so made a success of their businesses. They managed to repay their mortgages, and year by year they built up their businesses on borrowed money. Ninety per cent. of the businesses in this State to-day are carried on by overdrafts from banks and commercial institutions. In most instances the people who are doing that are people who work much harder than the men they employ.

The Hon. T. Waddell: What will be the extra cost of the bridge?

The Hon. E. H. FARRAR: The additional cost on the railways and on the Fire Brigades Board is an additional cost per annum. The additional cost of the bridge will be £500,000, and if there are other increases it will be more still. The increased cost of the bridge will be borne very largely by the ratepayers and the Railway Commissioners. The ratepayers of the northern suburbs and of the city of Sydney will have to pay higher rates, and the Railway Commissioners will add it on to their freights, and in that way the public will have to contribute to that increase.

There is another question, which I will mention in Committee, and will refer to only briefly now, and that is the matter of continuous industries. The law should be amended to enable such industries to go to some tribunal, before which they can place their case. Smelting works and cement works, and such industries have to work round the clock, and to keep the industry going for seven days in a week, because the processes must be carried on continuously. This bill is drawn by a draftsman, and no doubt with the very best motives he intended to provide facilities for those industries to carry on, but he has failed, by the methods introduced in this bill, to provide for them to be carried on unless they do so under heavy burdens imposed upon them. The Government will be asked to make amendments in Committee in connection with these industries, and I am sure will consent to them if it can be shown that it is impossible under this bill to carry on those industries in the way in which they have been previously carried on in this State.

The Hon. G. R. W. McDonald: The Minister agreed to that!

The Hon. E. H. FARRAR: Yes, the Minister indicated that certain amendments would be moved. I hope that before we go into Committee we will be supplied with copies of the amendments he has foreshadowed. I just mention this as an additional argument why Parliament should not be asked to be the deciding factor in this question. Parliament should only be asked to pass a bill enabling these things to be settled in a manner suitable to the working of each industry, whereas we are now asked to pass a bill to settle once and for all a flat rate covering all industries. I feel we are incompetent to do so.

The Hon. A. C. Willis: That is what they say outside!

The Hon. E. H. FARRAR: From that point of view I say that the Minister is an expert in coal-mining. Would he agree to allow a tribunal composed of novices, who had no experience of coal-mining, to adjudicate on that industry?

The Hon. Martin Doyle: He is doing it at the present moment. Mr. Hibble is doing it!

The Hon. E. H. FARRAR: No, Mr. Hibble is not a novice. He has been doing that work for years. There are numbers of men who, on general questions dealing with the affairs of the State are competent to frame laws by

which people can help themselves to do something, but who are not competent to settle the minute issues and details which come before a special tribunal.

The Hon. A. C. WILLIS: Yet you suggest we should have gone before the State Arbitration Court when it meant, in some instances—without speaking disrespectfully about our judges—we were going before men who knew no more about coal than the ink-pot on this table!

The Hon. E. H. FARRAR: I only replied to an interjection because I felt the Minister had in his mind the mining industry, and I asked him what industry it was so that I could inform him that there was a remedy for miners.

The Hon. J. ASHTON: The industrial courts can summon before them those people who have expert knowledge!

The Hon. E. H. FARRAR: Yes; both sides can give their evidence and it can be dealt with by the judge. In many cases these questions have been dealt with by agreement. For instance, only two months ago the Fire Brigades Board made an agreement under which the hours of labour were altered.

The Hon. G. R. W. MCDONALD: Could not we have a board of experts like they have in Queensland?

The Hon. E. H. FARRAR: Yes. Those engaged in the mining industry in Queensland will be very pleased now that they will not have novice judges such as Mr. Willis has spoken about. They will have two gentlemen highly skilled in the work of mining. One of them is a trade-unionist, a very decent man in his own way, who has rendered yeoman service to his cause; the other was a dairy-farmer on the North Coast before he went into Parliament, a very estimable man but one who does not understand anything about mining. Those two gentlemen will for the future comprise the Industrial Court of the State of Queensland.

The Hon. A. C. WILLIS: It so happens that the coal-mining industry in Queensland will not be subject to that court!

The Hon. E. H. FARRAR: There again my hon. friend is able to dodge the issue. He is able to engineer things so cleverly for his industry that it will win all the time, in the States and in the Commonwealth. The industry with which the hon. gentleman is connected is very fortunate, but many other industries will suffer from the incompetency which the hon. gentleman's industry will not suffer from. It is the hon. gentleman's duty, to not only represent his own industry, in which his expert knowledge is so valuable, but to represent that great body of labour which is entitled to the same protection and justice as the coal-mining industry.

I desire to complete my remarks by saying that yesterday the hon. the Vice-President gave us most valuable evidence in the statement which he made with regard to the Government Printing Office of New South Wales. He quoted the efficiency of the Government Printing Office. He said that office was working forty-four hours or less a week and he asked why the Fuller Government, when in power did not increase the hours of labour in that office.

An HON. MEMBER: They could not do it because there was a judgment of the court for forty-four hours!

The Hon. E. H. FARRAR: Independently of whether they could or could not do it, the judgment came afterwards. The Fuller Government was not concerned about increasing the hours of anybody. The Fuller Government said that was a matter for the court to deal with. The Government provided a certain statutory time which it thought constituted a fair working day and then said that other things affecting the industry, such as health conditions, could be taken into consideration in reducing the hours to be worked in a particular industry. But the hon. gentleman's statement with regard to the Government Printing Office was valuable testimony to the services rendered by the two gentlemen, Mr. Spence and Mr. Stevens, one of whom has been forced out of the public service for doing what he did to make the Printing Office as efficient as the Hon. the Vice-President mentioned yesterday. I accept the compliment paid to the work done by those officers, who had no feeling against any individual and no other desire than to serve the State and to see

that higher efficiency was obtained without imposing irksome burdens upon the employees.

The Hon. F. H. BRYANT: They were both gentlemen of the type of which you have spoken—they knew nothing about the job they were dealing with!

The Hon. E. H. FARRAR: They knew something about organisation.

The Hon. A. C. WILLIS: I do not know anything about these gentlemen except that if the wages of the employees in the Printing Office had been increased in proportion to the way in which the salaries of these particular gentlemen were increased, the Printing Office would have been bankrupt to-day!

The Hon. E. H. FARRAR: And if every member of the union the hon. member represents had his salary increased in the same proportion as the people in another place increased their salaries during the last fortnight, the State of New South Wales would become bankrupt. So we do not get over it by that argument.

I do not wish to take up further time at the present stage but I shall accept the invitation of the Minister to help him in Committee and I shall endeavour with my experience in industrial organisation, which covers more than twenty years, to help him frame the bill, not with the object of destroying the principle in the bill, which is to give a forty-four hours week to the workers, but to frame a bill which, while giving every consideration to the employees in industries and every opportunity to redress any possible grievance as to the hours of labour, will, at the same time, provide some safeguard that industry will not be destroyed or hampered in such a way that other States will take our trade, that New South Wales, instead of being the mother State in more than name, will eventually become known in Australia as the State in which industry cannot flourish, in which industry is being carried on at a loss, or not at all, in which unemployment is rife, and from which workers, in order to get employment, will have to migrate to other States in order to keep themselves, their wives and their families. I shall vote for the second reading of the bill, but in Committee I shall move certain amendments and support any amendment which will make the bill what the Government is entitled to ask for, namely, a bill not to destroy industry but under which all sections and all industries in New South Wales can live and let live.

The Hon. E. J. KAVANAGH: The concluding remarks of the Hon. Mr. Farrar have probably saved me from speaking much longer than I would have spoken on this bill, because I thought the hon. member was going to oppose the second reading. But the Vice-President of the Executive Council has indicated the possibility of an amendment being made in Committee. I do not intend to any great extent to go into the principle of an eight-hour day. The question has been thrashed out in this House on several occasions since I have been a member of the Legislative Council, and what is more, it was thrashed out very fully during the last State elections. Whatever may be said in regard to proposed legislation which was not included in the Governor's speech, or which was not submitted to the people before the elections, that cannot be said of this proposed legislation, because no question before the elections was put so extensively before the people as this one was. That in the main, I think, was due to the fact that a large number of the workers had enjoyed the forty-four hours week. It had been given to them by a court established by a previous Labour Government. It was taken away from them by Parliament at the instigation of the Nationalist Government. Therefore it was natural to expect that at a parliamentary election, two years or so afterwards, the question of a forty-four hours working week would become a vital one, or, as it is commonly called, a burning one. I suppose there was no election platform on which the question was not referred to. Personally, I believe it was the main issue on which the present Government was returned to power.

The bill strikes me as being a very mild one in comparison with what was promised at the elections. I believe the

Government has given very careful consideration to the whole question, and that it believes in reform and sound reform, one step at a time. It was suggested at the elections that the forty-four hours week would apply to all workers.

The Hon. G. R. W. McDONALD: Did they first make a promise at the elections and try afterwards to work it out?

The Hon. E. J. KAVANAGH: No, they thought it out first. Many speakers on the election platforms would naturally say that it was meant that the forty-four hours week should apply to all workers. Notwithstanding that they went the whole hog on the election platform the Labour party was returned to power. The legislation proposed in the bill is mild in comparison with what was promised. Its operation is restricted practically to industries covered by awards. It excludes rural workers. We know that the large majority of the rural workers have no access to the Arbitration Court to-day. They were allowed to come under the basic wage years ago, but later the law was amended and they were excluded. Reference has been made to legislation that may include them. They will certainly be exempted from the operation of the Act if the bill is passed.

The measure also provides for the working of overtime in excess of the forty-four hours week.

The Hon. MARTIN DOYLE: That is the blot on the bill!

The Hon. E. J. KAVANAGH: The hon. member says that it is the blot on the bill. Legislation to restrict the hours of working to forty-four a week, without permitting overtime, would be on the lines suggested on the election platform, but which are now not contained in the bill.

The Hon. W. BROOKS: They could not carry on industries!

The Hon. E. J. KAVANAGH: It is proposed to permit overtime to be worked in excess of forty-four hours a week and to be paid for as directed by the court.

There is another important provision in the bill, which provides for appeals. Subclause (2) of clause 5 states:

> The ordinary working hours in any industry may be increased beyond those prescribed in this section if the court or board is of opinion that it is essential in the public interest that such increase shall be allowed.

That shows the Government has due regard for our local industries. If there is anything in the contention that our industries are likely to be injured as the result of the passing of the bill it is open to an employer to go to the court and show that the industry is suffering as a result of competition with States where the working period is longer than it is here. If that is not in the public interest all I can say is I do not understand that clause of the bill. The public interest is surely affected if industry is to be destroyed and people are thrown out of employment. However perhaps the Vice-President of the Executive Council will correct me if I am putting a wrong construction on the meaning of the clause. That is how it appeals to me, and I believe it meets the contention that industry will be ruined without the possibility of redress by or appeal to any tribunal. I draw attention to the matter because it may necessitate an amendment in the bill in view of legislation being passed in another place. If certain legislation in another place is passed and courts and boards are abolished, it may be necessary to include in the clause what is suggested in the legislation I refer to—reference to an Industrial Commissioner. I mention that so that the Minister might agree to hold back the third reading of the bill until we know whether the legislation to which I have referred in another place has been passed.

There is another clause in this bill, for which I think the Government deserves credit, although a different construction may be put upon it from that which I put upon it. Subclause (2) of clause 1 reads:

> This Act shall come into operation on a day to be fixed by the Governor, and notified by proclamation published in the *Gazette*.

To my mind that indicates that the Government appreciates the difficulties associated with changing suddenly from one set of working conditions to another.

There may be cases where an industry is working forty-eight hours to-day and next week it may be called upon to work forty-four hours. That would no doubt necessitate a great deal of reorganisation. In some instances additional accommodation might have to be provided, additional machinery might have to be installed, more benches might have to be provided or a hundred and one other things might have to be done. If it were necessary to put on extra hands in factories or workshops where a large number of females are employed additional conveniences would have to be provided. Therefore, I think it is a very wise precaution to provide that the bill shall come into operation on a day to be fixed by the Governor and notified by proclamation published in the *Gazette*. I take it that really means that after the passing of this bill sufficient time will be allowed for industries to become accustomed to the change and to adopt different methods to meet the altered conditions.

An Hon. Member: That is an assumption on your part!

The Hon. E. J. KAVANAGH: I think it is a fair assumption. The hon. member may know of factories and workshops—I do not—that can change quickly from a forty-eight hour to a forty-four hour working week without experiencing any great dislocation. It might take a fortnight or a month before a factory, workshop or big business establishment could properly adapt itself to the new conditions with suffering dislocation of business. The provision which is made in clause 1 of this bill is a very important provision, and one upon which the Government is to be commended for putting in the bill.

The Hon. Sir Joseph Carruthers:

The Hon. E. J. KAVANAGH: The very fact that the Government has inserted that provision shows that it fully realises the position. The Government shows that it does not desire to bring this bill into operation immediately after it is passed.

The question has been raised by the Hon. Mr. Farrar that no provision is made in this bill for an inquiry. Probably, he forgets that in 1920 when the bill bringing in the forty-four hours week was passed by the then Labour Government provision was made for a thorough inquiry into the various industries. In 1922, after 90 per cent. of the unions had gone to the court and secured a forty-four hours working week, the Fuller Government took away that benefit from the men and forced them to work forty-eight hours without any inquiry by the court or anybody else. If an employee cannot get the benefit of a reform, except after inquiry by the court, it is only right that before that benefit is taken away from him an inquiry should also be held by the court. It must be remembered that the employees only secured the forty-four hours week after an investigation under the legislation which I had the honor of piloting through this House. In that measure very strict provision was made that the employees had to prove their right to the forty-four hours week before they could get it. The argument I put before the House at that time was that any body of employees would have to prove to the court that they had a right to the benefits of the forty-four hours working week before they could get it, but when it came to taking that privilege away from them no provision was made for any reference to the court. The Hon. Mr. Farrar said the matter was left to the court, but, if it was, the Act laid it down that the ordinary working hours should not exceed eight hours per day on six consecutive days, or forty-eight hours per week. In another section it was provided that:

> The court or a board may reduce the ordinary working hours below the number of hours specified in this section if the court or board is of opinion that the health, comfort, or well-being of employees in an industry justify a reduction of the ordinary working hours in that industry, or in the case of any industry in which prior to the twenty-ninth day of December, one thousand nine hundred and twenty, the ordinary working hours had been fixed by award or industrial agreement or well-established practice below the number of hours specified in this section.

In practice that meant this: It is quite true that on the passing of the 1922 Act the employer had to go to the court to get the hours extended, but when he applied to the court, the court had that section before it, and the unions which opposed the increase in the number of working hours to forty-eight per week were put in the position of applicants for a reduction of hours below forty-eight per week.

An HON. MEMBER:

The Hon. E. J. KAVANAGH: One or two industries retained the forty-four hours week for health reasons, but in all other cases the forty-four hours week was refused. I believe the industries which retained the forty-four hours week were the printing and the painting industries. It is all very well for the Hon. Mr. Farrar to talk about the matter being left to the court, when the court had before it a direction in an Act of Parliament which it could not get away from. That provision in the 1922 Act was only a farce, and it made a joke of our judiciary to have a judge sitting there with all the paraphernalia of the court and solemnly listening to applications for the extension of the hours of labour when he had no alternative under the Act but to grant that extension. I am glad this Government is not proposing to do anything of the kind. In 1920 an inquiry was held which established the fact that a forty-four hours working week was practicable, and it was provided in the bill that if it was found after it had been in operation that it was detrimental to an industry, that industry could go to the court to seek redress.

The Hon. Mr. Farrar seems to be afraid of the position so far as the Federal law is concerned, and I will be pleased to hear the legal gentlemen in this House on that very important question. It is an important question, and one which I suppose will subsequently have to be decided by the courts. The position with regard to the Federal law was admitted in the Forty-four Hours Week Bill, which was put through in 1920. Although it did apply to unions which were covered by Federal awards, it was not questioned, I believe, for this reason: That Federal awards provide for a maximum number of hours. They provide that the employees shall work a certain number of hours, no more and no less, and also that they shall be paid for overtime. Federal awards also provide for a minimum wage. The bill which is now before the House does not say that employees shall work hours in excess of those provided for in Federal awards. Neither does it say that they shall work more than the hours provided for by the Arbitration Court, nor that they shall receive less wages. Therefore it is doubtful where the conflict comes in, and unless there is a conflict the decisions of the State tribunal will stand. I understand that where overtime is paid for the extra four hours a question arises with which the court will have to deal. The position of the Fire Brigades was referred to in another place. It was pointed out that the Fire Brigades will have the same right as anyone else has. They do not need to wait for any great length of time. On the establishment of this new industrial tribunal they will be immediately able to have the whole matter dealt with.

The Hon. E. H. FARRAR: All industries cannot be dealt with immediately. They must take their turn!

The Hon. E. J. KAVANAGH: But the hon. member knows nothing of the new system!

The Hon. E. H. FARRAR: They have to go to some court, evidence must be taken, and that takes time!

The Hon. E. J. KAVANAGH: The hon. member had two main objections to the bill. One was that there is to be no inquiry. The other was the question of extra cost. He painted a very dismal picture of the possibilities of the effect of a bill of this kind, and he told us how it was going to injure industries. He has no objection to the whole matter being considered by a court or a board, and if the court or the board awards a forty-four hours week then, judging from the hon. member's language, he will have no objection to it. I would point out that the evil of the forty-four hours

system will still exist; it is immaterial how you get it—whether it results from an application to a court or board or is given direct by Act of Parliament. If a reduction of the working hours from forty-eight to forty-four is going to ruin industries in this State, it will ruin them whether it comes as the result of an inquiry by a court or a board or as the result of an Act of Parliament. The hon. member cannot have it both ways.

The Hon. J. Ashton: I understand his argument to be that if it were going to ruin the industries a court would not award it!

The Hon. E. J. KAVANAGH: I think the hon. member takes up the attitude that a forty-four hours week cannot be worked in New South Wales if forty-eight hours is worked somewhere else.

The Hon. E. H. Farrar: In some industries!

The Hon. E. J. KAVANAGH: Those industries which will be ruined under this bill have a right to have their case heard.

The Hon. E. H. Farrar: And they would have to go through ruination to produce their evidence!

The Hon. E. J. KAVANAGH: They would not have to go through ruination at all. I have every confidence and faith in the courts, and I am sure they are quite prepared to hear evidence. The hon. member himself has here to-night submitted enough evidence from the political pamphlet he quoted to prove the case if his facts are right.

The Hon. E. H. Farrar: It is not a political pamphlet at all!

The Hon. E. J. KAVANAGH: The hon. member has himself said it is.

The Hon. E. H. Farrar: It was sent to the hon. member just as it was sent to myself and to every member of this House!

The Hon. E. J. KAVANAGH: I did not get one. Statistics can be quoted in various ways, and it is just as well to have the original quotation before one otherwise one is likely to get statistics of all kinds changed while being gathered from different sources. I have had experience of that on the Board of Trade. We have had all sorts of statistics put before us. It is remarkable how you can make figures prove your case to your own satisfaction. Different people can put quite different colours on the same sets of figures. Figures will prove one thing for one side and another thing for the other side. They sound beautiful but unless you have them from their original source you cannot be satisfied they are reliable.

The Hon. E. H. Farrar: That is an argument for allowing this matter to go before a court!

The Hon. E. J. KAVANAGH: I do not think the hon. member would accept the bill even if the question of hours was to be taken to a court. He would not accept it if the court granted forty-four hours though no doubt he would accept it if the court granted forty-eight hours.

The Hon. E. H. Farrar: I think the Board of Trade is a competent body to deal with the question!

The Hon. E. J. KAVANAGH: It is the most competent body of which I know. The Government deserves credit for a very worthy effort to give effect to its policy and I trust I shall shortly be in a position to congratulate the workers upon the realisation of that for which they have been agitating for nearly seventy years. The Hon. Mr. Farrar knows of that because we have been on the same platform together.

The Hon. E. H. Farrar: Not to obtain it by this method!

The Hon. A. C. Willis: Fourteen years ago the hon. member was a champion of the movement which had for its object a six-hours day!

The Hon. E. H. Farrar: No; I have contradicted that several times. I have contradicted it here!

The Hon. J. Ashton: However, wisdom comes with age!

The Hon. E. J. KAVANAGH: The Hon. Mr. Farrar says, "Not by this method." I think when the bill was introduced by the last Labour Government the question of referring this question of an eight-hours day to any tribunal was not thought of or mentioned. Under the

Arbitration Act as it stands to-day the court has power to regulate hours of labour, but the court deliberately sets itself against interfering with the hours of labour and has always said it is a question for the Legislature.

Without putting myself particularly prominently into the picture I may say the idea of referring the question of hours to a special court originated with myself and I was able to induce the Government of the day to allow the question to be inquired into. Up to that time the whole matter had not been thoroughly investigated. The principle of an eight-hours day had been agitated for for all those years. There had been many arguments against it. The thing to do was to have a proper investigation and at last that inquiry was held. I do not believe in inquiries going on for ever. I would have an inquiry in regard to the principle of a thing and if after investigation and inquiry it was proved to be practicable and it was put into practice I do not believe there should be any necessity to have a further inquiry every time there was a change of Government. In this case there was an inquiry and the workers secured a forty-four hours week. As it was taken from them without inquiry this Government deserves credit for having acted honestly according to the policy it has put forward and for its effort to keep its promise to give the workers a clear eight-hours day. With all the provisions and safeguards in this bill together with the one or two little amendments which I am glad the Vice-President has intimated he will move this will be a good bill. So far as continuous processes are concerned the Minister has said consideration will be given to an amendment. I believe, too, that there are certain little points which might very well be considered. The Minister has said he has some amendments and he may be able to meet the desires of hon. members on other matters as well as on the question of continuous processes. We all have great regard for the primary industries and we think, as no doubt the Government thinks, that too much can not be done to help them. I feel sure every investigation will be made to assist all our industries, especially the primary industries, and I have great pleasure in supporting the second reading of the bill.

Debate (on motion by the Hon. Sir ALLEN TAYLOR) adjourned.

House adjourned at 5.50 p.m.

Legislative Assembly.

Thursday, 22 October, 1925.

Questions without Notice — Government Purchase of Cornsacks (Adjournment) — Assent to Bills — Auctioneers Licensing (Amendment) Bill—Industrial Arbitration (Amendment) Bill — Allocation of Business — Adjournment (Industrial Arbitration (Amendment) Bill).

Mr. SPEAKER took the chair.

QUESTIONS WITHOUT NOTICE.

PUBLIC WORKS DEPARTMENT.

Mr. J. R. LEE: I wish to know whether the attention of the Minister for Public Works has been drawn to certain statements made by the Minister for Education at a meeting of the Mascot Municipal Council on Tuesday night last? Is it the custom of his department to give information on matters of public interest to members who support the Government without giving similar information to all hon. members who are equally interested, irrespective of the parties to which they belong?

Mr. FLANNERY: My attention has not been directed to the statements referred to. So far as my custom is concerned, if information is available and hon. members ask for it I freely give it to them.

MAITLAND TRAMWAYS ELECTRIFICATION.

Mr. O'HEARN: I wish to know whether the Minister for Railways is aware that the Railway Commissioners have refused to carry out the work of electrifying the Maitland tramways? In view of the greatly increased revenue which has accrued in consequence of